

VII. INDEPENDENT LIVING REHABILITATION SERVICES

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VII. INDEPENDENT LIVING REHABILITATION SERVICES

DEFINITION AND INFORMATION

Independent Living Rehabilitation Services (ILRS) are any appropriate vocational rehabilitation services (as defined under Title I of the Rehabilitation Act) that will enhance the ability of an individual with a significant disability to live more independently and function within his/her family or community and, if appropriate, secure and maintain appropriate employment.

Services may be provided under this title to any individual whose ability to engage or continue in employment, or whose ability to function independently in the family or community is so limited by the severity of the disability that vocational or comprehensive rehabilitation services are required to significantly improve either the ability to engage in employment or to function independently in the family or community. Priority of services under this part shall be given to individuals not served by other provisions of the Rehabilitation Act.

The term "comprehensive services for independent living" means any appropriate vocational rehabilitation service (as defined under Title I of the Rehabilitation Act) and any other available service that will enhance the ability of an individual with disabilities to live independently and function within the family and community and, if appropriate, secure and maintain appropriate employment. Such service may include any of the following: counseling services, including psychological, psychotherapeutic, and related services; housing incidental to the purpose of this section (including appropriate accommodations to and modification of any space to serve individuals with disabilities; appropriate job placement services; transportation; attendant care; physical rehabilitation; therapeutic treatment; needed prostheses and other appliances and devices; health maintenance; recreational services; services for children of preschool age including physical therapy, development of language and communication skills and child development services; and appropriate preventive services to decrease the needs of individuals assisted under the program for similar services in the future.

If/when an individual is in an institution at the time of referral or enters an institution after they have applied for services, their presence in an institution may affect their eligibility for services. A person's eligibility for ILRS services is based in part on the expectation that the individual will be present and able to participate in services. When a person is in an institution, the counselor may conclude that the person will not be available to take part in a rehabilitation program. The presence of an individual in an institution affects that person's ability to meet the reasonable expectation that ILRS may significantly assist the individual to improve his/her ability to function independently in family or community or to engage or continue in employment and maintain independent functioning. One of the main concerns as a counselor is the projected length of the person's stay in the institution. For example, if a person is very ill and must enter a hospital for a lengthy stay, is it reasonable to expect they cannot benefit from services. Examples of institutions in which residents may spend a long period of time are group home placements, human development centers, prisons, nursing homes, and psychiatric hospitals.

ILRS CASE STATUS CLASSIFICATIONS

- 70 Referral/Applicant Status
- 71 Closure from Referral/Applicant Status
- 72 Active Status
- 73 Closure from Active Status (Services Not Completed)
- 74 Closure from Active Status (Services Completed)

ELIGIBILITY

Eligibility requirements will be applied without regard to sex, race, age, creed, color, national origin, or type of disability of the individual applying for services. No group of individuals will be excluded or found ineligible solely on the basis of type of disability. A person who meets basic eligibility requirements cannot be determined ineligible because of their age.

Residence requirements are the same as for VR services.

RESPONSIBILITY FOR DETERMINING ELIGIBILITY

ARS has the sole responsibility for determining the eligibility of individuals for ILR services. This responsibility remains within the Agency and will not be delegated to any other Agency or individual. The Commissioner has delegated the primary duty for this determination to the counselor. The counselor is required to establish documentary evidence to support the decision and must execute a Certificate of Eligibility/Ineligibility for ILR Services. In every case, the Certificate of Eligibility/Ineligibility for ILR Services must be completed prior to authorization of case service funds except for diagnosis.

BASIC ELIGIBILITY REQUIREMENTS FOR ILR SERVICES

The counselor is required to show the following conditions exist for each individual determined eligible for ILR services:

- 1) The individual has a significant physical or mental disability with resulting functional limitations in activities.
- 2) These significant limitations constitute a substantial impediment to function independently in family or community or to engage or continue in employment.
- 3) There is a reasonable expectation that ILR services may significantly assist the individual to improve his/her ability to function independently in family or community or to engage or continue in employment and maintain independent functioning.

The following paragraphs define the basic criteria:

Significant Physical or Mental Impairment means a physical or mental condition that seriously limits one or more functional capacities (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of ability to function independently in family or community or to engage or continue in employment.

Substantial Impediment to Function Independently means an individual's ability to live an independent life is significantly restricted, there is a loss of independence, or an individual needs special help to be independent and that services provided will reduce or correct the resulting functional limitations of the disability, overcome the obstacles to independence and/or will significantly assist the individual to improve his/her ability to function independently in family or community or to engage or continue in employment and maintain independent functioning. Consideration should be given to such factors as medical diagnosis, age, education, appearance, personality, attitude, interest, resources, environment, expressed desires, work history, and work opportunities.

ECONOMIC NEED AND COMPARABLE BENEFITS

Services are based on financial need and comparable benefits will be utilized. Services are intended to be comprehensive and one-time services to enable individuals to live and function independently in the home, family, or community and/or to maintain employment. **Note: Hearing Aides and related services: Title XX SSBG must be considered as the priority funding source if available.**

In all cases, comparable benefits must be considered. If assistive technology is needed, referral to the Assistive Technology AT @ Work program is required for consideration of comparable benefits. (Refer to Appendix B-20).

CERTIFICATION OF ELIGIBILITY/INELIGIBILITY

ELIGIBILITY

The counselor is required to complete the ILRS Certificate of Eligibility/Ineligibility for services in the individuals ECF. The certificate shall contain the individual's name; eligibility date, and signature of the counselor. The counselor shall complete a case note. The certificate must be completed simultaneously with, an individual's acceptance for services.

INELIGIBILITY

When it has been determined that an individual is ineligible for ILR services, the counselor is required to initiate a Certificate of Eligibility/Ineligibility to close the ECF. Ineligibility certification will be made only after full participation with the individual or, as appropriate, parent, guardian or representative after an opportunity for consultation. This certificate will be dated and signed by the counselor and the individual, their parent/guardian or their representative. In such cases, the counselor will notify the individual in writing of the action taken. When appropriate, referral will be made to other agencies and facilities. The individual may appeal the ineligibility determination. ARS

will provide the individual with information on the means by which an appeal can occur, including informal and formal due process procedures, such as administrative review, mediation and review by an impartial hearing officer. The counselor will also provide the individual with information regarding services available from the Client Assistance Program and how to contact the Client Assistance Program.

The basic reasons for ineligible determinations are:

- 1) The diagnostic evaluation fails to establish a significant disability.
- 2) There is no functional limitation to independent living.
- 3) There is no potential for independent living because the prognosis is unfavorable, services were refused or unavailable, the individual is uncooperative, institutionalized, dies, or cannot be located.
- 4) The counselor should be sure the individual understands the purpose of the program and the services that are available.

ILRS INDIVIDUALIZED PLAN

The counselor must complete a plan for services.

The components that the ILRS plan must contain:

- 1) A specific Independent Living Services goal consistent with informed choice,
- 2) Criteria for evaluation of progress toward the ILRS goal,
- 3) Specific ILRS services,
- 4) Projected timelines for initiation and duration of services,
- 5) Entity to provide services and methods for procurement,
- 6) Responsibilities of the individual.

The services, service providers, and all activities selected by the individual must be necessary to meet the ILRS goal.

The individual or representative must sign and date the ILRS plan. The individual or representative must be given a copy of the ILRS individualized plan.

The counselor is the approving authority; therefore, the counselor's signature indicates approval of the ILRS individualized plan.

PROCEDURES – ILRS INDIVIDUALIZED PLAN

- The counselor will inform the individual of the options available for development of an Individualized Living Rehabilitation Services Plan.
- The counselor will inform the individual of the required components of the ILRS Plan.
- (See Forms Appendix E)
- The case management system will generate the status move after required data is keyed for status 72(ILS).
- Document the counseling provided at ILRS Plan development in the case note.

TERMINATION OF SERVICES UNDER AN ILRS INDIVIDUALIZED PLAN

When it has been determined that an individual cannot meet the projected goals, the counselor is required to initiate an Amendment to the ILRS Plan. The reasons for initiating an amendment are:

- 1) The individual does not follow through with the planned program or is uncooperative or
- 2) The individual dies, becomes institutionalized, leaves the state, or becomes too ill to continue the program.

The decision to close the case should be made only with the full participation of the individual, or, as appropriate, the parents, guardian, or other representative, unless the individual is no longer in the State, or his/her whereabouts are unknown. The individual or representative's participation in the decision shall be recorded in the ILRS Plan. The rationale will be recorded on an Amendment to the ILRS Plan certifying that the provision of ILR services has demonstrated that the individual is not capable of functioning more independently in family or community or engaging or continuing in employment. The date of annual review will also be recorded on the Amendment.

RE-OPENING A CASE

A person with a significant disability may re-apply for ILR services at any time after 30 days of closure. In such a situation, the counselor must process the case in a manner similar to an individual applying for the first time. Every effort should be made to review and arrive at a decision on the basis of the present rather than previous conditions.

REVIEW OF INELIGIBILITY DECISION

When a case is closed as ineligible, because there is no reasonable expectation ILR services will significantly improve the individual's ability to function independently, an annual review will take place no later than twelve (12) months from the date of ineligibility determination. This review will be conducted so the individual, their parent, guardian or representative is given full opportunity for consultation in the reconsideration of the decision of ineligibility.

SERVICES

- 1) Counseling services including psychological and psychotherapy, counseling, advocacy services and related services;
- 2) Housing incidental to the provision of any independent living rehabilitation service, including appropriate accommodations to and modifications of any space utilized to serve individuals with significant disabilities;
- 3) Physical and mental restoration services including the services identified in the definition of comprehensive services for independent living;
- 4) Transportation;

- 5) Interpreter services for individuals who are deaf, including tactile interpretation to individuals who are deaf/blind;
- 6) Services to family members of an individual with a significant disability, if necessary, for improving the individual's ability to live and function more independently, or the individual's ability to engage or continue in employment;
- 7) Vocational and other training services including personal and vocational adjustment, when necessary, for improving the ability of an individual with significant disabilities to live and function more independently, or engage or continue in employment;
- 8) Referral services;
- 9) Telecommunications, sensory and other technological aids and devices;
- 10) Services for children of preschool age including physical therapy, development of language and communication skills, and child development services;
- 11) Any other vocational rehabilitation services available under the State Plan for VR services under Title I of the Act, which are appropriate to the independent living rehabilitation needs of an individual with significant disabilities.

MOTOR VEHICLE MODIFICATION POLICY

Administrative exception must be obtained to provide vehicle modification or van lifts for ILRS cases. **For an exception refer to Appendix G.**

NOTE: If an Administrative Exception is granted the following procedures are to be used:

MODIFICATION FOR MOTOR VEHICLES

Purchase and installation of special equipment and/or vehicle modification may be provided to enable the individual to drive their vehicle or an immediate family member or a designated attendant to provide the individual transportation if:

- 1) The individual or vehicle operator has a current operator license, proof that insurance will cover equipment and proof of vehicle ownership.
- 2) Equipment is purchased from an approved vendor.
- 3) Equipment purchase and/or vehicle modification is made to enable an individual to participate in an approved full-time VR training program or employment. Needed equipment must be established as a criterion for evaluation of progress toward the employment outcome or covered in an amendment.
- 4) A vehicle more than five (5) years old and/or a vehicle with more than 50,000 miles has been determined mechanically sound. This requirement does not apply to vehicles less than five (5) years old or with less than 50,000 miles.
- 5) An Assistive Technology evaluation from the AT @ Work program has been completed upon a counselor's request. The evaluation must include an equipment description or specification.
- 6) The individual has been instructed in safe operation and/or use of equipment through a training course.
- 7) A threshold of \$5,000 has been established for van modifications, including lift.
For an exception refer to Appendix G.

The counselor will follow the State Purchasing guidelines.

ARS will purchase **one** van lift and/or van modification per individual regardless of the times a case is reopened. ARS retains title to special equipment until the case is closed. It is the individual and/or family's responsibility to repair the lift and other adaptive equipment after warranty expiration. Driver's training is available at ACTI or ARS may purchase driver training from an approved instructor or Agency.

PROCEDURES—MODIFICATION FOR MOTOR VEHICLES

- Documentation of the action to be taken will be made in the case note.
- Complete referral procedures to the Assistive Technology Program AT @ Work program for an evaluation/assessment. (See Forms Appendix E and Special Programs Appendix B.)
- Secure the Assistive Technology Program AT @ Work evaluation/assessment recommendation.
- Counselor will meet with individual to discuss findings of assistive technology evaluation in accordance with informed choice and with similar benefits.
- The counselor will follow the State Purchasing guidelines. (See VI. Services Table of Contents)
- Refer to ARS Vendor List or secure W-9 from new vendor.
- The case management system will generate the status move after required data is keyed for appropriate Status.
- Key required information into the case management system for ARS Purchased Authorization.
- When device/service is received, verify the individual received device/service and can use device. Document in ECF.
- When billing statement is received, key required information into the case management system for payment. Support staff will be responsible for making payments. Payment will not be processed without an attached bill from the vendor.

NOTE: THIS SERVICE CANNOT BE PLANNED ON THE ILRS Plan OR AMENDMENT UNTIL THE ASSISTIVE TECHNOLOGY EVALUATION HAS BEEN PERFORMED.