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[5 CSR 20-500](#)

Section 300 ELIGIBILITY

300 BASIC ELIGIBILITY REQUIREMENTS

300.1 Definitions

Physical or mental impairment

- Any physical or mental disability resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, intellectual disability, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation (VR) needs to cause comparable substantial functional limitation.

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Substantial impediment to employment

- A physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) that hinders an individual from preparing for, entering into, engaging in, advancing in, or retaining employment consistent with the individual's abilities and capabilities.

Employment outcome

- An individual entering, advancing in, or retaining full-time or, if appropriate, part-time competitive integrated employment (including customized employment, self-employment, telecommuting, or business ownership), or supported employment that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Competitive Integrated Employment

- Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that
 - Is greater than or equal to the minimum wage in the state of Missouri;
 - Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and
 - In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
 - Is eligible for the level of benefits provided to other employees; and
- Is at a location
 - Typically found in the community; and

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- Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and
- Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

300.2 Assessment for Determining Eligibility and Disability Priority for Services

- The counselor must review/assess existing data
 - to determine if an individual is eligible for services and
 - to assign Disability Priority under an order of selection for services
- A review and assessment of existing data may include
 - counselor observations from the initial interview,
 - medical/psychological/educational records,
 - Social Security benefit documentation,
 - other agency records, and
 - other information provided by the individual or individual's family
- Upon review of the existing data, the counselor should be able to determine the individual's disability(ies) and identify the specific functional limitations resulting from the individual's disability(ies).
- To the extent existing data does not describe the current functioning of the individual, or existing records are unavailable/insufficient, provision of the following services (conducted in the most integrated setting possible consistent with the individual's needs and informed choice) may be provided/authorized to assist the counselor in making a determination of eligibility:
 - Assistive technology devices/services
 - Personal assistant services

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- Trial work experiences
- Any other support services necessary

300.3 Basic Eligibility Requirements

- Determination of an applicant's eligibility for services is based on the following requirements:
 - A physical or mental impairment, as determined by qualified personnel licensed or certified in accordance with state law or regulation,
 - that constitutes or results in a substantial impediment to employment,
 - and requires VR services to prepare for, secure, retain, advance in, or regain full-time or, if appropriate, part-time competitive integrated employment, (including customized employment, self-employment, telecommuting, or business ownership), or supported employment that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

300.4 Presumption of Benefit

- The counselor must presume that an applicant who meets the basic eligibility requirements can benefit from the provision of VR services in terms of an employment outcome, unless it can be demonstrated by clear and convincing evidence (i.e. high degree of certainty) that the applicant is incapable of benefiting from services due to the severity of the applicant's disability.
- Prior to any determination that an individual with a disability is unable to benefit from VR services due to the severity of that individual's disability, Vocational Rehabilitation must conduct an exploration of the individual's abilities, capabilities and capacity to perform in realistic work situations. The assessment must be conducted in the most integrated setting possible consistent with the individual's needs and informed choice.

300.5 Presumption of Eligibility (Social Security Recipients and Beneficiaries)

- Any applicant who has been determined eligible for Social Security benefits under Title II (SSDI) or Title XVI (SSI-D) of the Social Security Act is:
 - Presumed eligible for VR services
 - Considered an individual with a significant disability

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- Presumptive eligibility does not apply to individuals receiving SSI-Aged or SSDI-Survivor Benefits; however, any applicant who has been determined eligible for Social Security benefits under Title II, and transitions from SSDI to SS Retirement upon reaching full retirement age, would be presumed eligible.
- If an applicant indicates they are receiving SSDI or SSI-D benefits and either cannot provide appropriate documentation or identify the type of social security benefits received, it is the counselor's responsibility to contact the local Social Security office to verify this information.

300.6 Ineligibility Certification

- A certification of ineligibility is required when the counselor determines the individual ineligible for any of the following reasons:
 - Health/Medical: Individual is receiving medical treatment that is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program.
 - Disability is too significant to benefit from services: Individual whose mental and/or physical disability and resulting functional limitations are so significant that the individual cannot benefit from VR services. Also use this code for eligible individuals who later acquire additional disabilities and/or functional limitations that are so significant that the individual cannot continue to benefit from VR services
 - No disabling condition: Individual is not eligible for VR services because no physical or mental impairment exists.
 - No impediment to employment: Individual is not eligible for VR services because his or her physical or mental impairment does not constitute a substantial impediment to employment.
 - Does not require VR services: Individual does not require VR services to prepare for, enter into, engage in, or retain gainful employment consistent with his or her strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.
 - No long-term source of extended services available: Individual who would have benefited from the provision of VR and supported employment services but was determined ineligible because a long-term source of extended services is not available AND is not anticipated to be available. This code is used at the initial eligibility determination only.

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- The counselor should make the ineligibility determination only after providing an opportunity for full consultation with the individual or his or her representative.
- The counselor will inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination and the reasons for that determination/potential case closure. Personal contact is the recommended method of contact in addition to the required written notification.
- Individuals determined ineligible will be referred to:
 - other programs that are part of the one-stop service delivery system under the Workforce Innovation and Opportunity Act that can address the individual's training or employment-related needs; or
 - federal, state, or local programs or service providers, including, as appropriate, independent living programs and extended employment providers, best suited to meet their rehabilitation needs if the ineligibility determination is based on a finding that the individuals have chosen not to pursue, or are incapable of achieving, an employment outcome.
- The closure letter should include the following:
 - Reason for case closure
 - Individual's right to appeal or request mediation services if dissatisfied with closure decision
 - Description of services available from a Client Assistance Program (CAP)
- After closure, VR staff will review within 12 months and then annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome. This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the state, the individual's whereabouts are unknown or the individual's medical condition is rapidly progressive or terminal.

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300.7 Physical or Mental Impairment (Expeditious Review of Records)

- The counselor should act with a sense of urgency when determining eligibility by making the decision as soon as possible after receipt of information.
- Use existing information and/or documentation provided by the individual, the individual's family or other programs and providers as a primary source for eligibility.
- When the individual is receiving SSI-D/SSDI, document proof of benefit was obtained and that it was used to presume eligibility.
- Request (release of information forms) the minimum amount of medical documentation necessary to determine eligibility.
- In those rare instances in which additional information is needed to establish eligibility, the counselor may schedule and authorize the appropriate examination(s).

300.8 Substantial Impediment to Employment

- Upon review of appropriate documentation, the counselor will:
 - determine the disabling conditions and resulting functional limitations, and
 - describe how the functional limitations create an impediment to employment.
- The impediment to employment should be identified, and addressed as appropriate, throughout the vocational planning process and the life of the case.

300.9 Requires Services to Reach an Employment Outcome

- Once the counselor has identified the disabling condition(s), resulting limitations, and substantial impediment to employment, consider and document how services are required for the individual to prepare for, secure, retain, advance in, or regain employment. Place supporting documentation in the case file.
- The counselor is responsible for the determination of eligibility, completion of the Eligibility Determination and notifying the client or his or her designated representative of the eligibility decision.

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300.10 Eligibility Extension

- The counselor has up to 60 days to determine eligibility.
- The counselor will request an extension if eligibility cannot be determined within 60 days of the individual's application for services. Eligibility extension requires the following documentation be obtained prior to the 60th day:
 - Reason for extension and time frame needed to determine eligibility
 - Verbal permission from individual with follow-up letter, or
 - Written permission from individual via extension letter
 - Complete the Eligibility Determination Extension

310 SIGNIFICANTLY DISABLED (SD) CLASSIFICATION

310.1 SD Classification Definitions

- **Category I - Individual with the Most Significant Disability (MSD):**
 - An Individual with a Significant Disability, who is seriously limited in three or more of the following functional capacity areas:
 - Self-care
 - Communication
 - Mobility
 - Self-direction
 - Work tolerance
 - Work skills
 - Interpersonal skills
- **Category II - Individual with a Significant Disability (SD):**
 - An Individual with a Disability who has a severe physical or mental impairment that seriously limits one or two functional capacity areas (listed above) in terms of an employment outcome;
 - Whose vocational rehabilitation can be expected to require multiple VR services over an extended period of time; and
 - Who has one or more physical or mental disabilities or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

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- An applicant who is determined eligible for Social Security Benefits Title II (SSDI) or Title XVI (SSI-D) of the Social Security Act is considered, at minimum, and individual with a significant disability. This does not apply to individuals receiving SSI-A or SSDI-Survivor Benefits.
- **Category III - Individual with a Disability:**
 - Any individual with a physical or mental impairment,
 - Whose impairment constitutes or results in a substantial impediment to employment; and
 - Who can benefit in terms of an employment outcome from the provision of VR services.

310.2 SD Classification Procedure

- The functional limitations selected must be expected to be permanent, ongoing, and seriously limiting with respect to employment.
- Comments should be made to clarify the endorsement of any functional limitation which is not clearly documented in the case file.
- Information contained in the eligibility determination, application documentation/initial interview case note, and medical, psychological, or academic records must substantiate how the disability/functional limitations create an impediment to employment.
- Complete Disability Priority in association with the Eligibility Determination and mail appropriate eligibility letter.

320 ORDER OF SELECTION – DISABILITY PRIORITY CATEGORIES

320.1 Order of Selection and Disability Priority Categories – Guidance

- In the event VR services cannot be provided to all eligible individuals with disabilities in the State of Missouri, VR will implement a statewide Order of Selection.

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- In accordance with the following disability priority categories, individuals with the most significant disabilities will be selected first for the provision of VR services. Services shall be provided based upon the eligible individual's placement in one (1) of the following disability priority categories:
 - Disability Priority Category I: An individual with the most significant disability
 - Disability Priority Category II: An individual with a significant disability
 - Disability Priority Category III: An individual with a disability
- An eligible individual will:
 - be placed in the appropriate disability priority category;
 - receive written notification of the assigned disability priority category; and
 - be notified of his or her right to appeal his or her category assignment.
- An eligible individual's placement in a disability priority category is decided at eligibility. If additional information is received after the determination of eligibility which would indicate his or her qualification for a higher disability priority category, document such information in a case note in the case management system. If this move to a higher disability priority category results in the need to release the client from the waiting list, submit a request to Central Office Field Operations for the release.
- Rationale for disability priority category placement must be documented.
- The order of selection or closing of a disability priority category shall in no way affect:
 - The provision or authorization of diagnostic and evaluation services needed to determine eligibility.
 - The eligible individual's access to services provided through VR's information and referral system.
 - Services already authorized or provided to any eligible individual.
 - The provision of post-employment services.
- If an eligible individual is placed in a disability priority category not currently being served, refer the individual to federal or state programs, including programs carried out by other components of the statewide workforce development system, best suited to address the specific employment needs of the individual with a disability.

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- Eligible individuals who are in a disability priority category not currently being served shall be provided
 - a notice of the referral by Vocational Rehabilitation to the agency carrying out the program;
 - information identifying a specific point of contact within the agency to which the individual is being referred; and
 - information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain or regain employment.
- Exemption: Eligible individuals who are at immediate risk of losing employment and require specific services or equipment to maintain employment are not subject to the order of selection for only those specific services or equipment to maintain employment.
 - The term “immediate risk” means the eligible individual would almost certainly lose his or her current job if not provided specific services or equipment in the very near future that would enable him or her to retain that employment.

NOTE: The individual remains in the order of selection for the purpose of receiving any other VR services not covered by the exemption. This means if the individual needs services not directly tied to maintaining current employment, the individual’s ability to receive those services from Vocational Rehabilitation depend on the individual’s placement in the order of selection.

320.2 Procedure

- The counselor should complete Disability Priority identifying the disability priority category to which the individual has been assigned and determine eligibility.
- Once eligibility and the disability priority category are determined, send the individual appropriate written notification of eligibility including his or her assigned disability priority category.
- If the individual is determined eligible, and assigned to a disability priority category not currently being served, send eligibility letter to include the following information:
 - Eligibility determination
 - Disability priority category assignment

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- Individual's right to appeal, and information on Client Assistance Program (CAP)
- Referral to Missouri Job Center or other federal or state programs, including programs carried out by other components of the statewide workforce development system, best suited to address his or her specific employment needs
- To maintain a current waiting list, the following practices should be followed:
 - The counselor should attempt phone contact with the client and/or client's contact numbers no less than every six months, and document the outcome of that contact in the case management system.
 - If unable to contact by phone, the category review letter requesting a response should be mailed to the client, and
 - If the client indicates he or she wants to remain on the waiting list, the above process will be repeated at least every 6 months.
 - If the client does not respond to the category review letter within fifteen (15) days, phone contact should be made with the client and/or client's contact numbers and the outcome of that contact documented in the case management system. If unable to contact by phone, proceed with case closure.
- Central Office will notify VR staff via email when funds are available and clients are removed from the waiting list.
- Once released from the waiting list,
 - attempt to contact client by phone
 - if the client expresses interest in pursuing services, schedule an appointment to proceed with vocational planning and providing services
 - if unable to reach the client by phone, send the Delayed Status Release Letter within two (2) days
 - if contact cannot be established within thirty (30) days of the release date, proceed with case closure

330 TRIAL WORK EXPERIENCES

330.1 Procedure

- Prior to any determination that an individual with a disability is incapable of benefiting from VR services due to the severity of that individual's disability,

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the counselor must obtain clear and convincing evidence (i.e., high degree of certainty) that the client cannot benefit from services in terms of an employment outcome.

- Prior to any determination that an individual with a disability is incapable of benefiting from services, a Trial Work Plan must be developed to assess the individual's abilities, capabilities, and capacity to perform in realistic work situations. The assessment must be conducted in the most integrated setting possible consistent with the individual's needs and informed choice.
- In order to obtain clear and convincing evidence (i.e. high degree of certainty), conduct an exploration of the individual's abilities, capabilities and capacity to perform in realistic/integrated work situations using trial work experiences.
- If the counselor determines that trial work experiences are needed for individuals who are determined Most Significantly Disabled (MSD), the following tasks are required:
 - Determine Disability Priority
 - Develop a written Trial Work Experiences Plan with the client.
 - If services are being purchased, complete the appropriate authorization in accordance with the written plan.
 - Follow up as outlined in the written plan.
 - Provide additional diagnostic services as needed.
- If the individual is determined able to benefit from services:
 - Complete eligibility determination.
 - If the individual is assigned a disability priority category currently being served, complete/send eligibility appointment letter, or
 - If an initial Individualized Plan for Employment (IPE) has been developed, provide IPE/eligibility cover letter.
- If the individual is assigned a disability priority category not currently being served due to insufficient funds:
 - Complete/send wait list letter
- If individual is not eligible for services, or a decision has been reached to close the individual's case prior to eligibility determination:
 - Complete/send appropriate closure letter