

871—77.6(84H) Eligibility for vocational rehabilitation services.**77.6(1) General.**

a. Eligibility for vocational rehabilitation services will be determined upon the basis of the following:

(1) A determination by a qualified rehabilitation counselor that the applicant has a physical or mental impairment documented by a qualified provider;

(2) A determination by a qualified rehabilitation counselor that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant; and

(3) A determination by a qualified vocational rehabilitation counselor that the applicant requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

b. For purposes of an assessment for determining eligibility and vocational rehabilitation needs, an individual is presumed to have a goal of an employment outcome. The applicant's completion of the application process for vocational rehabilitation services is sufficient evidence of the individual's intent to achieve an employment outcome. If at any time the individual decides to no longer pursue competitive integrated employment, the individual is no longer eligible for division services.

77.6(2) Presumptions. A presumption exists that the applicant who meets the eligibility provisions in subparagraphs 77.6(1)“a”(1) and 77.6(1)“a”(2) can benefit in terms of an employment outcome from the provision of vocational rehabilitation services. Any applicant who has been determined eligible for social security benefits under Title II or Title XVI of the Social Security Act based on the applicant's own disability is presumed eligible for vocational rehabilitation services and is considered an individual with a significant disability. IVRS staff are to verify the applicant's eligibility. Recipients who demonstrate eligibility under subrule 77.6(1) are to also demonstrate need in the IPE under subrule 77.6(3). Nothing in this rule automatically entitles a recipient of social security disability insurance or supplemental security income payments to any good or service provided by the division. Qualified IVRS personnel will identify and document the individual as a recipient of social security benefits based on disability, and the determination of impediments to employment and need for services will be documented by the qualified rehabilitation counselor.

77.6(3) Standards for ineligibility. If the division determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an IPE is no longer eligible for services, including pre-ETS, the division will comply with 34 CFR Section 361.43.

77.6(4) Residency. There is no duration of residency requirement; however, an individual seeking services from the agency must be present and available for participation in services.

[ARC 7751C, IAB 4/3/24, effective 5/8/24; Editorial change: IAC Supplement 5/14/25]