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**IDAPA 47
TITLE 01
Chapter 02**

47.01.02 - FIELD SERVICES

000. LEGAL AUTHORITY.

Section 33-2301, Idaho Code and the 1998 Amendments of the Rehabilitation Act of 1973. (4-5-00)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 47.01.02, "Field Services". (4-5-00)

02. Scope. The chapter has the following scope: To streamline the existing rules and to implement program changes necessitated by the 1998 Amendments of the Rehabilitation Act of 1973. (4-5-00)

002. WRITTEN INTERPRETATIONS.

Written interpretations to these rules in the form of the explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules are available from the Idaho Division of Vocational Rehabilitation, 650 W. State Street, Boise, Idaho 83720. (4-5-00)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal of the administrative requirements for agencies. (4-5-00)

004. -- 009. (RESERVED).

010. DEFINITIONS.

01. Authorization. An authorization to purchase is a purchase order issued on behalf of the Division (IDVR Form R-37). (4-5-00)

02. Client. Any individual who has applied for Vocational Rehabilitation services. (4-5-00)

03. 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)

04. 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)

05. 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)

06. HEW. Health, Education and Welfare. (2-1-95)

07. IFNA. Individualized Financial Needs Assessment. (2-1-95)

08. Most Significantly Disabled. An individual who meets the criteria of significantly disabled and is further defined as: (4-5-00)

a. Having a severe physical, mental, cognitive or sensory impairment which seriously limits two (2) 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)

09. OJT. On-the-job training. (2-1-95)

10. **PA.** Public Assistance. (2-1-95)
11. **Representative.** The 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. (4-5-00)
12. **RSA-PI.** Rehabilitation Services Administration - Program Instruction. (2-1-95)
13. **RSA-PQ.** Rehabilitation Services Administration - Policy Question. (2-1-95)
14. **Significantly Disabled.** For purposes of this rule, the definition of significantly disabled is found at Public Law 105-220 Sec. 7 (6)(21)(A) (i) through (iii). (4-5-00)
15. **SSDI.** Social Security Disability Insurance. (2-1-95)
16. **SSI.** Supplemental Security Income. (2-1-95)
17. **Supportive Services.** Services that compliment the provision of core services and are provided only to insure that the client can benefit. (4-5-00)
18. **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. 105-220, the CFR, and relevant Idaho law. These policies and procedures prevail over less stringent state laws. (4-5-00)

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 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. (4-5-00)

c. The client will be informed as to the principle purposes for which the state unit intends to use the information. (4-5-00)

d. The 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. (4-5-00)

e. In those instances where the 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"). (4-5-00)

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 client: the request must be made in writing by the individual or his representative. The state unit will release all requested information which is in the 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 can be provided through his 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 client. (4-5-00)

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

iv. The final product will not reveal any personal identifying information without the written consent of the client or his representative. (4-5-00)

b. 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 safety or the safety of others. (4-5-00)

c. 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., client, law enforcement, and credit agencies. All releases (with exceptions noted previously) must be cleared by receipt of a written authority by the client or his representative; (4-5-00)

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. Client shall never be allowed to act as couriers of confidential information about themselves to other agencies, organizations, or individuals. (4-5-00)

d. Retention and Destruction of Personal Data on Division 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. (4-5-00)

- e. References: (4-5-00)
- i. P.L. 105-220. (4-5-00)
- ii. 34 CFR Part 361 et al. (4-5-00)
- iii. State Plans for Vocational Rehabilitation. (4-5-00)
- iv. Section 33-2301, Idaho Code. (4-5-00)

101. -- 199. (RESERVED).

200. ORDER OF SELECTION.

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 clients due to a lack of either personnel and/or financial resources. The priority listings progress downward with priority number one (1) being the most restrictive and priority number five (5) being the least restrictive. (4-5-00)

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 plan for employment (IPE) will continue to be served. (4-5-00)

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, clients rated to this or a more restrictive priority can be served. Consumers meeting this priority rating are those individuals who are defined as most significantly disabled. (4-5-00)

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, clients rated to this or a more restrictive priority can be served. Consumers meeting this priority rating are those individuals who are defined as significantly disabled. (4-5-00)

d. Priority #4: All eligible clients for Vocational Rehabilitation services (no order of selection in place). (4-5-00)

- e. Reference: (4-5-00)
- i. P.L. 105-220, Section 100(a)(5)(A) through (D). (4-5-00)
- ii. 34 CFR Part 361 et al. (4-5-00)
- iii. State Plan for Vocational Rehabilitation. (4-5-00)
- iv. RSA-PQ 273. (4-5-00)
- v. RSA-PI-83-3, January 26, 1983. (4-5-00)

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. 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 with some exceptions. Financial need will not be a consideration in the determination of eligibility for Vocational Rehabilitation, but only in allocating the cost of specific services. In all cases the client of Vocational Rehabilitation shall be encouraged 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. (4-5-00)

02. Authorization To Purchase. The Division requires that when purchasing services from a vendor, an authorization must be issued prior to, or in concert with, the beginning date of service. If services are provided without a Division approved authorization to purchase, the Division reserves the right to not honor the vendor's invoice. (4-5-00)

a. Reference: (4-5-00)

i. 34 CFR Part 361 et al. (4-5-00)

ii. P.L. 105-220. (4-5-00)

iii. State Plans for Vocational Rehabilitation. (4-5-00)

iv. Section 33-2301, Idaho Code. (4-5-00)

301. -- 499. (RESERVED).

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

01. General Provisions. The 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. (4-5-00)

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 a surgery if it is the sole service needed for a client to return to employment. (4-5-00)

06. Organ Transplantation. With the exception of Renal Transplantation as authorized by Sections 33-2307 and 33-2308, Idaho Code, all other forms of transplantation shall be reviewed as it relates to Subsection 500.05. (4-5-00)

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. (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 services only from duly certified, licensed, or accredited firms, businesses, community rehabilitation programs, or individuals. The definition of services will be those established by CARF or RSAS. Community rehabilitation programs, businesses or firms wishing to sell the services to the Division must show appropriate certification, accreditation, or licensure. Those community rehabilitation programs, businesses holding CARF or RSAS, (or comparable) accreditation will receive priority recognition. (4-5-00)

601. -- 699. (RESERVED).

700. USE OF CHIROPRACTIC SERVICES.

Chiropractic examinations will not suffice in meeting the medical documentation required for eligibility purposes. (4-5-00)

701. -- 999. (RESERVED).

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