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**IDAPA 47
TITLE 01
Chapter 02**

47.01.02 - FIELD SERVICES

000. -- 009. (RESERVED).

010. DEFINITIONS.

01. Applicant. Any individual who certifies to their intent to apply for Vocational Rehabilitation services by either signing an application form or verbally or in other communication modes notes their intent to immediately apply. P.L. 102-569 Section 101 (9) (D) (7-1-94)
02. CARF. Commission on Accreditation of Rehabilitation Facilities. (7-1-94)
03. Client. Any individual who has applied for Vocational Rehabilitation services and has been found to meet the eligibility requirement as outlined by P.L. 102-569 Section 7(8)(A), Section 102(a)(1)(A) and (B). (7-1-94)
04. Core Vocational Rehabilitation Services. Services that reduce the impact of functional limitations on the ability to achieve an employment outcome (i.e. medical restoration services, training services, assistive technology, job placement, etc.). (2-1-95)
05. Division, State Unit. The Idaho Division of Vocational Rehabilitation (or where it is self-evident, officers, employees, or agents of the same). (2-1-95)
06. Extended Period of Time. An anticipated six (6) or more months within which time rehabilitation services are being provided on an active and ongoing basis. (2-1-95)
07. HEW. Health, Education and Welfare. (2-1-95)
08. IFNA. Individualized Financial Needs Assessment. (2-1-95)
09. Most Severely Disabled. An individual who meets the criteria of severely disabled and is further defined as:
a. Having a severe physical, mental, cognitive or sensory impairment which seriously limits two or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an employment outcome; and (2-1-95)
b. Whose vocational rehabilitation can be expected to require multiple core vocational rehabilitation services (as opposed to supportive services) over an extended period of time. (2-1-95)
10. OJT. On-the-job training. (2-1-95)
11. PA. Public Assistance. (2-1-95)
12. Public Safety Officer. For the purposes of this rule, the definition of public safety officer is found at Public Law 103-73 Sec 7 Sub 12 (A) through (D). (2-1-95)
13. Representative. The applicant or client's parent, legal guardian, spouse, legal representative, or an individual who has the Power of Attorney to represent the client in legal situations or another person designated by the individual. (2-1-95)
14. RSA-PI. Rehabilitation Services Administration - Program Instruction. (2-1-95)
15. RSA-PQ. Rehabilitation Services Administration - Policy Question. (2-1-95)

16. Severely Disabled. For purposes of this rule, the definition of severely disabled is found at Public Law 103-73 Sec 7 Sub 15 (A) (i) through (iii). (2-1-95)
17. SSDI. Social Security Disability Insurance. (2-1-95)
18. SSI. Supplemental Security Income. (2-1-95)
19. Supportive Services. Services that compliment the provision of core services and are provided only to insure that the eligible recipient of the core services can benefit from the same (i.e. maintenance, transportation, services to family members). (2-1-95)
20. VRC. Vocational Rehabilitation Counselor. (2-1-95)

011. -- 099. (RESERVED).

100. RECORD KEEPING.

01. Confidentiality of Client Records. All personal information (regarding individuals who apply for, are a client of, or who are past clients of the Division) which is given to the Division or its agents in the course of the administration of the Vocational Rehabilitation program is confidential. The use of such information and records will be limited to purposes directly connected with the administration of the Vocational Rehabilitation program and may not be disclosed directly or indirectly unless the informed consent of the individual is obtained through a signed release. Exceptions to this general rule are noted below and relate to the proper and legal administration of the Vocational Rehabilitation program as required by P.L. 102-569, the CFR, and relevant Idaho law. These policies and procedures prevail over less stringent state laws. (7-1-94)
02. Policies for Storage and Release of Confidential Client Information. (7-1-93)
- a. Confidential client information shall be stored in such a manner so that it is not casually available for public scrutiny during official work hours of the Division. It shall be stored under lock and key when not being directly used or during non-working hours. (7-1-93)
- b. All applicants, clients, and their representatives, service providers, cooperating agencies, and interested persons shall be informed of the confidential nature of said information and of the conditions for accessing and releasing this information. (7-1-93)
- c. The applicant/client will be informed as to the principle purposes for which the state unit intends to use the information. (7-1-93)
- d. The applicant/client shall be informed as to the voluntary or mandatory nature of this information gathering request(s) and the effects of not providing requested information to the state unit. (7-1-93)
- e. In those instances where the applicant/client information will be routinely released without their consent, the state unit will so inform the client. (See at "Exceptions to Release of Information Requirements"). (7-1-93)
- f. Persons who are unable to communicate in English or who use special modes of communication will be provided explanations about the state unit policies and procedures in a manner which can be adequately understood by them. (7-1-93)
- g. Release of Information: To the applicant/client: the request must be made in writing by the individual or his/her representative. The state unit will release all requested information which is in the applicant/client's case file upon receipt of written request (see exceptions). Medical, psychological, or other information which the state unit believes may be harmful to the individual will not be released directly to the individual, but will be provided through his/her representative, a physician, or a licensed or certified psychologist. In this case, the state unit may release the medical or psychological information only after receiving assurance from the receiving organization,

agency, or individual that the material will be used only for the purpose covered by the written request and that it will not be further released to the involved applicant/client. (7-1-94)

03. Exceptions to Release of Information Requirements. Prior written approval will not be required for release of personal data under the following circumstances: (7-1-93)

a. Release for legal audit, evaluation, and research efforts. The data may be released only for purposes directly connected with the administration of the Vocational Rehabilitation program, or for purposes that would significantly improve the quality of life for people with disabilities, and only if the organization, agency, or individual assures that: (7-1-94)

i. The information be used only for the purposes for which it was provided; (7-1-93)

ii. The information will be released only to persons officially connected with the audit, evaluation, or research; (7-1-93)

iii. The information will not be released to the applicant/client; (7-1-93)

iv. Confidentiality will be safeguarded; and (7-1-93)

v. The final product will not reveal any personal identifying information without the written consent of the applicant/client or his/her representative. (7-1-94)

b. Release to cooperating agencies or organizations due to their active participation in diagnostics, evaluation, or planned rehabilitation services for a client/applicant and, only then when the state unit has a formal agreement with said agencies, organizations, or individual and the applicant/client has agreed to take part in the diagnostics, evaluations, and planned rehabilitation services. (7-1-93)

c. Release required by Law: (7-1-93)

i. Under court subpoena or judicial order; (7-1-93)

ii. In response to investigations in connection with law enforcement, fraud, or abuse (except where expressly prohibited by Federal or State law); and (7-1-93)

iii. In order to protect the individual or others when the individual poses a threat to his/her safety or the safety of others. (7-1-94)

d. Information that may not be released. (7-1-93)

i. Information requested by verbal, telephonic, or personal request regardless of the source of the request, i.e., applicant/client, law enforcement, and credit agencies. All releases (with exceptions noted previously) must be cleared by receipt of a written authority by the applicant/client or his/her representative; (7-1-94)

ii. Information received from the Social Security Administration or the state's Disability Determinations Service for any purposes other than rehabilitation of the individual; (7-1-93)

iii. Third-party information. The requesting party will be referred to the primary source; (7-1-93)

iv. Information received from the Veterans Administration that is marked or otherwise designated as confidential. The requesting party shall be referred to the Veterans Administration; and (7-1-93)

v. Applicant/client shall never be allowed to act as couriers of confidential information about themselves to other agencies, organizations, or individuals. (7-1-93)

e. Retention and Destruction of Personal Data on Division Applicants/Clients. All data not stored in the client case file shall be maintained under lock and key. Discarded notes, carbons, mimeograph or ditto materials

which may have personal identifying client data on them shall be destroyed by shredding or burning or otherwise disposed of appropriately to insure confidentiality. Official records will be maintained in a secure fashion for as long as required by State and Federal law after closure. Ultimate destruction shall be by a process guaranteed to protect the confidentiality of the materials being destroyed. The state unit may establish such reasonable fees as necessary to cover the extraordinary cost of duplicating records or making extensive searches. Such fee shall be established under the Administrative Procedures Act.

Ref: (1) P.L. 102-569, Section 101(a)(9)(D)
(2) 34 CFR 361.49 Volume 46, Number 12, January 19, 1991
(3) State Plans for Vocational Rehabilitation (Section 10.6)
(4) Title 33-2301, Idaho Code (7-1-94)

101. -- 199. (RESERVED).

200. ELIGIBILITY.

01. Order of Selection. The following order of selection will be used if the Idaho Division of Vocational Rehabilitation finds that it cannot serve all eligible applicants due to a lack of either personnel and/or financial resources. The priority listings progress downward with priority number one being the most restrictive and priority number five being the least restrictive. (2-1-95)

a. Priority #1: At the time that a decision to move to an order of selection is made, it is determined that only those consumers who already have an existing individualized written rehabilitation plan (IWRP) will continue to be served. (2-1-95)

b. Priority #2: At the time that a decision to move to an order of selection is made, it is determined that only those consumers in Priority Number 1 above and current and future, otherwise eligible, applicants rated to this or a more restrictive priority can be served. Consumers meeting this priority rating are those individuals who are defined as most severely disabled. The highest priority for service from among this group shall be public safety officers whose disabling condition arose from a physical, mental, cognitive or sensory impairment sustained in the line of duty. (2-1-95)

c. Priority #3: At the time that a decision to move to an order of selection is made, it is determined that only those consumers in Priorities Numbers 1 and 2 above and current and future, otherwise eligible, applicants rated to this or a more restrictive priority can be served. Consumers meeting this priority rating are those individuals who are defined as severely disabled. The highest priority for service from among this group shall be public safety officers whose disabling condition arose from a physical, mental, cognitive or sensory impairment sustained in the line of duty. (2-1-95)

d. Priority #4: At the time that a decision to move to an order of selection is made, it is determined that only those consumers in Priorities Numbers 1 through 3 above and current and future, otherwise eligible, applicants rated to this or a more restrictive priority can be served. This priority is reserved to non-severely disabled public safety officers whose disabling condition arose from a physical, mental, cognitive or sensory impairment sustained in the line of duty. (2-1-95)

e. Priority #5: All eligible applicants for Vocational Rehabilitation services (no order of selection in place). (2-1-95)

Ref: (1) P.L. 102-569, Section 101(a)(5)(A)
(2) 34 CFR (Sections 361.36 and 361.2(b)(2)(iv))
(3) State Plan for Vocational Rehabilitation (Sections 9.3(a)
(4) RSA-PQ 273
(5) RSA-PI-83-3, January 26, 1983 (7-1-94)

201. -- 299. (RESERVED).

300. CLIENT SERVICES.

01. Provision of Purchased Services Contingent Upon Financial Need of the Recipient. (7-1-93)
- a. There is no Federal requirement that the financial need of a person with a disability be considered in the provision of any vocational rehabilitation services. It is allowed at state discretion. With exceptions noted below, the Idaho Division of Vocational Rehabilitation will apply a Financial Needs Assessment in all cases where projected services are expected to be purchased by the Division. Financial need will not be a consideration in the determination of eligibility for Vocational Rehabilitation, but only in allocating the cost of specific services. The Financial Needs Assessment will be applied uniformly as allowed for by the discussion of the process that follows. In all cases the applicant/client of Vocational Rehabilitation shall be allowed to expend their own funds on planned services if they choose to do so - even in those cases where there is no law, or rule, requiring that they do so. (7-1-94)
- i. Financial Needs Assessment. The primary mission of the Idaho Division of Vocational Rehabilitation is the return of the Idaho disabled to productive activity - i.e., employment. The identification and proper use of resources is a critical step in achieving this goal. (7-1-93)
- ii. Resources generally fall into three (3) major areas: (7-1-93)
- (1) Client resources; (7-1-93)
- (2) Comparable benefits; and (7-1-94)
- (3) Division monies. (7-1-93)
- b. It is the position of IDVR that client involvement and client financial participation significantly increase the likelihood of successful rehabilitation. This fact and the reality that Division resources and similar benefits are insufficient to serve all the eligible citizens in Idaho has led IDVR to develop an Individualized Financial Needs Assessment (IFNA). This Individualized Financial Needs Assessment (Form R-52) is to be used by the VRC and the client in conjunction with the development of any IWRP or program Amendment which includes services paid for by IDVR, following the decision of eligibility. (Exception: See IDAPA 47.01.02.300.01.f.). (7-1-94)
- c. Client resources and similar benefit resources shall be used prior to IDVR expenditures unless their use would create significant, untimely delay in the provision of services, and thus significantly jeopardize the chances of the success of the rehabilitation outcome. (7-1-93)
- d. Client resources are private, and often symbolic of client independence; therefore, it is critical that the VRC be sensitive and wise in the use of these resources. It is not the intention of IDVR to drive the client into abject poverty prior to providing services. In fact, this type of direction could easily be counter-productive to achieving the appropriate vocational rehabilitation goal. However, it is not the intention of the Division, the Legislature, or the taxpayer to support the disabled in areas where they are capable of doing so themselves. To do otherwise would be fiscally irresponsible and in the long run, detrimental to the client's own search for independence. The IDVR counselor is charged with the responsibility of sound rehabilitation planning and guidance of the clients to the achievement of sound rehabilitation goals. This will be accomplished only when there is a thorough understanding of the philosophy, intent, and rules of the Division. As already noted, it is the philosophy of the Division that client participation, both personally and financially, is central to a successful rehabilitation outcome. It is the Division's intent that the VRC become skilled at counseling and guiding the client in the proper use of resources and successful rehabilitation outcomes. However, there are some activities of the Division that, by the rules, preclude the Division from demanding client financial participation. (7-1-93)
- f. A financial needs test will not be applied as a condition for providing the following services (clients may volunteer their finances however): (7-1-93)
- i. Diagnostics and evaluation of rehabilitation potential; (7-1-93)
- ii. Counseling, guidance, referral; and (7-1-93)

- iii. Placement. (7-1-93)
- g. Additionally, the Division has determined that the training cost of OJT placement shall not be applied against the individual client's surplus resources (if any exist) since this is actually a pre-placement activity. None of the above should be construed as to preclude client financial involvement if they should voluntarily choose to participate. Remember: Client involvement significantly increases the chance of success. (7-1-93)
- h. Once eligibility has been established, the Individualized Financial Needs Assessment (IDVR Form R-52) shall be taken in conjunction with the development of the IWRP or program Amendment, or at any other time the VRC believes that the client's financial status has changed materially. (7-1-94)
02. Allowed Exceptions. (7-1-93)
- a. While all clients can benefit from the completion of the Financial Needs Assessment, common sense interpretation of this requirement suggests that a client who has already demonstrated financial indigence should not be required to report that experience. Therefore, it is not required that an Individualized Financial Needs Assessment be completed on a client receiving Supplemental Security Income (SSI) and Public Assistance. Should a VRC determine not to complete the IFNA in either of these cases, documentation of their beneficiary status is required. Examples of acceptable documentation are SSI and public assistance letter of eligibility; copy of SSA Form 831 or 833 showing receipt of benefits; statement from SSA district office; Disability Determinations Service or Public Assistance office; counselor visual inspection of the SSI or PA benefit check with RCR recording the date of issuance, name as shown on the check and Social Security number on check; SSI verification document; and copy of Health and Welfare financial need document for PA recipients. (7-1-94)
- b. A second circumstance for which the VRC may choose not to take an IFNA is in the case of the development of a no cost plan. The VRC may judge that the IFNA will not have significant value when there are no financial requirements for either the client or the Division. (7-1-94)
- i. It should be noted that the VRC may choose to complete an IFNA on these clients if the VRC feels that to do so would enhance the likelihood of a successful rehabilitation outcome. (7-1-93)
- ii. The use of client resources is called for from a "common sense" perspective, allowed by Federal regulation, and required by state legislative intent; but what does one do when resources available to the client may not be legally controlled by the client? (7-1-94)
- iii. Utilization of the Parents' or Guardians' Financial Resources in the Development of the Plan or Program Amendment. (7-1-94)
- iv. It is obvious from a rather quick reading of the following section on construction of the IFNA that all excess resources held by the client must be used prior to any IDVR involvement. What do we do, however, with resources potentially available to the client but not legally controlled by him/her? e.g., a parents' or guardians' income or financial holdings. Can IDVR demand that a client commit his/her parent's or guardian's income toward the Plan before the Division becomes financially involved? The answer is No! (7-1-94)
- v. In cases where the VRC determines that the client has not been emancipated from the parents or guardians, and through a financial assessment determines that the client's only potential excess resources are legally the parents or guardians, then the VRC will explain our IFNA requirements to the parent/guardian and complete a thorough IFNA on them (assuming they agree to complete one). (7-1-94)
- vi. Any excess resources isolated from the parent/guardian IFNA will be considered as potentially available to pay for planned services. However, since the client does not legally control these resources, the VRC cannot deny a service based solely upon a parent's or guardian's unwillingness to pay. Therefore, the VRC should negotiate to the best interest of the Division in determining the level of participation by the parent or guardian. Remember, when a client is a minor, the parents or guardians have certain legal obligations, and the VRC will not assist them in avoiding these obligations by offering Division financial assistance when the IFNA does not indicate the need for this assistance. The parent/guardian IFNA, negotiations on the utilization of excess resources, and the parent's or guardian's refusal to contribute shall be duly noted in the case file of the client (RCR). In short, when a

client has not become emancipated from his/her parents or guardians, the parents' or guardians' financial status will be investigated through the completion of an IFNA unless they refuse. Any refusal shall be noted in the RCR. (7-1-94)

vii. Excess resources of the client's parents or guardians shall be considered as a similar benefit to the client at whatever level the source of these similar benefits makes them available (0-100%). The VRC shall negotiate to the best interest of the Division. (7-1-93)

c. The VRC will not shoulder the responsibility of paying for things that are the legal responsibility of the parents/guardians regarding their minor child (the client). (7-1-93)

d. Failure of the parents/guardians to contribute shall not be used as reason to preclude services to the client since the client cannot legally control the disbursement of these "similar benefits". (7-1-93)

e. All negotiations and their resultant outcomes will be recorded in the RCR. (7-1-93)

f. The VRC shall, in all cases, present the IFNA philosophy to the parents or guardians in a positive light so that they do not assume that the VRC is urging them to not participate. (7-1-93)

g. Resources legally controlled by the client will be used prior to IDVR financial involvement. Resources legally controlled by the parents or guardians - i.e., beyond the control of the client - will be used to the degree that they are made available by the parents or guardians. (7-1-93)

h. Additionally, in those cases where clients have established independence from their parents/guardians, but the parents/guardians are willing to contribute, the VRC should encourage their contribution on a "first dollar" basis. Remember, the goal of the VRC is to foster independence, allow the client to practice independence to the fullest extent possible, and assist the client where they do not have the capacity to do for themselves, through the use of similar benefits and Division resources.

Ref: (1) 34 CFR 361.47(a) Volume 46, Number 12, January 19, 1981
(2) P.L. 102-569, Section 12(c)
(3) State Plans for Vocational Rehabilitation Section 6.3(a)(b)(c) Section 6.6(a)(b)
(4) Title 33-2301, Idaho Code (7-1-94)

301. -- 399. (RESERVED).

400. INSTRUCTIONS FOR COMPLETING THE INDIVIDUAL FINANCIAL NEEDS ASSESSMENT (IDVR FORM R-52, REVISED 7-82).

01. Background. (7-1-93)

a. Financing of the Vocational Rehabilitation program is not keeping pace with the increase of disabled people in the community. Both federal and state appropriations are experiencing this problem. Thus the VRC must insure that all monies spent on his/her clients are spent wisely. This will insure that those who can pay will, so those who cannot will have Division dollars available to assist them. The use of IDVR Form R-52 should assist the VRC in making complex decisions about the disbursement of these limited funds. (7-1-94)

b. The R-52 is completed for a period of time approximately equal to the length of the time covered by the IWRP or program Amendment. It is a statement of all obligations and income available to the client during that specific planning period. It allows the VRC to determine a surplus or deficit that the client brings to the planning process. The resources will include all income and assets that the client will have during the planning period. The obligations for the period will be subtracted from the resources available for the same period. Any surplus will be first used to meet the client's normal and prudent subsistence needs for the period. Monies then left over will be used to pay for the purchase of the actual service(s) being arranged for. If the client can pay for all of the service(s), then IDVR will not pay for any of it. IDVR will only pay for those things where the law or rule specifically preclude requiring the client's involvement, or for those non-precluded items which the client cannot pay for. (7-1-93)

c. Any exceptions to the above must be clearly noted and fully justified in the client's file in the

Running Case Record (RCR). Exceptions will be rare, and probably will relate to the untimely provision of services or other issues where the failure to spend IDVR funds would have a deleterious effect on the client's welfare and rehabilitation potential. (7-1-93)

02. Client Identification Section. The client's name as it appears on the R-911 will be included. The Number in Household Dependent Upon the IFNA is the number of individuals contributing to and drawing subsistence from the household that the client is a member of. This number would not normally include renters or boarders. It would most likely include members of the client's family who live in the same house or members whose welfare is paid for by the client's resources even though they may not reside at the same residence (e.g., away to college). Number of Months in Plan is the number of calendar months from the beginning date of the first planned service to the ending date of the last planned service. Services lasting less than one month shall be considered as a full month for IFNA purposes (partial months shall be considered as one (1) month). (7-1-93)

03. Section I A - Policy Statement. (7-1-93)

a. This section will include all income received into the household each and every month during the planning period. Income that is sporadic, i.e., received less than monthly, will be included in Section I B. Section I A deals with net monthly income, i.e., income after taxes, and retirement contributions, and it will include automatic deposits into savings accounts and similar accounts. It will also include any automatic payments made into banks and other institutions to pay off loans. The counselor should include any wages earned by the client while involved in a rehabilitation Plan as earned income (e.g., work adjustment wages, CETA payments, and OJT wages). (7-1-93)

b. The monthly receipts for each of the categories must be multiplied by the number of months covered by the Plan. This total goes into the far right-hand column, and this column is then added to reach the Total Available During Plan Period. (7-1-94)

c. Note: Food stamps will not be considered as income and will not be included in this section. (See IDAPA 47.01.02.400.08.f.) (7-1-93)

04. Section I B - Policy Statement. Not all income is generated on a strict monthly basis. Any income of this nature will be reported in this section. The dates received and the amount per receipt will be listed. Again, the total amount available during the Plan will be computed for each category and a grand total for the section will be determined. (7-1-93)

05. Section I C - Policy Statement. (7-1-93)

a. The intent of this section is to capture information on other resources that the client holds. These may be cash or equivalents (checking accounts for example) or personal or real property that can be converted (directly or indirectly) to cash. The actual fair market value of real or personal property will be stated (not just the equity) since debts owed on the real or personal property will be listed under Section II, et. al. All non-excludable assets will be listed in this section and they will be considered at the listed value when determining the client's total available resources in Section I D. The average monthly balance after all bills have been paid will be used when considering resources available in a checking account. (7-1-94)

b. Definition - Excludable Asset. "Any asset that is exempted from inclusion on this form in determining the client's total resources available during the Plan period". Exclusions included for the purpose of completing the R-52 include, but are not limited to, the client's primary residence, one car for use by members of the household, additional cars used to generate income or facilitate the economy of the household unit, any income producing vehicles, property or other holdings (income produced will be listed in other subsections on income). Additionally, any real or personal property which is non-excludable, but is legally owned by other members of the household is exempt from consideration. Real or personal property of a documentable medical necessity shall not be included on the form. Non-excludable assets jointly held by the client and spouse are not exempt from consideration. All other real or personal property shall be considered a client resource and shall be listed on the form at its fair market value. The total available during the Plan should be itemized per category and then a grand total should be ascertained. (7-1-93)

06. Section I D. This is the total that will be used in the determination of client participation in the cost

of the Plan. It represents all of the client's income and non-excludable assets capturable during the planning period. (7-1-93)

07. Section II A - Policy Statement. This includes a listing of all cash outlays on a monthly basis to pay for either legal or reasonable and prudent obligations. (7-1-93)

08. Definitions. (7-1-93)

a. Legal Obligation. Any payments due as the result of a signed contract, court order, lease agreement, or lawful requirement will be considered a non-negotiable, binding obligation of the client and will be given full credit in this section. (7-1-93)

b. Reasonable and Prudent Obligation. Payments made for items or services not legally required, but reflecting such items or services that are normally a part of living a normal life. For example, Utilities. One need not heat their house, but it is reasonable and prudent to do so. Certain forms of entertainment and other activities may be pursued under medical advise. Expenditures for these types of activities may also be considered reasonable and prudent. (It is the intention of IDVR that the normal monthly service for telephones is reasonable and prudent - long distance charges of a personal nature are not). (7-1-93)

c. Elective Obligations. Payments which are neither required by law nor reasonable and prudent (in terms of expecting the taxpayer to subsidize them) shall not be included as an obligation to be met by the client. For example: Tithing or cash contributions to a church or paying for a child's violin lessons are commendable activities but, by Division definition, it is not considered reasonable and prudent to expect the agency to pay in full or in part for any deficits in Plan cost created by the continued payment for these types of items on the part of the client. (7-1-93)

d. In computing the monthly cost of items listed in Section II A, the minimum monthly payment allowed by the contract will be used. This is especially pertinent when considering credit card and other payments where a minimum is established, but where the client could pay more if he so desired. (7-1-93)

e. The budget for utilities, food and clothing, transportation, and entertainment may not exceed the limits established in the chart shown below. The monthly payment should be a best guess estimate of the average monthly charge over a year period. The only exceptions to these maximums must be justified by receipts and copies of bills. Again, 'normal and prudent' considerations must be taken into account when justifying cost in excess of the guidelines as listed. (7-1-93)

f. When calculating the cost of food and clothing for this section, only the amount that is expended by the client, out-of-pocket, shall be recorded. Example: If the client were to purchase food stamps with a face value of one hundred dollars (\$100), but his/her cost was sixty dollars (\$60), he/she would record the sixty dollars (\$60).

Category	Number of Individuals in Household					
	One	Two	Three	Four	Five	Six or More
Utilities-ElectricityGas/Oil, Phone, Sewer, Trash	\$120	\$135	\$150	\$165	\$180	\$195
Clothing/Food (Combined)	\$160	\$240	\$320	\$400	\$480	See g. below
Transportation	\$ 80	\$105	\$125	\$135	\$145	\$145
Entertainment	\$ 40	\$ 50	\$ 60	\$ 70	\$ 80	\$ 80

(7-1-94)

g. Family - Six (6) or More. Families or households with six (6) members or more will be allowed to

utilize eighty dollars (\$80) per person for number over five (5) for calculation of the food and clothing maximums. Example: Client shows ten (10) members in the family which includes children, husband and wife. You will multiply five (5) by eighty (80) - four hundred dollars (\$400) - which will then be added to the four hundred eighty dollars (\$480) allowed for a family of five (5), thus showing the maximum allowed for food and clothing to be eight hundred eighty dollars (\$880). (7-1-94)

h. All outstanding loans, notes payable, and credit card balances will be listed in order to determine the total amount to be paid during the Plan period. Again, each category will show the amount owed during the Plan period and a grand total will be figured from this. (7-1-93)

i. Costs associated with the rehabilitation Plan shall not be recorded in this section. Client obligations in regard to the IWRP or Amendments will appear under the client participation section of the IWRP or Amendment as a dollar amount, and for what purpose. Maintenance and transportation will appear only in dollar amounts under client participation if there is an increased cost as a result of IWRP development. (7-1-93)

09. Section II B - Policy Statement. (7-1-93)

a. This section is used to capture legal and normal and prudent obligations which are due on something less frequently than a monthly basis. Taxes, insurance payments, and balloon payments on mortgages are examples. Again, a grand total of outlays during the Plan period will be shown. In the case of large, one-shot payments falling due during the Plan (e.g., property taxes, fire insurance, and mortgage insurance), documentation shall be required. This may take the form of property tax assessment notices, insurance statements, or similar documents. (7-1-93)

b. If the client has a non-excludable asset listed in Section I C, and there is a debt owed against that asset, then the VRC should record the entire amount of that debt in Section II B. (7-1-93)

c. The VRC should exercise caution to ensure that non-excludable asset payments are not recorded in Section II A as this will be accomplished in Section II B when the VRC records the total amount of debt for that item. (7-1-93)

10. Section II C. This figure is derived by adding the total figures found in II A and II B. This total is what the client states are his/her legal and normal and prudent obligations during the time period to be covered by the Plan being developed. (7-1-94)

11. Section III - Policy Statement. (7-1-93)

a. Basically, this tells the VRC if the client, over the period of the Plan, will have a budget surplus, a budget deficit, or a break-even budget. Precede this number with a minus (-) if the figure is a negative (deficit) amount. Precede the number with a plus (+) if the figure represents a positive (surplus) amount. If a budget surplus exists, similar benefits and the client's surplus resources must be applied to the cost of the service(s) prior to IDVR becoming financially involved. IDVR will be involved only to the extent that the similar benefits and client's resources do not cover the total cost of the Plan. (7-1-93)

b. If a budget deficit exists, the VRC will counsel the client regarding proper financial management. Maintenance is a supportive service. The cost of maintenance may not exceed the amount of increased expenses that the rehabilitation program causes for the individual or his/her family. It is not intended to pay for those living costs that exist irrespective of the individual's status as a vocational rehabilitation client. Maintenance must be tied to the achievement of specific vocational rehabilitation intermediate outcomes which must be stated and documented in the case record and IWRP to justify payments. Maintenance may be provided during diagnosis and evaluation when cost of food and shelter represent out-of-ordinary or extra cost imposed by reason of the diagnostic or evaluative services. (7-1-94)

c. Transportation. Prior to providing transportation to an individual with a disability, the VRC must assure that no comparable services or benefits under any other program are available to the individual. Transportation is only available due to increased cost as a result of the rehabilitation process. Transportation is not available to supplant deficit spending. (7-1-94)

12. Section IV - Policy Statement. Under this section, any exclusions of surplus resources, on a specific dollar basis, must be noted. In other words, any surplus noted in Section III which will not be used toward the cost of the Plan or program Amendment will be listed here with a brief justification. A more detailed explanation will be recorded in the RCR. Any surplus not excluded must be shown on the face of the Plan or program Amendment on a dollar for dollar basis, e.g., if one hundred dollars (\$100) surplus exists and it is not excluded, one hundred dollars (\$100) worth of client expenditures must be shown on the Plan. (7-1-93)

13. Signature Section. (7-1-93)

a. The VRC must take positive steps to ensure that the client and parent or legal guardian understands the contents of the certification statement. The appropriate signatures must be secured. (7-1-93)

b. Completing the IFNA is an essential step toward assisting the client toward achieving independence. However, there are clients whose income may not be easily ascertained such as persons engaging in farming activities. (7-1-93)

c. The following steps should be helpful in arriving at the income level for these clients. (7-1-93)

d. Persons engaged in farming operations. (7-1-93)

e. The VRC may use the most current Federal Tax 1040 Return to complete Sections I A and I B of the IFNA. (7-1-93)

f. The annual income is calculated by the following formula: (7-1-93)

i. Adjusted gross income minus (-) total tax equals (=) annual income. (7-1-93)

ii. In other words, the amount of money on the line entitled Total Tax subtracted from the amount of money on the line entitled Adjusted Gross Income equals the annual income for the IFNA purposes. (7-1-93)

g. If there is an annual income, then divide by twelve (12) in order to calculate the monthly average income for Sections I A and I B of the IFNA. Complete the IFNA as required, beginning with Section I C. (7-1-93)

h. Be careful with Section II. Do not allow farming expenses to be recorded in Section II. The tax forms have already considered these expenses. (7-1-93)

i. In Section II, allow only those expenses and obligations for personal use to be recorded. (7-1-93)

j. Utilities and transportation costs must be analyzed and only non-farming related costs should be listed. (7-1-93)

401. -- 499. (RESERVED).

500. SERVICES FOR WHICH IDAHO DIVISION OF VOCATIONAL REHABILITATION FINANCIAL PARTICIPATION WILL NOT BE AVAILABLE.

01. General Provisions. The applicant/client will not be eligible for financial participation through the Division of Vocational Rehabilitation for any diagnostic, evaluation, or remedial service that does not clearly, directly or indirectly, contribute to the determination of eligibility or to employment. (7-1-94)

02. Private Pilot's License. The Division of Vocational Rehabilitation will not financially participate in the securing of a private pilot's license for an otherwise eligible recipient. The Division may, subject to constraints imposed by sound career counseling and its Financial Needs Assessment financially assist an otherwise eligible recipient in securing a Commercial Pilot's License. (7-1-93)

03. Graduate or Advanced Degree. It is the policy of the state unit that financial assistance to secure an

Advanced or Graduate Degree for an otherwise eligible recipient will not be available. The sole exception to this rule is when it can be conclusively demonstrated that the only possible way to re-enter employment is through the securing of this Advanced or Graduate Degree, and that barriers to achieving the Advanced Degree rest solely upon barriers created by the recipient's disability(ies). (7-1-94)

04. **Vehicular Purchase.** State unit financial assistance will not be available for the purchase of a vehicle for the private use of an otherwise eligible recipient. For the purpose of this rule, "vehicle" is defined as any conveyance that must be licensed by the state of Idaho in order to be operated on state highways, roads, streets, and waterways. (Included within this definition are: cars, trucks, vans, motorcycles, and boats of various sizes and description). Nothing in this rule should be construed as ruling out the possible use of Division funds to enable the otherwise eligible recipient to render an already owned vehicle accessible for their use (i.e., hand controls, van conversions, and installation of lifts.). However, such add-on equipment which does not become an integral part of the vehicle shall remain under the ownership of the state unit until such time as the state unit determines that it is prudent to release its interest. (7-1-93)

05. **Medical Restoration.** Financial participation will not be available for surgical and other medical restoration services if it is, in and of itself, the sole service needed for an otherwise eligible recipient to return to employment. Medical services may be provided if: (7-1-94)

a. Its provision is a material part of a larger, more comprehensive Vocational Rehabilitation Plan of services designed to assist the individual in their return to employment; and if (7-1-94)

b. Its provision will materially affect the success or failure of the more centrally planned Vocational Rehabilitation services; and if (7-1-94)

c. The medical services are needed to offset the effects of a medical problem arising after eligibility for Vocational Rehabilitation has been established, and failure to provide for the needed services will materially reduce the chances of successful pursuit of the more comprehensive Plan. (7-1-94)

06. **Organ Transplantation.** With the exception of Renal Transplantation as authorized by Titles 33-2307 and 33-2308, Idaho Code, all other forms of transplantation shall be reviewed with an eye towards Section 5 of this rule; and (7-1-93)

a. The procedure must be defined clearly as a usual and customary procedure. The state unit will rely on the medical judgment of its medical consultant in these cases; and (7-1-93)

b. The benefit to the client in terms of working life and earning capacity will be expected to off-set the cost of the transplantation and related medical services. (7-1-93)

07. **Services to Non-Residents of the State.** Financial participation will not be available to non-residents of Idaho. However, with the exception of the Renal Disease Program, no durational requirements will be placed upon individuals who move into the state. Citizenship is not a requisite for financial assistance; however, the individual must have legal resident status (i.e., illegal aliens will not be eligible for the Vocational Rehabilitation programs or for the Renal Disease Program). To be eligible for and receive financial assistance under the state's End Stage Renal Disease Program, applying individuals must live within the state for twelve (12) consecutive months, or be on record as having been a permanent resident of the state and their reason for current external residency is a function of military obligation or temporary business assignments, or they, their spouse, parent or guardian must show proof of employment or an offer thereof in the state prior to moving to the state.

- Ref: (1) P.L. 102-569
(2) 34 CFR Part XIX, State Vocational Rehabilitation Programs, Volume 49, Number 12, January 19, 1981
(3) Regional Rehabilitation Services Memorandum Number 80-25 and Attachments (HEW 1513.00 PQ-212, dated March 28, 1980)
(4) Titles 33-2301 and 33-2308, Idaho Code
(5) RSA Manual 1505.07f
(6) RSA-P.Q. 246, October 10, 1980
(7) RSA-PI-73-5, August 9, 1972 (7-1-94)

501. -- 599. (RESERVED).

600. POLICY ON PROVISION OF SERVICES.

Purchase of Work Evaluation, Work Adjustment, Community Based Job Placement and Job Coaching, and Placement and Follow-Along Services. (7-1-93)

01. General Provisions. The Idaho Division of Vocational Rehabilitation will purchase subject services only from duly certified, licensed, or accredited firms, businesses, facilities, or individuals. The definition of subject services will be those established by the Commission on Accreditation of Rehabilitation Facilities (CARF). Facilities, businesses or firms wishing to sell the subject services to the Division must show appropriate certification, accreditation, or licensure. Those facilities, businesses or entities holding CARF (or comparable) accreditation will receive priority recognition. (7-1-94)

02. Special Provision for Interim Accreditation. The Division maintains the latitude to provide interim certification to new or existing facilities, businesses or entities who wish to provide subject services to the Division. Interim certification will require documentation that the facility, business, or firm meets all relevant certification requirements imposed by the CARF (or other comparable accrediting organizations) accreditation standards in place at the time of the Division's review for interim certification. This certification will be effective for one year. During that year the facility, business or firm will apply for and receive a full review and certification from CARF or an acceptable and comparable accrediting organization. In its absence (after the year is over), the Division will no longer purchase said services. If during the interim year the facility, business, or firm demonstrates diminished capacity, the Division retains its right to de-certify. (7-1-94)

03. Geographic Considerations. The Division maintains its right to choose not to provide interim certification in areas of the state where subject services are already easily accessible to the population of clients that the Division serves. Thus the priority for interim certification will be given to geographic areas where said services are not available without moving the client undue distances.

Ref: (1) 34 CFR 361.42(b), 361.45, 361.52 and 361.53
(2) P.L. 102-569
(3) State Plan for Vocational Rehabilitation Section 6.2(d)
(4) Title 33-2301, Idaho Code (7-1-94)

601. -- 699. (RESERVED).

700. USE OF CHIROPRACTIC SERVICES.

It is the policy of the Division of Vocational Rehabilitation that eligibility for the Vocational Rehabilitation Program must be contingent upon (among other things) the medical documentation of the existence of a disability(ies) and a comprehensive study of the basic general health of the applicant for services. (7-1-94)

01. Medical Documentation. Chiropractic exams will not suffice in meeting the medical documentation required for eligibility purposes. (7-1-93)

02. Chiropractic Exams. Chiropractic exams may be purchased as part of a larger medical assessment of eligibility if there is a clear and present reason for doing so. Additionally, chiropractic exams may be purchased in the process of investigating the possible rehabilitation benefits that may accrue from the manual manipulation to correct barriers to employment or independent living which may arise from the subluxation condition of the spine. Chiropractic treatment may provide useful therapy for acute or chronic musculoskeletal disorders and with proper medical recommendation, may be included as a part of the vocational plan of the client.

Ref: (1) 42 CFR - Medicaid
(2) 34 CFR 361.31 Through and Including 361.33
(3) State Plan for Vocational Rehabilitation (Section 6.3(a)) (7-1-94)

701. -- 999. (RESERVED).