# Vocational Rehabilitation Services Manual B-300: Determining Eligibility

Revised August 24, 2018

## B-303: Four Basic Eligibility Criteria for VR Services

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### B-303-2: Extension of Time for Determining Eligibility

When the VR counselor cannot determine eligibility by the 60th day after the date the customer signs the application:

1. inform the customer of the exceptional and unforeseen circumstances (beyond VR control) that are delaying eligibility determination;
2. obtain agreement from the customer that the extension of time (EOT) is necessary;
	* If the customer does not agree document their decision and explain to the customer that eligibility cannot be determined at this time. Proceed to close the case and explain to the customer the right to appeal and provide the "Can We Talk" brochure to the customer.
3. document the reasons for the extension of time in a case note in ReHabWorks (RHW); and
4. complete the extension of time page in RHW.

When completed prior to the eligibility due date, the first EOT for eligibility determination does not require any supervisory approval. However, if the eligibility due date has already passed and an EOT was not completed, the VR Supervisor must review and approval the EOT prior to the EOT for eligibility being entered in RHW. Any additional EOT's (past the first one), regardless of whether or not the additional EOT is completed prior to the end date of the current EOT, also require VR Supervisor review and approval.

When completing the EOT for eligibility in RHW, document the justification for the EOT in the comments section of the EOT for Eligibility page; an additional case note is not required.

If the VRC cannot contact the customer to obtain agreement to complete the EOT for eligibility by the 60th day, the VRC must consult with the VR Supervisor prior to closing the case as ineligible.

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## B-308: Assessments

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### B-308-1: Required Assessments and Policy for Selected Conditions

For all conditions, medical records must be obtained from the appropriate licensed professional and placed in the customer's case file before determining eligibility. The only exception to this requirement is for customers with an observable impairment or for customers with proof of Supplemental Security Income (SSI) or Social Security Disability Income (SSDI).

The Table of Required Assessments and Policy for Selected Conditions below includes only content related to eligibility determination. See [VRSM C-700: Medical Services](https://twc.texas.gov/node#6747) for information about services.

The following sections include information about obtaining and using assessments and a table of condition-specific assessments or related documentation required before the VR counselor can make an eligibility determination, and policy governing eligibility for customers with those conditions.

Eligibility determinations must comply with the condition-specific assessments and policy in the following table. Review this table before making an eligibility determination.

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| Table of Required Assessments and Policy for Selected Conditions |
| **Condition** | **Required Assessments** | **Policy** |
| AIDS/HIVSee [Counselor Desk Reference A1: AIDS/HIV](http://intra.twc.state.tx.us/intranet/vrs/html/counselor-desk-reference.htmlhttp%3A/intra.twc.state.tx.us/intranet/vrs/cdr/cdr-a1-aids-hiv.docx). |   | VR does not provide HIV testing because it is available through the [Texas Department of State Health Services HIV and STD Program](http://dshs.texas.gov/hivstd/).See also C-701-1: Professional Medical Services, Restrictions. |
| AsthmaSee [Counselor Desk Reference A24: Respiratory Disease](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-a24-respiratory-disease.docx). | * Evaluation by physician trained in allergic conditions, or
* Exam by physician specializing in lung diseases

Use [DARS3102, Pulmonary Evaluation Report](https://twc.texas.gov/forms/index.html). |   |
| Back disordersSee [Counselor Desk Reference A4: Back Disorders](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-a4-back-disorders.docx). | The VR counselor must have:* treating physician's:
	+ radiographic evidence of an abnormality; or
	+ medical history of back surgery; or
	+ clear diagnosis and prognosis based on physical findings; and
* medical documentation of functional limitations persisting for at least 90 days before eligibility.
 | See information about back surgery and steroid injections in C-703-2: Back or Neck Treatment. |
| CancerSee [Counselor Desk Reference A6: Cancer](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-a6-cancer.docx). | [DARS3112, Cancer Disability Medical Report](https://twc.texas.gov/forms/index.html), completed by the:* referring physician;
* clinic; or
* hospital.
 | Cancers include all carcinomas and sarcomas of the internal organs (muscles, bones, nerves, brain, or glands) and lymphomas and leukemia. The completed DARS3112 must contain information about the general prospects for the customer's life expectancy and work capabilities.If a poor prognosis prevents the case from being accepted, The VR counselor may decide with the attending physician how the "non-acceptance" will be conveyed to the patient.Screening procedures for cancer (for example, mammograms or Pap smears) are not considered part of the VR diagnostic procedure.Also, see C-701-1: Professional Medical Services and C-703-19: Mammograms, Pap Tests, and Colonoscopy. |
| Cardiac DisordersSee [Counselor Desk Reference A7: Cardiac Disorders](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-a7-cardiac-disorders.docx). | Use [DARS3103, Cardiac Evaluation Report](https://twc.texas.gov/forms/index.html) or a comparable documentation. | See informational about cardiac catheterization or angiography in C-703-5: Cardiac Catheterization or Angiography and C-703-32: Specialized Physical Restoration Programs. |
| DentalSee [Counselor Desk Reference A10: Dental](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-a10-dental.docx). |   | Missing teeth are not considered an impairment for the purpose of determining eligibility.See information about dental treatment, including maxillofacial services, in C-703-8: Dental Surgery and Treatment and C-701-2: Medical Services Required Review and Approvals Policy. |
| DeafSee [Counselor Desk Reference C1: Deaf and Hard of Hearing](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-c1-deaf-hard-of-hearing.docx).See also the Hard of Hearing section of this table, below. | Use [DARS3105A, Hearing Evaluation Report Customer Questionnaire](https://twc.texas.gov/forms/index.html). | See information about cochlear implant in C-703-7: Cochlear Implant and Bone Anchored Hearing Aid surgery. |
| Ear diseases and other conditions of the auditory system that result in a hearing lossSee [Counselor Desk Reference C1: Deaf and Hard of Hearing](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-c1-deaf-hard-of-hearing.docx). | Current evaluation by an otologist, otolaryngologist, or ENT/EENT specialist. Use [DARS3105B, Hearing Evaluation Report Otological Examination.](https://twc.texas.gov/forms/index.html)Current evaluation by licensed audiologist. Use [DARS3105C, Hearing Evaluation Report Audiometric Examination.](https://twc.texas.gov/forms/index.html) Documentation of social, educational, and/or psychological hearing loss implications from licensed audiologist or specialist in deafness rehabilitation. | Ear diseases and other conditions of the auditory system may cause substantial impediments to employment if the customer has a:* "ski slope" audiogram;
* profound unilateral hearing loss;
* vocational objective requiring a high degree of hearing sensitivity;
* poor adjustment to hearing loss;
* multiple disabilities; or
* other unusual conditions.
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| Epilepsy (seizure disorders)See Counselor Desk Reference A13: Epilepsy and Seizure Disorders. | Medical records from a neurologistIf the customer is not currently being treated by a neurologist, obtain this evaluation before determining eligibility unless the customer is on SSI/ and/or SSDI. |   |
| FracturesSee Counselor Desk Reference A14: Fractures; Malunion and Nonunion. | If the customer is wearing an external fixation device or an external fixation device has been recommended for the treatment of a fracture, medical records must be reviewed by the medical director before eligibility determination.Nonunion or malunion fractures require medical records from a physician specializing in orthopedics. | Simple fractures are not considered impairments for the purposes of determining eligibility for vocational rehabilitation (VR) services.A fracture that has healed abnormally (malunion) or failed to heal (nonunion) may constitute an impairment for eligibility purposes.Before determining eligibility for customers with fractures (including malunion and nonunion fractures) a review from State Medical Director is needed to confirm the type of fracture. |
| Gallbladder diseaseSee [Counselor Desk Reference A15: Gallbladder Disease](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-a15-gallbladder-disease.docx). |   | Obtain VR Supervisor approval before The VR counselor determine eligibility. |
| Gynecological condition |   | Screening procedures for cancer (for example, mammograms or Pap smears) are not allowable VR diagnostic procedure.Obtain VR Supervisor approval before determining eligibility. |
| Hard of HearingSee [Counselor Desk Reference C1: Deaf and Hard of Hearing](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-c1-deaf-hard-of-hearing.docx).See also the Deaf section of this table, above. | Audiometric evaluation (including audiogram) that documents level and type of hearing loss. Documentation older than six months may be used to determine eligibility.Use DARS3105A, DARS3105B, and DARS3105C, Hearing Evaluation Report, or the equivalent. | See information about hearing aids in C-704-10: Hearing Aids. |
| HerniaSee [Counselor Desk Reference A19: Hernias](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-a19-hernias.docx). |   | Obtain VR Supervisor approval before determining eligibility. |

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## B-310: Trial Work Services

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### B-310-8: Trial Work for Disability Too Significant to Benefit from Services Closure

At any point after eligibility has been determined, the VR counselor must evaluate the customer in multiple realistic work settings using trial work before closing the case with the closure reason "Disability Too Significant to Benefit from Services".

Closing a case in pre-trial work as "Disability Too Significant to Benefit from Services" requires VR Supervisor approval. Refer to B-604-1: Disability Too Significant to Benefit from Services for specific closure processes and procedures.

#### Level of Significance

Trial Work services can be used only with customers whose disability is expected to meet the criteria of "significant" or "most significant." Refer to B-309: Establishing Level of Significance for more information about determining and updating the level of significance.

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## B-312: Closing a Case Ineligible or before Eligibility Determination

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### B-312-2: Closing a Case after Determining the Customer Ineligible

There are four reasons a case may be closed as ineligible:

* No impediment to employment
* No disabling condition
* VR services not required
* Disability too significant to benefit from services

Before closing any case as ineligible:

* discuss with the customer and/or the customer's representative the reason for the closure; and
* ensure that the case reflects the justification for the decision.

#### Reasons and Procedure for Closing a Case Because of Ineligibility

If after the completion of Trial Work Experiences, the VR counselor determines the customer is unable to benefit from VR services to reach an employment outcome due to the severity of his or her disability, VR Supervisor approval is required prior to closing the case. Refer to [B-604-1: Disability Too Significant to Benefit from Services](https://twc.texas.gov/vr-services-manual/vrsm-b-600%22%20%5Cl%20%22b604-1) for detailed processes and procedures for closing the case. .

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