

Approved Agenda
SRC POLICY AND PROCEDURES COMMITTEE
Thursday, March 1, 2018
10:00 AM – 12:00 PM
Waterbury Vocational Rehabilitation
Room Cherry C
HC 2 South 280 State Drive, Waterbury, VT 05671

- 10:00 am – 10:02 am** **Introductions** (Sherrie Brunelle, Chair)
- 10:02 am – 10:05 am** **Approval of Agenda** (Sherrie Brunelle)
- 10:05 am – 10:10 am** **Open for Public Comment**
- 10:10 am – 10:13 am** **Approval of Minutes – January 3, 2018
Committee Meeting** (Sherrie Brunelle)
- 10:13 am – 10:15 am** **Update on Vote – P & P Manual Guidance – When to
open a post-employment case versus a new VR case**
(James Smith)
- 10:15 am – 10:20 am** **Update on Questions Related to the Policy and
Procedures Committee 2018 Priorities**
a. Update research on Means Testing for Single Service
(Sherrie Brunelle)
b. Update research of FAFSA as a comparable benefit
(Sherrie Brunelle)
- 10:20 am – 10:50 am** **Discussion on 1st Draft of Consumer Rights Chapter**
(Full Committee)
- 10:50 am – 11:20 am** **Discussion on Updated Draft of Chapter 313:
Audiology Services and Hearing Aid Purchases** (Full
Committee)
- 11:20 am – 11:55 am** **Discussion on Updated Draft Chapter 102: Informed
Choice** (Full Committee)
- 11:55 am – 12:00 pm** **Other Business** (Sherrie Brunelle)
a. Discussion – Public Meetings for Proposed Policy
Changes
- 12:00 pm – 12:00 pm** **Adjournment** (Sherrie Brunelle)

*VR Policy & Procedures Manual Chapters can be found at
<http://vocrehab.vermont.gov/about-us/policy-and-procedure-manual>

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SRC Policy and Procedure Committee		
Wednesday, January 3, 2018	10:00am – 12:00pm	Waterbury State Complex Room Cherry C HC 2 South 280 State Drive, Waterbury, VT 05671
Meeting called by	Sherrie Brunelle, Chair, called the meeting to order at 10:00 am	
Members Present	Sherrie Brunelle, Courtney Blasius, Jessica Brennan, Amanda Kohle, Sam Liss, Michelle Paya	
Members Absent		
SRC Liaison	James Smith, DVR Budget and Policy Manager	
SRC Coordinator	Debra Kobus	
Interpreters	n/a	
Speakers/Presenters	n/a	
Guests	Karen Blake-Orne	
1) Approval of Today's Agenda		
2 minutes	Sherrie Brunelle	
Discussion	<p>Sherrie asked that everyone review the agenda to see if there was anything they wanted to change or add. James asked if there could be discussion about whether we wanted to proceed with a public meeting for some of these Policy and Procedures changes that we are considering implementing. Item added to the agenda under Other Business.</p> <p>Sam made motion to accept. Amanda 2nd. There was no further discussion. All approved.</p>	
Conclusions	Motion passes - today's agenda accepted with addition – see under 9) Other Business.	
Action Items	Person Responsible	Deadline
Add agenda item to 9) Other Business	Debra	n/a

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2) Approval of Minutes – November 2, 2017 Committee Meeting		
3 minutes	Sherrie Brunelle	
Discussion	The November 2, 2017 minutes were reviewed. Sam Liss moved to approve. Amanda Kohle 2 nd . There was no further discussion. All approved.	
Conclusions	Motion passes - minutes approved.	
Action Items	Person Responsible	Deadline
Upload approved minutes to http://vtsrc.org/members/meeting-minutes/procedures-policy-committee/	Debra Kobus	1/8/2018
3) Update – December 4 Public Hearing on Pre-ETS Chapter		
2 minutes	James Smith	
Discussion	James said there was low/no turnout from the public at the hearing. The Pre-ETS Chapter has been finalized and has been posted on the web. James has also distributed this information to VR Transition Counselors.	
Conclusions	Pre-ETS Chapter Finalized and Distributed	
Action Items	Person Responsible	Deadline
None	n/a	n/a
4) Update on Policy and Procedures Committee Priorities		
18 minutes		
Discussion	<p>a. <u>Update on research on Means Testing for Single Service (Sherrie Brunelle)</u></p> <p>Sherrie sent out a query to her nine counterparts in other states and has only received one or two responses back yet. Sherrie will follow up and report back next time we meet.</p> <p>b. <u>Update on Client Assistance Program (CAP) draft of a Denial of Benefits letter (Sherrie Brunelle)</u></p> <p>At the last meeting it was agreed that Sherrie would ask the Client Assistance Program (CAP) if they would be willing to draft up a letter on Denial of Benefits under Consumer Rights and report back.</p>	

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Sherrie distributed a draft on Consumer Rights and Responsibilities. No one has had a chance to review this chapter yet. We need to discuss what the best way is to get this information out to people. Sherrie would like this document to be at a lower reading level.

There was some discussion about this guidance being provided just as a handout and James advocated for it to still be a chapter as counselors would like everything they must refer to all in one place. Karen said that counselors would still be able to hand this out to consumers as needed too.

Sherrie said this is a good start, but additional work needs to be done on the document. For example, we should look at developing an introduction. Everyone should review this draft and be prepared to make suggestions to improve it at the next meeting. Sam confirmed that David Leonard would be providing the technical assistance on this chapter.

c. Draft Policy on Post-Secondary Training and Education (James Smith)

James said that no action has been taken on this yet as VR will be having a series of planning meetings on how VR will be handling the new Workforce Innovations and Opportunity Act (WIOA) requirements and VR wants to have those strategic decisions made before VR make changes to policy.

Item will be put in the **Parking Lot** for a future discussion after James' planning meetings are completed

d. Update research on FAFSA as a comparable benefit (Sherrie Brunelle)

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	<p>Sherrie received some differing responses on this. The regulations are very clear about the need to look at possible loans, Pell Grants, etc., whether FAFSA is supposed to be treated as a loan still needs to be determined. Sherrie will continue to work on the means testing issue and FAFSA as a comparable benefit issue. James said we could email WINTECH, a technical assistance organization, which could assist us here. James will follow up.</p>		
Conclusions	See Action Items Below		
Action Items	Person Responsible	Deadline	
Follow Up – Research on Means Testing for a Single Service with counterparts in nine other states	Sherrie Brunelle	3/1/2018	
Review first draft of Consumer Rights and Responsibilities Chapter and be prepared to discuss changes needed at the next meeting	All Committee Members	3/1/2018	
Continued research on determining whether FAFSA is supposed to be treated as a loan (comparable benefit issue)	Sherrie Brunelle	3/1/2018	
Email WINTECH, a technical assistance organization, related to the means testing issue and FAFSA as a comparable benefit	James Smith	3/1/2018	
To Parking Lot: Draft Policy on Post-Secondary Training and Education - Item will be put in the Parking Lot for a future discussion after James' planning meetings are completed related to WIOA's new requirements.	Debra Kobus and James Smith	3/1/2018 tbd	
Chapter 310 - Supported Employment – ideas where improvements could be made	Michelle Paya	tbd	
5) P & P Manual Guidance – When to open a post-employment case versus a new VR case			
5 minutes	James Smith		
Discussion	a. <u>Update on email vote on revised guidance</u>		

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James has not taken any action yet but will get this out to everyone for a vote. This item will be added to the agenda for our next meeting. James provided an overview of the guidance to Jessie and Courtney who were not at the previous meeting.

Sherrie said that she has encountered instances where consumers are not understanding what post-employment services are and, in some instances, have been approved by VR Counselors. Sherrie suggested that in looking at the Guidance we may want to clarify what post-employment services are. Michelle said that this overlaps with means testing. Sherrie said that we don't have means testing yet, but it appears that VR may be paying for items that they should not. Amanda thinks we should also look at hearing aids as some consumers have obtained some very good jobs, but they come back to VR for hearing aids. James said that if someone comes back just for a hearing aid, they would not qualify as they do not have a need for substantial services.

James said we need more guidance, but since we require our staff to have master's degrees we expect them to make decisions based on their best judgment and we want to continue with this ability. Michelle asked what kind of liability does this open? Sherrie said that to the extent of having clear guidance, VR would have leeway/flexibility related to their decisions.

Amanda said that quality documentation from counselors is important as to back up their decision-making.

Sam said that as stated in the minutes from the prior meeting, the fuzziness in guidance need to be fleshed out.

Amanda reiterated the need for this guidance with the upcoming changes required by WIOA regulations,

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Conclusions	Documentation is the key – counselors need to document why they are allowing a service or not approving it. Guidance is needed but it should leave flexibility for a counselor to use his/her best judgement.		
Action Items		Person Responsible	Deadline
James will send an updated draft out to members for an email vote		James Smith	2/1/2018
Add result of vote to next meeting’s agenda		Debra Kobus	2/15/2018
6) Review Client Assistance Program (CAP) first draft of Consumer Rights Chapter			
20 minutes	Sherrie Brunelle		
Discussion	Sherrie said that we have already discussed this above in the Denial of Benefits agenda item. Our directive is to review the previously drafted handed out and come back at the next meeting with suggestions for improvement.		
Conclusions	See Agenda Item 4.b. above		
Action Items		Person Responsible	Deadline
See Agenda Item 4.b. above			
7) Review Updated Draft: Hearing Aid Spending Guidelines			
30 minutes			
Discussion	<p>a. <u>Suggested edits from 9/7/17 meeting incorporated into language (Karen Blake-Orne)</u></p> <p>Karen handed out the updated draft of Chapter 313 and went over the edits. The specific changes were:</p> <ol style="list-style-type: none"> VR may provide up to \$750 toward the cost of one hearing aid and up to \$1,000 toward the cost of two hearing aids. VR supports audiology services and hearing aid services provided through a certified clinical audiologist, or, if no certified clinical audiologist is located within 25 miles of the consumer’s home, a licensed hearing aid dispenser in good standing with 		

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the State of Vermont with a minimum of five (5) years as a VT licensed Hearing Aid Dispenser.

Sam, Sherrie, and Amanda said that additional clarification is needed related to:

- where consumers should go to obtain these hearing aids;
- the requirement that a recommendation is needed by a certified clinical audiologist;
- and it should also be clear that VR does not pay for this audiological service. Keep it clear and short to one sentence.

Sherrie said at the last meeting a discussion came up related to a consumer going to Costco. Sherrie did not see that Costco's prices were that much better and you must pay for the service up front.

Discussion occurred about identifying in the guidelines that VR uses "contracted providers" that have agreed to provide services at reduced expense.

- 2. VR Counselors must ensure that the consumer understands the hearing aid options available. These options can be discussed directly between the VR Counselor and consumer or between the consumer and the provider if the VR Counselor is confident that the consumer has a good understanding of available options.**

Sherrie asked what are you ensuring the consumer understands with respect to hearing aid options? Karen suggested changing the first sentence to:

"VR Counselors must ensure that the consumer understands the hearing aid options available based upon the recommendations of the hearing examiner."

Sam asked that hearing aid options also be more clearly defined as to the options available.

Karen said that when consumers come in with their audiograms, they are provided a range of options of most

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expensive to least expensive. Sherrie suggested adding “if there are questions, VR counselors should be contacting the consultants.”

3. If VR is contributing to the cost of the hearing aid(s), the consumer is expected to obtain loss or damage coverage for the hearing aid(s).

Information about coverage is available through hearing aid manufacturers, hearing aid providers and audiology practices.

4. First time hearing aid users must provide verification that he/she has been evaluated by his/her primary care physician or an Ear, Nose and Throat Specialist to ensure the hearing loss is not caused by an injury or is secondary to an underlying medical condition.

Sherrie and Sam said that further clarification is required and that it should be added after injury or is secondary to an underlying medical condition:

“is not temporary or reversible.”

5. VR will not provide replacements within five years for hearing aids.

It was suggested to take # 5 and combine it with #4 as follows:

“VR will not provide replacements and/or for loss or damage within five years of purchase thus consumers are strongly encouraged to obtain insurance.”

6. As a way of minimizing the cost of hearing aids, VR uses specific vendors on contract with the State of Vermont for the purchase of hearing aids. VR provides contractor information in the consumer decision-making process or at any other time the information is requested.

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Discussion of the group centered on how much written guidance should be provided related to what vendors are recommended and it was decided to keep wording in 6 minimal or as is.

The next section are the exceptions that have been discussed:

Standards for Exception for Hearing Aid Purchase Guidelines:

The Division Director or designee may grant exceptions to the spending and duration guidelines of this Chapter if:

1. Comparable services and benefits have been exhausted;
2. The consumer's resources have been used to the maximum extent possible given the consumer's anticipated income and expenditures;
3. A monthly payment schedule for the unmet need would be unrealistic in view of costs related to the disability and projected earning capacity; and
4. The cost of making the exception remains reasonable—i.e., delivering the service by exception and enabling the consumer to continue or enter a vocation will be less costly to the public than not delivering it.
5. The consumer is a recipient of SSI or SSDI.
6. VR may purchase replacement hearing aids in less than five years if the consumer experiences significant additional hearing loss as verified in writing by a certified clinical audiologist or licensed hearing aid dispenser in good standing with the State of Vermont. Prior to granting the exception, the VR Counselor must consult with the Division Director or designee and must document the exception in the case record.

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	<p>7. The VR Counselor may waive the expectation of loss or damage coverage if, after a review of anticipated income and resources, it is determined that purchasing coverage is unrealistic. The VR Counselor must consult with the Division Director or designee prior to waiving the exception and must document the exception in the case record.</p> <p>Sherrie suggested moving #5 in exceptions up to the beginning of the document and incorporate it into #1.</p> <p>Amanda suggested removing the verbiage in the numbered exceptions about the need for the VR Counselor to consult with the Division Director, etc., and adding at the very beginning of the exceptions “The VR Counselor must consult with the Division Director or designee.” Then what follows is “The Division Director or designee may grant ...”</p> <p>Karen asked if bullets should be used instead of numbers and members agreed as numbered items appear hierarchical.</p> <p>b. <u>Review of final draft of Chapter 313: Audiology Services and Hearing Aid Purchases (Full Committee)</u></p> <p>Karen will incorporate the additional edits described above and will provide a final draft of Chapter 313 at the next meeting.</p>	
Conclusions	Karen will incorporate the additional edits described above and will provide a final draft of Chapter 313 at the next meeting.	
Action Items	Person Responsible	Deadline
Combine edits into a final draft of Chapter 313	_Karen Blake-Orne	3/1/2018
8) Review Draft Chapter 102: Informed Choice		
35 minutes	Karen Blake-Orne	

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Discussion	<p>a. Review edits made to chapter</p> <p>Karen handed out the draft of Chapter 102 and went over it briefly. In depth discussion will occur at the next P&P Committee meeting.</p> <p>Karen said this chapter is being revised to flesh out information as well as make it easier to read and change the tone of the document. Karen said originally there was a lot of guidance in the chapter as well as many examples. Much of this has now been removed and wants to know if she removed too much.</p> <p>James suggested that members communicate directly with Karen on changes or questions and that would help facilitate discussion at the next meeting. Debra will compile questions or feedback sent to Karen and provide it to members for discussion at the next meeting.</p>	
Conclusions	Members should review draft Chapter 102: Informed Choice and send changes or questions to Karen AND Debra by email	
Action Items	Person Responsible	Deadline
Members should email Karen and Debra with questions or suggested changes on the Draft of Chapter 102 – Informed Choice	All Members	2/15/18
Compile questions and suggested changes and send to Karen for inclusion into the document	Debra Kobus	2/20/18
Incorporate changes into the document for the committee to review at the next meeting 3/1/18	Karen Blake-Orne	3/1/18
9) Other Business		
5 minutes	Public Meetings Discussion Related to Changed Policies and Procedures – added to agenda	
Discussion	The committee ran out of time, so this agenda item will be added to the March 1, 2018 meeting agenda.	

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Conclusions	Add item to 3/1/18 agenda	
Action Items	Person Responsible	Deadline
Add Public Meeting Discussion to 3/1/18 Meeting	Debra Kobus	2/15/18
10) Adjournment		
0 minutes	Sherrie Brunelle	
Discussion	Sam moved to adjourn. Sherrie 2 nd . All approved.	
Conclusions	Motion passes. Adjourned at 12:07 pm	
Action Items	Person Responsible	Deadline
Full Draft minutes emailed to Committee Members	Debra Kobus	2/2/2018
Full Draft minutes uploaded to http://vtsrc.org/members/draft-minutes/	Debra Kobus	2/2/2018
Minutes approved by Committee	Committee Members	3/1/2018
Approved minutes uploaded to http://vtsrc.org/about/meeting-minutes/	Debra Kobus	3/6/2018
<u>Parking Lot:</u>		
Draft Policy on Post-Secondary Training and Education - Item will be put in the Parking Lot for a future discussion after James' planning meetings are completed related to WIOA's new requirements.	James Smith	tbd
Chapter 310 - Supported Employment – ideas where improvements could be made	Michelle Paya	tbd

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FOR REFERENCE - 2018 PRIORITIES taken from November 2, 2017 P & P Minutes

1. Priority: Develop chapter on Career Pathways.

Discussion occurred about the most reliable ways to assist individuals in this endeavor. James stated that post-secondary education and Career Pathways are combined in VR's new performance measures. This requires supporting people in careers and career development and the most reliable way to do that, outside of helping people find employment, is to support them in obtaining access to and pay for post-secondary training and sometimes education. James expects VR will be investing more into credential attainment through mid-skill technical training as it is a reliable way to get people in higher wage positions and helps to stop individuals from not progressing out of entry level work. Sherrie concurred and said that obtaining employment is not the end goal for VR – advancing in employment is also a significant emphasis of WIOA. According to her counterparts in different states, a discussion about whether the Free Application for Federal Student Aid (FAFSA) grants and funding should be considered a comparable benefit or not. Discussion also centered on renaming this priority to Credential Attainment.

2. Priority: Develop clearer guidelines around self-employment to include discussions around post-secondary education and training policy as it relates to self-employment; when VR is to get involved; and how VR is to get involved, i.e. assistive technology or tuition support.

James said the Self-Employment Chapter is not clear as to when to approve and when not to. We appear to have a high failure rate when it comes to self-employment and what equals work. There is a lot of interest in having more structure to this chapter. Sherrie agreed that this committee should make it a priority as it is one of the areas that she sees in the Client Assistance Program that has a lack of clarity and people come to them because they do not agree with the decision that was made. There are also questions surrounding the amount of money allocated to start your own business as it is low as compared to what it is, and we don't have any clear guidance on whether the consumer should be required to demonstrate they can secure funding elsewhere.

3. Priority: In-depth discussion on car repair guidelines to make the guidelines clearer.

Sherrie said the Client Assistance Program (CAP) of Vermont Legal Aid's Disability Law Project gets a lot of inquiries about denials or problems accessing funding for vehicle repairs rather than vehicle purchases. The current policy is that someone who needs vehicle repairs can access up to \$1000 over their time working with VR. VR also uses Car Coach but there is nothing in the Policy and Procedure Manual about how that works. Vehicle repairs need to be tied to employment.

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4. Priority: Develop a chapter on Consumer Rights and Denial of Benefits.

Sherrie will consult with the Client Assistance Program (CAP) in drafting a first chapter of Consumer Rights and will report back. Sam would like to have discussions to include financial means testing around some of these priorities. The discussion could begin in this committee and then go out to the Full SRC. Sherrie agreed.

James wondered if there could be means testing for a single service. Sherrie said that having a financial means test is generally something that is not mandated but can be initiated by VR at the State level. Sherrie will research the single (individual) service question.

Sherrie asked if there should be a **priority listing for working on these policies:**

Sam said that Self Employment would be the next important chapter after Consumer Rights.

James stated post-secondary training and education would impact more people than Self Employment and the guidance surrounding Self Employment was not particularly good

Michelle stated that Consumer Rights and Self-Employment would be her choice for priorities. Michelle added that VR counselors need to be guided on the post-secondary training and education requirements because they need to be doing this now.

James will be responsible for coming up with a first draft for a self-employment/post-secondary training and education policy since VR must start reporting on this metric. James will draft up guidance for the January meeting.

In addition, a letter is needed for VR counselors to use when they are denying benefits. Sherrie will find out if the Client Assistance Program (CAP) would be willing to draft up a letter on Denial of Benefits under Consumer Rights. The guidance on this chapter would take some time.

Sherrie reminded the committee that Informed Choice/Hearing Aid Chapter is on the agenda for the January meeting, so we may need to adjust January's agenda somewhat. James said the Hearing Aid Chapter is important as it is one of those areas where means testing may be applicable.

Motion by Sam - the committee's 1st priority should be credential attainment and the

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other post-secondary options in Career Pathways; 2nd Self-Employment and 3rd Car Repair, Michelle seconded. No further discussion. Calla abstained. All committee members approved.

Consumer Rights and Responsibilities

If you are applying for or receiving services from the Vermont Division of Vocational Rehabilitation Program, you have certain rights and responsibilities. [16.5 gle]

You have the following rights:

- To apply or re-apply for rehabilitation services.
- To have an eligibility determination made within (60) days of applying for services.
- To receive notice, in writing, if DVR says that you are not eligible for services. This includes an explanation of why you are ineligible for services.
- To receive an extended evaluation that includes trial work experiences before you are determined not eligible for services based on the severity of your disability.
- To a review of any decision made by the Vermont Division of Vocational Rehabilitation regarding your rehabilitation services.
- To participate with your counselor in any decision to close your case record.
- To be informed of all the rehabilitation options available to you through DVR.
- To be actively involved in the development your Individualized Plan for Employment (IPE).
- To have an advocate of your choice involved in the development of your IPE.
- To have an IPE developed within (90) days of being found eligible for Vocational Rehabilitation services.
- To receive advance notice of changes to your IPE.
- To have your IPE reviewed on an annual basis.
- To amend your IPE any time there is a significant change affecting your vocational goal or your need for services.

- To have your records and reports treated confidentially. Any release of information must comply with federal law. [42 USC 2000aa-11 and 28 CFR part 59.1-56].
- To review your case record with a staff member present.
- To be free of discrimination based on your age, gender, disability, race, color, creed or national origin. *(add gender identity, sexual orientation?)*
- To receive information about the Client Assistance Program (CAP) in a timely manner.
- To receive information through the form of communication that meets your disability needs so that you can participate in Division of Vocational Rehabilitation services.
- To receive assistance from a foreign language interpreter whenever you need one so that you can participate in Division of Vocational Rehabilitation services.
- To refuse any request from the Division of Vocational Rehabilitation to contribute to the costs of your services if you are receiving Supplemental Security Income (SSI) or Social Security Disability Income (SSDI). [12.0 gle]

Appeal Rights

You have the right to request a review of any decision that affects your rehabilitation services. DVR must also provide written notice of your appeal rights:

- At the time of application for VR services
- At the time when the IPE is being developed
- At the time of placement on an order of selection
- Whenever services are being reduced, suspended or terminated
- At the time of any other decision that affects the provision of VR services (34 CFR section 361.57(a)(1)*** (we need to have a discussion about this one) [11.3 gle]

Notice must include information regarding:

- Where to make the request (name and address)
- The procedure for selecting a mediator or hearing officer
- The availability of CAP for assistance
- The circumstances under which continuing benefits are available. **** [14.0 gle]

If you disagree with a decision made by DVR, you may use one or more of the following ways to resolve the disagreement. [10.3 gle]

- Mediation

Mediation is a process of review that involves you, DVR and an individual who does not work for the Division of Vocational Rehabilitation. This independent individual will work with you and DVR to try to resolve the dispute. Mediation is only available if both parties agree to it. You must request mediation within 60 calendar days from the date of the decision. [11.0 gle]

- Administrative Review

Administrative Review is an informal review by a DVR regional manager who was not involved in the decision. The Vocational Rehabilitation Director will choose the review officer. You must request an Administrative Review within 60 calendar days from the date of the decision. [12.7 gle]

- Human Services Board Fair Hearing

A Fair Hearing is a more formal hearing that takes place with the Human Services Board (HSB) according to its rules. You must request a Fair Hearing within –

- 30 calendar days from the date of the Administrative Review decision;
- 30 calendar days following the end of mediation; or
- 90 calendar days of the date of the decision, if you have not used the administrative review or mediation ways of resolving the disagreement. [11.5 gle]

- Civil Action

If you are not satisfied with the outcome of any of the appeal options available, you may file a lawsuit with the Court to get a decision different from that made by DVR or the HSB. [14.8 gle]

Client Assistance Program

The Client Assistance Program (CAP) is available to help individuals with disabilities who apply for or receive services funded under the Rehabilitation Act. This includes:

- Division of Vocational Rehabilitation
- Vermont Center for Independent Living
- Division of Blind and Visually Impaired

- Vermont Association of the Blind and Visually Impaired
- Vermont Association of Business, Industry and Rehabilitation (VABIR)
- Supported Employment
- School to Work Transition Services [16.9 gle]

CAP is not a state agency. CAP is a project of Vermont Legal Aid. Call the CAP program at 800-889-2047 when you:

- Have disagreements with the above agencies and need information or assistance
- Were turned down for rehabilitation services
- Think the process is taking too long
- Have trouble with your counselor
- Are a student with a disability who is not getting pre-employment services to help you access higher education, vocational training or work. [8.7 gle]

Responsibilities

If you apply for or receive services from the Vermont Division of Vocational Rehabilitation, you have the following responsibilities:

- To actively participate in the development and review of your Individualized Plan for Employment (IPE).
- To participate in your rehabilitation plan by attending training programs and keeping appointments.
- To make efforts to secure other available sources of funding for services.
- To keep your counselor informed of developments that might affect your progress towards your employment goals.
- To keep your counselor informed of changes to your address, e-mail address, phone number, and medical and financial status. [need to check]
- To communicate with your counselor and ask questions when you do not understand something about your program. [11.6 gle]

Overall Readability

Passive Sentences	0%
Reading Ease	38.8
Reading Level	11.7

DRAFT

Chapter 313 - Audiology Services and Hearing Aids Changes & Comments Provided

Changes Provided:

See attached document for changes incorporated into **Chapter 313 - Audiology Services and Hearing Aids** by Sherrie Brunelle.

Comments Provided:

Courtney Blasius made the following comments:

- I realize we're not listing all disabilities served, and TBIs, while being drastically different from one another, are specific. Would adding the word, both, in reference to physical and cognitive disabilities be a consideration?
- I don't feel I have the breadth of experience to offer a lot of helpful comments. Though, I am curious about adding an additional group to the outline, which VR does support. The TBI population. Many survivors seek support from VR, and additional clarification would be helpful to clients, as well as redefining certain needs, or assistance the agency could offer, or implement.

Chapter 313

AUDIOLOGY SERVICES AND HEARING AIDS

THIS ENTIRE CHAPTER IS GUIDANCE

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Section I: Procedures and Spending Guidelines for Audiology Services and Hearing Aids	2

November
~~2017~~ March
2018

Section I. Procedures and Guidelines for Audiology Services and Hearing Aid Purchases

GUIDANCE: The following procedures and spending guidelines are to be used when working with an audiologist or licensed hearing aid dispenser on behalf of a ~~customer~~ consumer:

- ~~1.~~ 1. ~~To be eligible for assistance with hearing aid purchases,~~ VR supports audiology services and hearing aid services provided through a certified clinical audiologist, or, if no certified clinical audiologist is located within 25 miles of the consumer's home, a licensed hearing aid dispenser in good standing with the State of Vermont with a minimum of five (5) years as a VT licensed Hearing Aid Dispenser. ~~D~~
- ~~1.2.~~ VR may provide up to \$750 toward the cost of ~~for all costs associated with the purchase of one hearing aid and up to \$1,000 toward the cost of two hearing aids.~~ ~~-VR does not provide assistance for the costs of a hearing exam, fitting fees or hearing aid follow up fees.~~ for a VR customer. ~~DVR will provide up to \$1,000 for all the costs associated with the purchase of two hearing aids for one VR customer. All the costs associated with a hearing aid purchase include the audiology exam, hearing aid evaluation, ear mold fitting fees, the hearing aid and follow up fees. DVR will only support audiology services and hearing aid purchases provided through a certified clinical audiologist.~~
- ~~3.~~ 2. ~~VR Counselors must ensure that the consumer understands the recommendations of the hearing examiner regarding the most appropriate hearing devices available. Where there are questions, the VR Counselor shall consult with the audiologist or hearing aid dispenser/provider. The Rehabilitation Counselor for Deaf (RCD) is responsible to ensure that the customer understands the analog vs. digital options. These options can be discussed directly between the RCD and customer or between the customer and the audiologist as long as the RCD is confident that the customer has received reliable information.~~
- ~~2.4.~~ 4. ~~As a way of minimizing costs to the consumer, VR uses contracted providers who have agreed to provide hearing devices at a reduced expense. VR provides contractor information in the consumer decision-making process or at any other time the information is requested.~~
- ~~3.~~ 5. ~~First time hearing aid users must provide verification that he/she has been evaluated by his/her primary care physician or an Ear, Nose and Throat Specialist to ensure the hearing loss is not caused by a temporary an-injury or ,a temporary, reversible medical condition., or is secondary to an underlying medical condition.~~

~~6. VR will not cover loss or damage or provide replacements within five years of hearing aid purchase. Therefore, if DVR is contributing to the cost of the hearing aid, the consumer is strongly encouraged to obtain loss or damage coverage for the hearing aid(s). Information about coverage is available through hearing aid manufacturers, hearing aid providers and audiology practices.~~

~~the consumer must carry insurance for the hearing aid. DVR will not provide replacements within five years for hearing aids. Exceptions may be made if the consumer experiences significant additional hearing loss or if the aid is non-functional. DVR will not replace a non-functional hearing aid within the above timeframes if the consumer did not carry insurance for the aid.~~

~~Standards for Exception for Hearing Aid Purchase Guidelines:~~

~~The VR Counselor must consult with the Division Director or designee to request exceptions to the spending and duration guidelines of this Chapter.~~

~~VR may purchase replacement hearing aids in less than five years if the consumer experiences significant additional hearing loss as verified in writing by a certified clinical audiologist or licensed hearing aid dispenser in good standing with the State of Vermont. The VR Counselor must consult with the Division Director or designee and must document the exception in the case record.~~

~~The VR Counselor may waive the expectation of loss or damage coverage if, after a review of anticipated income and resources, it is determined that purchasing coverage is unrealistic. The VR Counselor must consult with the Division Director or designee prior to waiving the expectation and must document the exception in the case record.~~

~~Standards for Exception for Hearing Aid Purchase Guidelines:~~

~~The Division Director or designee may grant exceptions to the spending guidelines if:~~

- ~~• Comparable services and benefits have been exhausted;~~
- ~~• The consumer's resources have been used to the maximum extent possible given the consumer's anticipated income and expenditures;~~
- ~~• A monthly payment schedule; for unmet need would be unrealistic in view of costs related to disability and projected earnings capacity;~~
- ~~• The cost of making the exception remains reasonable. **Specifically,** delivering the service by exception and enabling the consumer to continue or enter a vocation will be less costly to the public than not delivering it; **or**~~
- ~~• The consumer is a recipient of SSI or SSDI.~~
- ~~• The Division Director or designee may grant exceptions to the spending guidelines if: Tenreyssoeg and duration guidelines of this Chapter if:~~

Commented [SB1]: I ran into some formatting problems that I could not correct. So, I simply retyped the text with my proposed edits in bold font. But, I wonder if the next to last bullet could even be written more simply, i.e., "Delivering the service by exception and enabling the consumer to continue or enter a vocations will be less costly to the public than not delivering it."

Commented [SB2]: I assume your intent was to give a list of scenarios where an exception may be warranted. I changed "and" to "or" to make that clearer.

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- ~~• 2. The personconsumer's resources have been used to the maximum extent possible given the personconsumer's anticipated income and expenditures;~~
- ~~• 3. A monthly payment schedule for the unmet need would be unrealistic in view of costs related to the disability and projected earning capacity; and~~
- ~~— 4. The cost of making the exception remains reasonable i.e., delivering the service by exception and enabling the personconsumer to continue or enter a vocation will be less costly to the public than not delivering it.~~
- ~~— The consumer is a recipient of SSI or SSDI.~~

Commented [BK3]: Should I reference a regulation here?

Chapter 102: Informed Choice

[Comments S.B. 2.7.18](#)

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Vermont Division of Vocational Rehabilitation
Policy and Procedures Manual

Revision Date: January 2017

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Section I Definitions and Guidelines

A. “Informed choice” means the consumer is aware of all the information and options available with regard to their rehabilitation. It is a concept that guides all decision-making that occurs for a consumer during the VR process. Consumers must be an equal partner in all decisions made concerning assessment(s), employment goal, VR services necessary to achieve the employment goal, choice of other service providers as well as the way to obtain services. Through informed choice, the consumer participates fully in considering and choosing options for assessment, training and services to obtain employment and options to explore career advancement and upward mobility.

B. Informed Choice Guidelines:

Informed choice does not mean unlimited choice. A consumer's choices are limited by several factors.

- The choice must relate to and be necessary to achieving an employment outcome.
- The choice must be made pursuant to all Federal, State and VR rules and policies related to purchasing and providing services.

When deciding what goods and services will be provided, the following will be part of the informed choice decision:

- Cost, accessibility and duration of potential services;
- Customer satisfaction with those services to the extent that information ~~relation-relating~~ to customer satisfaction is available;
- Qualifications of potential service providers;
- Types of services offered by the potential providers;
- Degree to which services are provided in integrated settings;
- Outcomes achieved by individuals working with service providers, to the extent that such information is available.

Section II General Policy

A. The Vermont Division of Vocational Rehabilitation (VR) will provide each applicant, including consumers who are receiving services during an extended evaluation, and each eligible consumer the opportunity to make informed choices

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Suggest deleted bold font for subheadings unless you're going to use them throughout this chapter.

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Revised: January 2013

throughout the vocational rehabilitation process. VR, in consultation with its State Rehabilitation Council, shall design policies and procedures and guidance material that enable each consumer to make an informed choice about the selection of a long-term vocational goal, vocational rehabilitation services, and service providers.

B. The consumer ~~will~~ shall be informed of policies, procedures, and guidance materials delivered through appropriate modes of communication. They will include, as applicable, information concerning the availability and scope of informed choice, the way informed choice may be exercised, and the availability of support services for consumers with cognitive or other disabilities who require assistance in exercising informed choice.

In developing both an employment goal and a consumer's consumer Individualized Plan for Employment (IPE), VR shall provide or assist the consumer to acquire information necessary to make an informed choice about specific services that are needed to achieve the consumer's consumer vocational goal. This information shall include, but shall not be limited to:

- ~~C~~ost, accessibility, and duration of potential services;
- ~~C~~onsumer satisfaction with those services to the extent that information relating to consumer satisfaction is available; and
- ~~T~~he qualifications of potential service providers, the types of services offered by those providers, and the degree to which services are provided in integrated settings.

The IPE shall include documentation regarding the choices made. (See Chapter 203, Individualized Plan for Employment). In providing or assisting the consumer in acquiring the information above, VR may use, but shall not be limited to, the following methods or sources of information:

- Lists of services and service providers;
- Periodic consumer satisfaction surveys and reports, to the extent they are available; Referrals to other consumers, consumer groups, or disability advisory councils qualified to discuss services or service providers;
- Relevant accreditation, certification, or other information relating to the qualifications of service providers;
- Cost, accessibility, and duration of services; and Degree to which services are provided in integrated settings.

D. In providing or assisting the consumer in acquiring the information above, VR may use, but shall not be limited to, the following methods or sources of information:

- Options for services and service providers;

- Periodic consumer satisfaction surveys and reports, to the extent they are available;
- Referrals to other consumers, consumer groups or disability advisory councils qualified to discuss services or service providers;
- Relevant accreditation, certification or other information relating to the qualification of service providers;
- Cost, accessibility and duration of services; and
- Degree to which services are provided in integrated settings.

Section III. Facilitation of Informed Choice Decision-Making

In the implementation of the practice and philosophy of informed choice the counselor listens, guides, questions and encourages the consumer to actively participate in and make meaningful choices in their VR program.

Informed choice is a collaborative decision-making process. The counselor's participation includes:

- Supporting the consumer's choice-making process;
- Identifying the range of service offered by VR;
- Providing information about resources, services and vendors;
- Encouraging the consumer to explore alternatives they may not have considered;
- Working with the consumer to analyze the services needed to achieve a job goal;
- Reviewing any limitation on VR services and expenditures; and
- Helping to identify other means of accessing and obtaining services that VR is unable to provide.

A. Opportunities for Consumer Choice:

There are opportunities for consumer's to make choices throughout the VR process. Some examples at each stage of the process include:

- Intake: Choosing to participate in a group process versus an individual orientation or deciding whether VR services are appropriate based on an understanding of the eligibility criteria;
- Assessment: Deciding what types of assessments will be used (e.g., paper and pencil testing, progressive employment) to help the consumer identify an employment goal that is based on an understanding of the different types of assessments that are available, how assessment results assist in the career planning process and a sharing of assessment results to the extent possible;
- Eligibility: Identifying and understanding barriers and impediments to employment and functional limitations of the consumer's disability on possible jobs;
- IPE Development: Choosing a vocational goal/career plan and deciding the services needed to reach that goal and choosing service providers and identifying comparable benefits available to help the consumer reach their vocational goal;

Commented [SB3]: I changed the font size and bolded the text to be consistent throughout the chapter and manual.

Commented [SB4]: Karen, editing the original text was problematic so I opted to rewrite this section in a way that I think meets the intent of this section. Feel free to disregard if you disagree. 😊

- Employment: Choosing the path to employment among options such as progressive employment, work experiences, work searches, job shadowing, on the job training and finally selecting a job and employer;
- Closure: Agreeing whether to close their VR case.

~~re: agreeing to case closure~~

B. Limitations on Consumer Choice:

There are some situations where the counselor cannot support the consumer's choice, including situations where:

- There is documented evidence the decision will not lead to an employment outcome. If a goal is incompatible with the consumer's abilities, capabilities and limitations and no accommodation, rehabilitation technology or other service can bridge the gap, the counselor can say no.
- Relevant labor market information indicates that the employment goal or services will not lead to an employment outcome, the counselor should not approve the IPE
- The consumer wants VR to pay for a service, but the service is not required to achieve employment, the counselor cannot approve the service
- The choice may be harmful to the consumer or others. The counselor has a responsibility to ensure that the consumer understands the consequences of their decision
- The choice is contrary to federal or state law or considered to be an inappropriate use of state funds

C. Steps in the Informed Choice Process:

There is no linear, precise process to follow in making the often-complex decisions around employment goals and the services required to meet those goals. Informed choice is a collaborative decision-making process between the consumer and the counselor. Consumers bring diverse experiences in choice making, for example, cultural attitudes about disability may limit access to information about options and responsibilities. Often the consumer will need to develop decision making skills. The counselor must clearly communicate both consumer and VR responsibilities, expectations and boundaries up front. Without this, the door is left open for confusions and misunderstanding as to how VR service are intended to assist consumers to achieve employment outcomes. When guiding consumers, the following are general steps that are part of the informed choice process:

- Analyze needs
- Gather information or learn how to gather information from a variety of sources
- Involve supports as appropriate, including family, friends and others
- Outline options
- Evaluate the information

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- Select from among the options and make a choice
- Assume the responsibility for the outcome of the choice
- Evaluate the results of the choice