# Vocational Rehabilitation Services Manual A-200: Customer Rights and Legal Issues

Revised September 1, 2020

## A-207: Confidentiality and Use of Customer Records and Information

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### A-207-2: Obtaining Customer Information

Customer information usually is obtained from:

* the customer;
* another individual; and/or
* various agencies and organizations.

To authorize release of customer information at the time of application, the applicant completes and signs the [VR5060, Permission to Collect Information](http://intra.twc.state.tx.us/intranet/gl/html/vocational_rehab_forms.html).

Refer to [A-210: PIN and Signature Procedures](https://twc.texas.gov/vr-services-manual/vrsm-a-200%22%20%5Cl%20%22a210) for more information on signatures.

#### Release to Obtain Records from Other Agencies

Other agencies and organizations usually require written permission from the individual before releasing personal information (e.g., medical, psychiatric, psychological, and/or social history records) to Texas Workforce Solutions Vocational Rehabilitation Services (TWS-VRS).

When an agency or organization requires that the customer sign the agency's own release form before providing information to TWS-VRS, including requests for alcohol and drug abuse patient records:

* obtain the customer's signature on the other agency's or organization's form, and
* return the signed form to the other agency or organization.

All applicants and recipients of services and, as appropriate, those individuals' representatives, must be informed of the confidentiality of personal information and the reasons for accessing this information. The requirements for the protection and use of confidential information are under 34 CFR §361.38.

Sometimes, the information source is subject to federal or state law limitations not always consistent with the legal limitations applicable to TWS-VRS. When an information source questions how TWS-VRS protects the confidentiality of customer information, the source may be provided with a copy of this chapter.

If the source has more stringent controls than TWS-VRS:

* accept the information;
* advise the source that a written statement must be clearly attached to the information, or that a stamp must be imprinted on all documents that
	+ explains the restrictions on release,
	+ identifies the person or organization imposing the restriction, and
	+ identifies the source of the restriction (if the restriction is based on a statute or regulation, the written statement or stamp must clearly identify the statute or regulation);
* file the information and the written statement together so it will be clear that the statement goes with the information; and
* ensure that the imprinted stamp is affixed to all files and is clearly visible.

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## A-209: Valid Release Authorized by the Customer or a Representative

When the customer or his or her representative submits a valid release, that is, a properly completed written request for information, the VR counselor must provide in a timely manner the information requested from the customer's case file. The following are valid releases and are accepted by VR:

* A properly completed [VR1517-2, Authorization for Release of Confidential Customer Records and Information](http://intra.twc.state.tx.us/intranet/gl/html/vocational_rehab_forms.html);
* [Social Security Administration (SSA) Form SSA-827, Authorization to Disclose Information to the Social Security Administration (SSA)](https://www.ssa.gov/disability/professionals/ssa827_informationpage.htm), version dated April 2009 or later (versions of Form SSA-827 dated before April 2009 are not valid and must not be honored); or
* An authorization or form provided by the customer, which, after evaluation on a case-by-case basis, has been found to meet the criteria set forth below.

To qualify as a valid release, a customer's authorization form must:

* be in writing (either handwritten or typed);
* identify the records or other information to be released;
* be signed by the customer or a representative;
* be dated;
* identify the individual (as appropriate, by name, telephone number, address) or entity to whom VR is authorized to release the information; and
* be specifically directed to VR. (Exception: Release forms that are not addressed, or releases addressed "To Whom It May Concern" or "To Custodian of Records," are valid if they identify the records to be released as VR records.)

Refer to [A-210: PIN and Signature Procedures](https://twc.texas.gov/vr-services-manual/vrsm-a-200%22%20%5Cl%20%22a210) for more information on signatures.

### A-209-1: Examples of Invalid Releases

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## A-210: PIN and Signature Procedures

RHW automatically assigns the last four digits of a customer's SSN as a pseudo (temporary) personal identification number (PIN) when the initial contact is created.

The customer sets a new four-digit PIN:

* before completing the application for services; and
* at any time that the PIN is reset throughout the life of the case.

For more information about setting and resetting a PIN in RHW, see the [ReHabWorks User's Guide, Chapter 8: PINs](https://intra.twc.texas.gov/intranet/manuals/rhwhelp/ch8.htm) and [PIN Procedures for Applications, Individualized Trial Work Plans, Individualized Trial Work Plan Amendments, IPEs and IPE Amendments.](https://intra.twc.texas.gov/intranet/vrs/docs/pin-procedures.docx)

The customer enters a PIN as a signature of authorization on the application and on all other electronic RHW documents that require a signature of authorization (for example, the IPE and any IPE amendment).

When the customer is setting his or her PIN, VR staff encourages the customer to use a number that is easy to remember and is not the last four digits of the customer's SSN. (RHW uses the last four digits to create the pseudo PIN.) The customer should make a personal note of the PIN and keep it where it can be found easily.

VR staff must not record the PIN or any type of prompts or hints that could inadvertently compromise the confidentiality of the PIN in the customer's case record.

### A-210-1: Parent or Guardian Signature

The signature of either a parent or guardian is required when the customer is:

* a minor (that is, under 18 years of age); or
* legally incompetent and assigned a legal guardian.

Usually a foster parent is not the legal guardian for his or her foster child and cannot sign an application for services, releases, or the IPE on behalf of the child. The child's managing conservator has the legal authority to sign these documents. Locate the conservator by contacting the nearest office of the Texas Department of Family and Protective Services.

Under Texas law, an individual who is under 18 years of age and is legally married is not considered a minor. Customers under 18 years of age must provide documentation of marriage if they assert that they are their own legal guardian.

When required, the parent or guardian sets a PIN in RHW. When parents or guardians set their PIN, VR staff encourages them to use a number that is easy to remember and is not the last four digits of the customer's SSN. (RHW uses the last four digits to create the pseudo PIN.) The parent or guardian should make a personal note of the PIN and keep it where it can be found easily.

VR staff must not record the PIN or any type of prompts or hints that could inadvertently compromise the confidentiality of the PIN in the customer's case record. For more information about setting a PIN in RHW, see the [ReHabWorks User's Guide, Chapter 8: PINs](https://intra.twc.texas.gov/intranet/manuals/rhwhelp/ch8.htm) and [PIN Procedures for Applications, Individualized Trial Work Plans, Individualized Trial Work Plan Amendments, IPEs and IPE Amendments.](https://intra.twc.texas.gov/intranet/vrs/docs/pin-procedures.docx)

When required, VR staff asks the parent or guardian to:

* enter the PIN in the designated field on the RHW document; or
* sign on the designated signature line on the paper version of the form.

### A-210-2: Representative's Signature

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### A-210-3: When VR Staff Members May Enter a PIN on Behalf of a Customer

A PIN is the equivalent of a legal signature. VR staff must not enter it in RHW without the direct consent and involvement of the customer.

The only circumstances under which VR staff members may enter a pseudo PIN in RHW on behalf of the customer are as follows:

* The customer completed a paper application when RHW was not available; or
* The customer is not present when the PIN needs to be entered but did agree to let VR staff enter a pseudo PIN on his or her behalf; or
* The customer cannot physically enter a PIN.

For more information about setting and resetting a PIN in RHW, refer to the [ReHabWorks User's Guide, Chapter 8: PINs](https://intra.twc.texas.gov/intranet/manuals/rhwhelp/ch8.htm) and [PIN Procedures for Applications, Individualized Trial Work Plans, Individualized Trial Work Plan Amendments, IPEs and IPE Amendments.](https://intra.twc.texas.gov/intranet/vrs/docs/pin-procedures.docx)

### A-210-4: When RHW Is Not Available and Paper Phase Documentation Is Completed.

As soon as RHW is available, create the pseudo PIN using one of the following two procedures, depending upon the circumstance:

#### When a Customer Has a PIN

If the customer has already set his or her PIN, ask a member of the unit management team to:

* reset the PIN to the last four digits of the customer's SSN; and
* document the action in a case note.

#### When a Customer Does Not Have a PIN

If the customer has not already set his or her PIN, the VR counselor:

* enters the information from the signed paper form into RHW; and
* enters the pseudo PIN (last 4 digits of SSN) to sign the RHW form.

For more information on PIN Procedures, refer to [PIN Procedures for Applications, Individualized Trial Work Plans, Individualized Trial Work Plan Amendments, IPEs and IPE Amendments.](https://intra.twc.texas.gov/intranet/vrs/docs/pin-procedures.docx)

VR staff documents in a case note the use of the pseudo PIN and the reason for using.

The following signed paper documentation must be kept in the paper case file, even after recording the information in RHW:

* Application;
* Individualized trial work plan;
* Individualized trial work plan amendment;
* Individualized plan for employment (IPE); and
* Individualized plan for employment (IPE) amendment.

VR staff must ask the customer to reset the PIN on his or her next visit to the VR office, when RHW is available.

#### When the Customer Is Not Present

A customer does not have to be present to :

* apply for services:
* develop an individualized trial work plan;
* develop an individualized trial work plan amendment;
* develop an individualized plan for employment (IPE); or
* develop an individualized plan for employment (IPE) amendment.

The document is not complete and valid until a signature is obtained.

If the customer is not able to come into the office in a timely manner, the VR counselor asks the VR Manager, VR Supervisor, or their designee to:

1. verify permission directly with the customer;
2. reset the PIN to the last four digits of the customer's SSN; and
3. document the reason for resetting the PIN in a case note.

The next time that the customer is in the office and RHW is available, the VR counselor:

1. asks the customer to reset the PIN to a new number; and
2. documents the action in a case note.

For more information on PIN procedures when the customer is not present, refer to [PIN Procedures for Applications, Individualized Trial Work Plans, Individualized Trial Work Plan Amendments, IPEs and IPE Amendments.](https://intra.twc.texas.gov/intranet/vrs/docs/pin-procedures.docx)

#### Customer Cannot Physically Enter the PIN

When a customer cannot physically enter a PIN in RHW, VR staff:

1. asks a coworker to serve as a witness;
2. enters the witness's name in RHW in the appropriate space; and
3. enters a PIN for the customer.

### A-210-5: Signature Procedures

When signatures are required, VR staff must work with customers to obtain their signatures, using encryption when required, through one of the following methods:

* obtaining handwritten signatures;
* obtaining digital signatures using an approved software option. Examples of approved software to collect digital signatures include Adobe and DocuSign (when it is an option for a TWC-VR form). Approved software including Adobe and DocuSign can be used on smart devises (i.e. tablets and phones); or
* sending a copy of the document to the customer when the customer has the equipment necessary to print, sign, and return an electronic copy of the signed form (such as a photo or scanned copy).

In circumstances in which VR staff cannot obtain a handwritten or digital signature, VR staff may obtain an email from the customer indicating agreement for his or her signature on the form. For release forms and the Computerized Criminal History form, follow the procedures listed in [Alternative to Obtaining Signatures on VR Release Forms and the Computerized Criminal History](https://intra.twc.texas.gov/intranet/vrs/docs/release-form-signature-alternatives.docx).

When obtaining an email from the applicant or customer indicating agreement for his or her signature, staff must document that the applicant or customer has reviewed the form and authorized the VR counselor to sign (enter form name) on his/her behalf. The VR counselor will copy and paste the email into the case note, including the email from the applicant or customer stating the agreement. When the form is printed, this email is to be attached to the form.

## A-211: Accessing Customer Records in ReHabWorks

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