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**IDAPA 47
TITLE 01
CHAPTER 01**

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION

000. LEGAL AUTHORITY.

Section 33-2301, Idaho Code and the Rehabilitation Act of 1973 and all subsequent Amendments. (3-30-01)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 47.01.01, "Rules of the Idaho Division of Vocational Rehabilitation". (5-3-03)

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. INCORPORATION BY REFERENCE.

01. General. Unless provided otherwise, any reference in these rules to any document identified in Subsection 004 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term "documents" includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (3-30-01)

02. Availability Of Reference Material. Copies of the documents incorporated by reference into these rules are available at the following locations: (3-30-01)

a. Central Office, Idaho Division of Vocational Rehabilitation, 650 W. State Street, Room 150, Boise, Idaho 83720, (208) 334-3390. (3-30-01)

b. Regional Offices, Idaho Division of Vocational Rehabilitation, located at: (3-30-01)

i. 1010 Ironwood Drive, Suite 101, Coeur d'Alene, Idaho 83814, (208) 769-1441. (3-30-01)

ii. 1118 F. Street, P.O. Box 1164, Lewiston, Idaho 83501, (208) 799-5070. (5-3-03)

iii. 3350 Americana Terrace, Suite 210, Boise, Idaho 83706, (208) 334-3650. (5-3-03)

iv. 10200 W. Emerald Street, Suite 101, Boise, Idaho 83704, (208) 327-7411. (3-30-01)

v. 245 3rd Avenue North, Twin Falls, Idaho 83301, (208) 736-2156. (3-30-01)

vi. 1070 Hiline, Suite 200, Pocatello, Idaho 83201, (208) 236-6333. (3-30-01)

vii. 1825 Hoopes Avenue, Idaho Falls, Idaho 83404, (208) 525-7149. (3-30-01)

- viii. 3110 E. Cleveland Blvd. #A7, Caldwell, Idaho 83605, (208) 454-7606. (5-3-03)
- ix. This document is also available at website <http://www.state.id.us/idvr/idvrhome.htm>. (3-30-01)
- 03. Documents Incorporated By Reference.** The following documents are incorporated by reference into these rules: (3-30-01)
 - a. All federal publications through the Rehabilitation Services Administration. (5-3-03)
 - b. Idaho Division of Vocational Rehabilitation Field Services Manual, 2002. (5-3-03)
 - c. State Plan for Vocational Rehabilitation 2001-2003. (3-30-01)
 - d. Workforce Investment Act, Public Law 105-220. (5-3-03)
 - e. Federal Register, Department of Education, 34 CFR Part 361. (3-30-01)
 - f. The Rehabilitation Act, as amended 1998. (3-30-01)
- 005. -- 009. (RESERVED).**
- 010. DEFINITIONS.**
 - 01. Authorization To Purchase.** A purchase order issued on behalf of the Division. (5-3-03)
 - 02. CFR.** Code of Federal Regulations. (7-1-93)
 - 03. Client/Participant.** Any individual who has applied for or is eligible for Vocational Rehabilitation services. (5-3-03)
 - 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.) (5-3-03)
 - 05. Designated State Agency.** The Idaho State Board of Education. (5-3-03)
 - 06. Designated State Unit.** The Idaho Division of Vocational Rehabilitation. (7-1-93)
 - 07. 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. (5-3-03)
 - 08. IDVR.** The Idaho Division of Vocational Rehabilitation. (4-5-00)
 - 09. IPE.** Individualized Plan for Employment. (4-5-00)
 - 10. Most Significant Disability (MSD).** Meets the criteria as Significant Disability as found in the Rehabilitation Act of 1973, as amended, and is further defined as: (5-3-03)
 - 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 (5-3-03)
 - 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. (5-3-03)
 - 11. Method Of Written Notification.** The written notification of findings and conclusions arising

from an Informal Dispute Resolution, Mediation, Impartial Due Process Hearing, shall be served to the client via the U.S. Postal Service by means of certified mail. Durational requirements for appeals shall commence on the day received by the client as noted by the certified mail records. (5-3-03)

12. PM. Policy Memorandum. (5-3-03)

13. RSA. Rehabilitation Services Administration, U.S. Department of Education. (5-3-03)

14. State Administrator. The Chief Executive Officer of the Idaho Division of Vocational Rehabilitation. (4-5-00)

15. Supportive Services. Services that complement the provision of core services and are provided only to insure that the client/participant can benefit in terms of an employment outcome. (5-3-03)

16. VRC. Vocational Rehabilitation Counselor. (5-3-03)

011. -- 099. (RESERVED).

100. CLIENT/PARTICIPANT APPEALS.

01. Informal Dispute Resolution. Within ten (10) calendar days of notification of the contested action, lack of action or decision, the client/participant may request that an Informal Dispute Resolution be held. The request shall be made in writing to the Regional Manager. The written request should state the reason for the review. (5-3-03)

a. The Regional Manager shall inform the client/participant in writing as to the time, place, and date of the Informal Dispute Resolution. The client/participant may choose to represent himself/herself or may have a representative(s) speak on his/her behalf. (5-3-03)

b. The Regional Manager will make a decision regarding the specifics of the Informal Dispute Resolution. This decision will be in written form and it will be sent to the client/participant, with a copy in the case file. (5-3-03)

02. Mediation. The request shall be made in writing to the Regional Manager. A written request should state the reason for the review. The Mediation must take place within the sixty (60) day requirement for an Impartial Due Process Hearing. (5-3-03)

03. Impartial Due Process Hearing. An Impartial Due Process Hearing can be held without an Informal Dispute Resolution or Mediation or if the client/participant is dissatisfied with the result of the Informal Dispute Resolution or Mediation. The Impartial Due Process Hearing will deal with the issues involved in the original Informal Dispute Resolution or Mediation, if one took place. The request for an Impartial Due Process Hearing will be made in writing to the Administrator of the Division within ten (10) calendar days of the Regional Manager's decision from the Informal Dispute Resolution or the Mediation Agreement from Mediation. The hearing by an impartial hearing officer must be held within sixty (60) days of a request by the client unless both parties agree to a specified delay. (5-3-03)

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/participants 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 four (4) being the least restrictive. (5-3-03)

a. Priority Number 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. (5-3-03)

b. Priority Number 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/participants rated to this or a more restrictive priority can be served. Consumers meeting this priority rating are those individuals with most significant disabilities. (5-3-03)

c. Priority Number 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/participants rated to this or a more restrictive priority can be served. Consumers meeting this priority rating are those individuals with significant disabilities. (5-3-03)

d. Priority Number 4: All eligible clients/participants for Vocational Rehabilitation services (no order of selection in place). (5-3-03)

201. -- 299. (RESERVED)

300. CLIENT/PARTICIPANT SERVICES.

01. Provision Of Purchased Services Contingent Upon Financial Need Of The Client/Participant. The Idaho Division of Vocational Rehabilitation will apply a Financial Needs Assessment. Financial need will not be a consideration in the determination of eligibility for Vocational Rehabilitation, but will be a consideration in allocating the cost of VR services, with some exceptions. (5-3-03)

02. Authorization To Purchase. The Division requires that when purchasing services from a vendor, an authorization must be issued prior to, or on, 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. (5-3-03)

301. -- 399. (RESERVED)

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

01. General Provisions. Idaho Division of Vocational Rehabilitation will not pay for any services that do not contribute to the determination of eligibility or to achieve an employment outcome. (5-3-03)

02. Private Pilot's License. The Division of Vocational Rehabilitation will not financially participate in the securing of a private pilot's license. The Division may assist in securing a Commercial Pilot's License. (5-3-03)

03. Advanced Degree. The Idaho Division of Vocational Rehabilitation may assist with an advanced degree if it is the only means available for an individual with a significant disability to achieve an employment outcome. (5-3-03)

04. Vehicular Purchase. Financial assistance will not be available for the purchase of a vehicle. For the purpose of this rule, "vehicle" is defined as any motorized 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). Division funds may be utilized to render an already owned vehicle accessible for the client's/participant's use (i.e., hand controls, van conversions, and installation of lifts). (5-3-03)

05. Surgery. (5-3-03)

a. Surgery will not be provided if it is the sole core service needed for return to work or to achieve an employment outcome. (5-3-03)

b. If the original disability(ies) and limitations substantially worsen, surgery may be provided if it is part of a comprehensive plan (IPE) and required to correct a medical problem which, if left untreated, would jeopardize completion of the rehabilitation plan and employment. (The original disability(ies) is/are defined as the disabilities on which eligibility is determined.) (5-3-03)

c. If a new disability is diagnosed during the provision of VR services under an IPE, surgery may be provided if it is part of a comprehensive plan (IPE) and required to correct a medical problem which, if left untreated, would jeopardize completion of the rehabilitation plan and employment. (5-3-03)

d. VR will not cover the cost of surgery if surgery does not substantially reduce or eliminate functional limitations, as VR would still need to retrain or accommodate the limitations. (5-3-03)

e. Regional Manager must review and approve all surgery plans for VRC, VRCI, VRCII and VRCIII. (5-3-03)

06. Organ Transplantation. The Idaho Division of Vocational Rehabilitation will not pay for organ transplantation with the exception of Renal Transplantation. (5-3-03)

07. Non-Residents Of The State. Financial participation will not be available to non-residents of Idaho. 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). (5-3-03)

401. -- 499. (RESERVED).

500. PROVISION OF CRP (COMMUNITY REHABILITATION PROGRAM) SERVICES.

Work Evaluation, Work Adjustment, Community Based Work Evaluation, Community Based Work Adjustment, Job Site Development, Job Coaching, Placement and Follow-Along Services, are services the Idaho Division of Vocational Rehabilitation purchases from CRPs which are accredited by Commission on Accreditation of Rehabilitation Facilities (CARF) or Rehabilitation Services Accreditation System (RSAS). In conjunction with the client/participant, the qualified professional Vocational Rehabilitation Counselor, will determine which CRP Services, if any, are required for the client/participant to achieve an employment outcome. (5-3-03)

501. -- 599. (RESERVED).

600. CHIROPRACTIC SERVICES.

Chiropractic examinations will not suffice in meeting the medical documentation required for eligibility purposes. (5-3-03)

601. -- 699. (RESERVED).

700. PAYMENT POLICY.

01. Rates Of Payment. The Vocational Rehabilitation staff will negotiate rates of payment in the best interest of the organization. We will always encourage the pursuit of comparable benefits. (5-3-03)

02. Policy. It is the policy of the Division to pay the "usual and customary" charges for services provided to itself or to its client/participants by providers of goods or services. The only exceptions to the "usual and customary" considerations are listed in the Payment Policy Chapter of the Idaho Division of Vocational Rehabilitation Field Services Manual, 2002 or addressed as a result of state purchasing rules or superseding Idaho Statute. Exceptions may be required for geographical considerations. (5-3-03)

701. -- 999. (RESERVED).

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