

**OVERARCHING POLICY**

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**Introduction** Certain principles and guidelines extend over all DSB policies. Therefore, overarching policy has been created to preface the specific program policies.

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**Overview** Consumers and potential consumers of the Arkansas Division of Services for the Blind are afforded certain rights with respect to the following principles:

- timeliness of services/decisions/notifications,
- nondiscriminatory availability of services,
- confidentiality of consumer records,
- informed choice (see VR 6.01 – 6.16),
- allowances for exemptions to policy limitations under reasonable extenuating circumstances, and
- an opportunity to appeal decisions regarding their planned services or their eligibility for such services.

Additionally, it is intended that consumers of this agency receive the best and most appropriate services available within agency guidelines and funding capabilities.

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**Use** While the guidelines and procedures contained herein will serve as general policy, specific legal questions which are not addressed may be referred to the Agency Director through appropriate supervisory channels. The Office of Chief Counsel is also available to address specific legal questions.

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**When to Inform** Consumers will be notified of their rights at the initial interview and throughout the VR process as appropriate, i.e., development of IPE, Progress/Program Reviews, closure, etc.

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**TIMELINESS**

**Timely  
Action**

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DSB consumers have a right to timely action without unreasonable delays in regard to eligibility determination, provision of services, case decisions, notifications and other activities. VR Counselors will follow timeframes as stated in policy. When necessary, the VR Counselor and the consumer may agree to a specific extension of time needed to complete an action. Such extensions should be documented in the case record.

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**EXEMPTIONS**

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**Allowing for Exemptions**

DSB recognizes that occasionally medical emergencies or other circumstances beyond the consumer's control occur, preventing the consumer from completing an activity within allotted timeframes or causing a need for additional services. In these situations, the consumer may request an exemption to policy limits. Depending on the policy affected, a VR Counselor, Field Supervisor or Program Administrator would review the situation and determine if reasonable extenuating circumstances existed and whether an exemption to policy limitations should be approved.

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**MEDIATION AND IMPARTIAL DUE PROCESS HEARING PROCEDURES—  
OVERVIEW (Continued)**

**Applicant/  
Consumer  
Options**

An applicant/consumer may choose to request either or both of the options listed below:

- an informal review (informal administrative review)
- a formal review (impartial hearing)

An informal review is used to clarify issues and resolve disputes at the lowest possible level. The review involves the counselor, the area supervisor, and if necessary, an informal administrative hearing. Services are provided according to the rehabilitation needs of each individual as identified in the IPE and are consistent with the individual’s informed choice. If an informal review finds exemptions to policies are necessary for the rehabilitation needs of the individual to be met, then such exemptions can be made. AN INFORMAL REVIEW IS NOT INTENDED TO DELAY OR IN ANY WAY DENY ACCESS TO A FORMAL REVIEW. Any planned services will continue to be provided pending the outcome of the appeal or review.

A formal review involves a formal hearing by an impartial hearing officer. It may be requested at any time.

**Due Process  
Procedures**

The grievance procedure starts the 45 day clock at the time the individual first appeals the State Agency's decision or determination. The entire appeals process, informal and formal, is a 45-day process. The appeals procedure will normally progress in the following sequence:

<b>Step</b>	<b>Procedure</b>
1	Applicant/consumer should discuss with counselor and ask for a decision.
2	If dissatisfied, applicant/consumer can ask for an informal administrative review from a Program Administrator.
3	If still dissatisfied, applicant/consumer can ask for a mediation session.
4	If still dissatisfied, applicant/consumer can ask for an impartial hearing.



**DETERMINATION OF ELIGIBILITY - IMMIGRANTS**

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**Aliens**

The counselor must consider for every individual/applicant whether there is a presumption that the individual can benefit from VR services **and** work in the United States after services are provided. An individual must have the required document(s) to work in the United States.

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**Required Documents**

Required documents for working in the United States may include, but are not limited to:

- Valid Social Security Card
- Valid Driver's License
- Valid Non-Driver Identification Card (issued by the Department of Motor Vehicles)
- U.S. passport
- Certificate of Naturalization
- Certificate of Citizenship

If the individual is not a citizen of the United States, one of the following documents must be presented at application:

- Form I-551 (includes machine-readable immigrant visa with the applicant's unexpired foreign passport);
  - I-94 with the applicant's unexpired foreign passport; or
  - Work permit card from the Department of Homeland Security (I-766 or I-688B)
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**Illegal Aliens**

By definition, individuals in the United States without legal status are not eligible for VR services.

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**OVERVIEW (Continued)**

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**Plan  
Development**

The IPE may be jointly developed between the VR counselor and the consumer or the consumer may develop all or part of the plan independently or with technical assistance from another source. If the consumer chooses the latter option, the counselor must provide the consumer with:

- Information on the availability of assistance, to the extent the consumer determines appropriate
- A description of the full range of components that shall be included in the IPE
- An explanation of agency guidelines and criteria associated with financial commitments concerning the IPE
- Additional information requested by the consumer or information deemed necessary by the agency
- Information on the availability of assistance in completing designated State agency forms required in developing the IPE
- A description of rights and remedies available to the consumer
- The availability of the client assistance program.

The IPE must be developed in accordance with any applicable fee schedule along with the methodology to permit exemptions so individual needs can be addressed.

The counselor will document in the case narratives the counseling provided at IPE development.

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**Design**

The IPE must be designed to achieve the specific employment outcome chosen by the individual and be consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice. The documentation should show that there is adequate labor market demand to support the employment outcome chosen. If relocation would be required for the employment outcome chosen, the consumer must agree to relocate to an area with sufficient labor market demand for the chosen employment outcome prior to the signature and initiation of the IPE. The individual should acknowledge that he/she is familiar with the entry-level wages that are common in the chosen vocation.

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**OVERVIEW (Continued)**

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**90-day  
Time Frame**

The IPE will be developed concurrently or within 90 days after a Certificate of Eligibility for VR Services, a Certificate of Eligibility for Trial Work Experience, or EE Services has been completed.

NOTE: Transition cases should be treated the same as any other case. VR Counselors are not to open a case unless they are going to write an IPE within the 90-day time frame.

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**Plan  
Approval**

The completed plan must be signed and dated by the DSB counselor and the individual or, if appropriate, the individual's representative. Within the framework of a counseling and guidance relationship, the DSB counselor is the approving authority; therefore, the counselor's signature indicates approval of the IPE. A copy of the approved IPE must be given to the consumer or his/her representative. The approved IPE must be in accordance with any applicable fee schedule along with the methodology to permit exemptions so individual needs can be addressed.

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**Reviews**

The IPE is to be reviewed at least annually.

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**Amendments**

The IPE will be amended each time a substantial change is made in the consumer's rehabilitation program. The IPE can be amended at anytime utilizing informed choice. A copy of all amendments will be provided to the consumer.

Amendments do not take effect until agreed to and signed by the DSB counselor and the consumer or the consumer's representative.

NOTE: A new IPE must be completed when a consumer is moved from Trial Work Experience or EE services to an accepted status.

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**CASE RECORDING OF POST-EMPLOYMENT SERVICES**

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**Introduction**

Once the counselor determines the appropriateness of post-employment services, proper case recording must be followed. To record services, the counselor must

- develop an IPE post-employment program, and
  - document post-employment services on the IPE closure form.
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**IPE Post-Employment Program**

The IPE post-employment program will include

- documentation supporting the need for post-employment services,
  - what services will be provided, and
  - how the program will be monitored.
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**No Transfers**

Cases in post-employment, Status 32, cannot be transferred out.

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**Termination**

The decision to terminate post-employment services should be

- made on an individual basis in consultation with the consumer, and
  - based on the counselor's professional judgment.
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**Termination Criteria**

When making such a judgment, counselors will consider whether the following criteria have been met:

- the precipitating problem which required post-employment services has been satisfactorily remedied
- the consumer has attained sufficient independence to function without continuing post-employment services

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**SERVICES (Continued)**

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**Anesthesia**

Payments may be made to anesthesiologists and anesthesiologists not included in the hospital costs. Counselors will pay \$42.00 a point for anesthesia and \$42.00 per unit of time.

A unit of time can be up to 15 minutes. Therefore if a procedure required 16 minutes, the Counselor would pay for two units at \$42.00 per unit.

To determine the amount DSB will pay for a procedure, multiply the point value of the procedure times the \$42.00 cost per point. Then multiply the number of units times the \$42.00 cost per unit of time. Then add the two totals together.

For example, if the Counselor were to pay for 10 points and 9 units, the payment would be \$798.

- \$42 per point x 10 points = \$420
  - \$42 per unit x 9 units = \$378
  - \$420 for the points + \$378 for the units = \$798 payment)
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**Physical and Occupational Therapy**

Payments for physical therapy services other than those furnished as a part of hospital or clinic treatment may include payments for such services as massage, heat treatment, water treatment, etc. Physical therapy may be done in the consumer's home, convalescent home, center, workshop or elsewhere.

Occupational therapy is an activity, mental or physical, prescribed by a physician for remedial value. It covers a wide range of tasks, such as weaving, woodworking, leatherwork, photography, metal work, and other crafts, when prescribed as treatment.

DSB will pay for physical or occupational therapy only:

- upon the recommendation of a medical specialist, and
  - when the treatment is given under the direction of a medical specialist.
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