# PART B, CHAPTER 3: INITIAL CONTACTS AND APPLICATIONS

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| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part B, Chapter 3 | 34 CFR [§361.37](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-361#361.37), [§361.41](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-361#361.41), TWC Rule [§856.19](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=19), and [Section 7(a)](https://www.ssa.gov/OP_Home/comp2/F093-579.html#:~:text=Sec.,his%20social%20security%20account%20number.) of the Privacy Act of 1974 | All TWC-VR staff | 09/03/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to prompt and equitable processing of referrals and applications for TWC-VR services.

## DEFINITIONS

Applicant: An individual who has completed and signed an application for TWC-VR services and has begun the steps necessary to make a determination of eligibility.

Diagnostic Interview: Interview with applicant for TWC-VR services during which a VR Counselor obtains information relevant to the determination of eligibility, while developing a rapport and building trust. It is an opportunity to identify knowledge, skills, abilities, support systems, and key attributes from the applicant's perspective.

Good Faith Effort: When TWC-VR staff make three or more attempts to contact the customer, on more than one date, and using more than one method of contact (e.g., phone, email, SARA).

Initial Contact: When TWC-VR staff confirm with the individual that they want to apply for TWC-VR services; this step prompts the scheduling of the application.

Referral: An individual who has contacted or has been referred to TWC-VR to inquire about the possibility of obtaining TWC-VR services but has not yet applied for services.

## POLICY

### General Overview

Referrals to TWC-VR come from a variety of organizations, partners, and individuals and must be processed as soon as possible. Providing excellent customer service at the initial contact will increase trust, relationship building, engagement, and the provision of services to eligible individuals in a timely manner.

After an individual is referred, the TWC-VR process includes the following:

1. Making initial contact with the individual and, if applicable, their representative;
2. Collecting identifying information and determining whether TWC-VR is the right agency to meet the individual's identified needs;
3. Scheduling an appointment to complete an application for TWC-VR services, and then completing the application with the individual;
4. Obtaining all required signatures on the application and release forms; and
5. Conducting a diagnostic interview.

### Referral

TWC-VR must establish and implement standards for the prompt and equitable handling of referrals of individuals for TWC-VR services, including referrals of individuals made through the one-stop service delivery systems under section 121 of WIOA. The standards must include timelines for making good faith efforts to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority for services.

### Application

An individual is considered to have submitted an application when the individual or, if appropriate, the individual's representative—

1. Has completed and signed an agency application;
2. Has provided TWC-VR information necessary to initiate an assessment to determine eligibility and priority for services; and
3. Is available to complete the assessment process.

### Timelines

Once an individual has submitted an application for TWC-VR services, an eligibility determination must be made within 60 days, unless—

* Exceptional and unforeseen circumstances beyond the control of TWC-VR occur that preclude making an eligibility determination within 60 days, and both TWC-VR and the individual agree to a specific extension of time; or
* An exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out in a Trial Work Experience (TWE).

### Access to Applications

TWC-VR must ensure its application is widely available throughout the State, particularly in the one-stop centers under section 121 of WIOA.

## PROCEDURES

### Referral Types

TWC-VR can receive referrals from a number of community organizations, State agencies, schools, medical clinics, employers, Local Workforce Development Boards (LWDB), Veterans Administration, doctors/providers, Start My VR, and from individuals with disabilities themselves. The TWC-VR staff member who receives the referral must record the source in ReHabWorks (RHW).

Outreach efforts are made by TWC-VR staff to inform potential referral sources and the LWDBs about TWC-VR services and to help the sources make appropriate referrals.

### Workers Compensation Referrals

When TWC-VR receives referrals from Workers' Compensation, there are specific forms and processes that must be followed. Resources include the following:

* *Vocational Rehabilitation Checklist for Customers with Workers' Compensation Cases (VR3414)*: This resource may be used to obtain and discuss important information related to workers' compensation with the individual.
* *Workers' Compensation Contact Verification Letter (VR3415)*: This letter is completed by TWC-VR staff and provided to the individual, when needed, to document their participation in the TWC-VR program.

### Initial Contact

The first contact with an individual is a critical point in the TWC-VR process. The individual not only exchanges information with a TWC-VR staff member but may also form an opinion about the entire agency based on the sincerity and professionalism of that interaction. Initial contact may be made in person, online, by phone, in writing, or by email. If the individual has a legal guardian/representative at the time of the initial contact, the legal guardian/representative may make the initial contact on behalf of the individual, but the individual must be present and involved in the completion of the application for services.

To explain the purpose of the VR program and to develop an understanding of an individual's needs, the TWC-VR staff member should communicate with the individual in a way that best accommodates their limitations and in their preferred mode of communication.

The TWC-VR staff member should be familiar with all services provided through TWC, including TWC-VR, in order to provide accurate information to the referral source regarding the purpose and requirements of these programs.

### Initial Contact Procedures

After making the initial contact with the individual, the TWC-VR staff member must do the following:

* Complete the Initial Contact page in RHW; and
* Assign the case to the appropriate caseload;
  + Consider population indicators to ensure assignment to the appropriate VR Counselor (e.g., Potentially Eligible for Pre-ETS, subminimum wage – 14(c)).
* Complete or schedule the appointment to complete an application for TWC-VR services with the following in mind:
  + The application appointment date must be no later than 30 days after the date of the initial contact, or a good faith effort shown to meet this requirement. A good faith effort is defined as three or more attempts to contact the individual on more than one date and using more than one method of contact (e.g., phone, email).
  + The TWC-VR staff member determines the individual's—
    - Language preference; and/or
    - Need for a translator, sign language interpreter services, reasonable accommodations, assignment to a specialty caseload; and other support services necessary to facilitate the application and eligibility process.
* Provide the individual with contact information for the assigned TWC-VR office and VR Counselor.

### Closing an Initial Contact

An initial contact has not yet applied for TWC-VR services; therefore, it is not closed in the same manner as customers. An initial contact can be closed after TWC-VR staff have made a good faith effort to contact the individual. All attempts must be documented in RHW using the case note topic "Attempt to Contact."

* Though any TWC-VR staff may contact, or attempt to contact the individual, only the VR Counselor can close the case in RHW.
* When the case is closed, the individual must be informed that they can reapply for TWC-VR services at any time in the future and must be provided a copy of the "Can We Talk?" brochure.

### Application

If TWC-VR staff cannot meet with the individual to complete the application for TWC-VR services at the time of the initial contact, the individual is scheduled for an appointment for the earliest possible date. An individual can participate in the application process virtually, or in person, and is not required to provide verification of residency in the State of Texas in order to apply for services. However, the individual must be available to participate in the assessment process.

* The individual or their representative can participate by phone or complete the application at an off-site location, such as in a school or at their home.
* An application is not complete until a signature is obtained from the customer, or the customer's authorized representative, on the application for services.
* A Diagnostic Interview is typically scheduled with the VR Counselor at the same time the application for services is completed.

### Application Procedures

Any individual who wants to apply for TWC-VR services must be allowed to do so. TWC-VR staff may not deny an application to an individual for any reason.

* TWC-VR staff uses the *Application Appointment Letter* in RHW to schedule the appointment.
  + If RHW is not available, TWC-VR staff schedule the appointment and complete the *Application Appointment Letter* in RHW as soon as it is available.
* The individual is encouraged, but not required, to bring the information listed on the *Application Appointment Letter,* which will assist in completing the application and beginning the assessment for eligibility.

Once the application is signed, this is considered the application date and must be entered into RHW, match the date of the applicant's signature, and the timeline to determine eligibility within 60 days begins.

The TWC-VR staff member who is taking the application for services provides copies of the following:

* + VR Program *Application Statement (VR5057)* with the individual's signature from the RHW Application page.
  + "Can We Talk?" brochure, which explains TWC-VR's appeal and mediation procedures.
  + "A Guide for Applicants," which explains—
    - Services and outcomes;
    - Options for developing the Individualized Plan for Employment (IPE);
    - Components of the IPE;
    - The customer's right to appeal; and
    - Services available from the Client Assistance Program (CAP).

TWC-VR staff must explain the basic content of each of the documents and their purpose to the customer. A case note is entered in RHW documenting the date and method the information was provided to the applicant.

The application must be completed in a location that is private enough to maintain the confidentiality of the information provided by the applicant.

During the meeting, TWC-VR staff—

* + Explain to the applicant—
    - Purpose and expected outcomes of TWC-VR;
    - Responsibilities of the applicant;
    - Roles of the VR Counselor and applicant; and
    - Applicant's rights;
  + Explain the circumstances under which the individual's personal information is released:
  + Obtain the signature on the application and forms necessary to collect and disclose information—
    - Notice and Consent for Disclosure of Personal Information (VR5061);
    - Permission to Collect Information (VR5060);
    - Authorization for Release of Confidential Customer Records and Information (VR1517-2); and
    - Consent for Release of Information to obtain a Benefits Planning Query (BPQY) (SSA-3288) for SSI/SSDI recipients;
  + Offer the applicant the opportunity to register to vote following the procedures for Voter Registration; and
  + Acquire, review, and document the information necessary to make a determination of eligibility.

All information collected during the application process can be entered into RHW by any TWC-VR staff member. When RHW is not available, those staff members—

* + Print (when a printer is available) a paper copy of the *Application for VR Services (VR5056)* and VR Program *Application Statement (VR5057)* and record the information by hand or complete the form electronically;
  + Obtain signatures on the completed forms;
  + Transfer the information into RHW as soon as available (including checking the "this is a paper application" box). Enter the application date that matches the signature dates on the paper application form when entering the application date in RHW;
  + Keep a copy of the application in the paper case file after the data has been entered in RHW;
  + File the signed forms in the paper case file; and
  + Mail or email the applicant copies with the applicant's signature from the RHW Application page.

### Diagnostic Interview

After the individual completes the application for TWC-VR services, the VR Counselor must conduct a diagnostic interview with the applicant, which can take up to two hours to complete.

* The primary purpose of the diagnostic interview is to obtain information that is relevant to the determination of eligibility, while developing a rapport and building trust with the applicant. It is an opportunity to identify knowledge, skills, abilities, support systems and key attributes from the applicant's perspective.

If the VR Counselor is unable to complete the Diagnostic Interview at the time the application is completed, it must be completed within two weeks of the application signature.

* During the Diagnostic Interview, the VR Counselor asks about the applicant's disability, the functional limitations and their impact on employment, education, and independence, perception of issues related to their disability and need for TWC-VR services, work history, Social Security status, or any other relevant information.
* For assistance with the Diagnostic Interview, the VR Counselor reviews the Counselor's Desk Reference (CDR) for topics that are relevant to the disability, paying attention to the sample questions listed. For additional information about the applicant's disability, treatment, and the potential impact on employment, consult the Medical Disability Guidelines.
* The Intake Application is the *Application for VR Services (VR5056)*, available electronically for TWC-VR staff via the application menu in RHW, and typically completed during this meeting, or shortly after.
* Exploring the applicant's work and disability history may reveal the need for further diagnostic review. The VR Counselor orders records and/or purchases evaluations as necessary.
* For all reported disabling conditions, medical records must be obtained from the appropriate licensed professional and filed in the applicant's paper case file before determining eligibility. The only exception to this requirement is for applicants with an observable impairment or with proof of Supplemental Security Income (SSI) and/or Social Security Disability Insurance (SSDI) benefits, due to their own disability.

The Diagnostic Interview must be documented in a case note.

### Fast Track

When an individual with a previous case returns to TWC-VR, there is an option called "fast track." This option is available when—

* It is within a year from when their previous case was closed; and
* The customer has the same disability as in their previously closed case.

Fast track is completed in RHW and will copy some of the individual's application information from the previous case to the new case. TWC-VR staff must verify all information, including any wages and monthly financial information, to ensure that the copied information is still accurate.

### Closing an Applicant

If, at any time an applicant's case needs to be closed, prior to making a determination of eligibility, an official closure letter generated in RHW, must be provided to the individual along with the "Can We Talk" brochure. Proceed to close the case. VR staff must document in RHW the date and method the information was provided to the customer.

### Social Security Numbers

TWC-VR staff must ask the applicants to provide a Social Security number (SSN); however, if they refuse, TWC-VR does not deny services or delay any processes solely because of the refusal. It is prohibited for any Federal, State, or local government agency from denying any "right, benefit, or privilege provided by law" on the basis of an individual refusing to disclose their SSN.

If the applicant does not provide an SSN, TWC-VR staff must—

* Obtain a temporary SSN. RHW will provide a temporary SSN automatically. TWC-VR staff must not create random numbers when entering data into RHW.
* Inform the applicant that TWC-VR cannot determine eligibility until receiving documentation that the applicant can legally work in the U.S.

If the SSN provided is already assigned to another customer in RHW, the TWC-VR staff must verify accuracy by viewing the SSN card or other documentation and email [VR.RHWSupport@twc.texas.gov](mailto:VR.RHWSupport@twc.texas.gov).

If the individual (at any point during the VR process) later presents an SSN, TWC-VR staff complete the *RHW Data Correction Request form (VR5158)* and email it to [VR.RHWSupport@twc.texas.gov](mailto:VR.RHWSupport@twc.texas.gov) to replace the temporary SSN. A copy of this form is filed in the customer's case file.

## APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

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| **Date** | **Type** | **Change Description** |
| 09/03/2024 | New | VRSM Policy and Procedure Rewrite |