

877—33.5(259) Eligibility for vocational rehabilitation services.**33.5(1) General.**

a. Eligibility for vocational rehabilitation services shall 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.

33.5(2) Presumptions. A presumption exists that the applicant who meets the eligibility requirements in subparagraphs 56.5(1) "a"(1) and 56.5(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 must verify the applicant's eligibility. Recipients who demonstrate eligibility under subrule 56.6(1) must also demonstrate need in the individualized plan for employment (IPE) under subrule 56.6(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.

33.5(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 preemployment transition services (pre-ETS), the division must:

a. Make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, the individual's representative;

b. Inform the individual in writing, supplemented as necessary with appropriate modes of communication, consistent with the informed choice of the individual, of the ineligibility determination, the requirements in this rule, and the means by which the individual may seek remedy for any dissatisfaction, including the procedures for review of IVRS determinations;

c. Provide to the individual the individual's appeal or mediation rights;

d. Provide the individual information on the client assistance program (CAP);

e. Refer the individual to other programs that are part of the one-stop service delivery system under the Workforce Innovation and Opportunity Act (WIOA) that can address the individual's training- or employment-related needs or to federal, state, or local programs or service programs or service providers, including, as appropriate, independent living programs and extended employment providers, best suited to meet the individual's rehabilitation needs if the ineligibility determination is based on a finding that the individual has chosen not to pursue services, or if the individual has decided to pursue subminimum wage employment; and

f. At the request of the individual or representative, as applicable, a review of the decision within 12 months of the date of that decision.

33.5(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.
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