# Vocational Rehabilitation Services Manual B-300: Determining Eligibility

Revised April 1, 2021

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## B-303: Eligibility Criteria for VR Services

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

If the VR counselor cannot determine eligibility by the 60th day after the date the customer signs the application for services, the VR counselor must:

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 an extension of time (EOT) to determine eligibility is necessary;
3. document in the comments section of the EOT for Eligibility page in RHW
   * the reasons that an extension of time is required, and
   * that the customer is in agreement with the extension of time;
4. complete the EOT for Eligibility page in RHW.

If the customer does not agree to an EOT for determining eligibility for VR services, document the customer's decision in a case note and explain to the customer that eligibility for VR services cannot be determined at this time with the information available. Inform the customer that the case will be closed as ineligible, inform the customer of the right to appeal the decision and provide 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.

If the VR counselor cannot contact the customer to obtain agreement to complete the EOT for eligibility by the 60th day, the VR counselor may consult with the VR Supervisor for guidance on how to proceed with the case. If it is determined that the case should be closed, refer to [VRSM B-600: Closure and Post-Employment Services](https://twc.texas.gov/vr-services-manual/vrsm-b-600) and [B-312: Closing a Case Ineligible or before Eligibility Determination](https://twc.texas.gov/vr-services-manual/vrsm-b-300#b312) for information about closing the case.

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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.

#### Table of Required Assessments and Policy for Selected Conditions

| **Condition** | **Required Assessments** | **Policy** |
| --- | --- | --- |
| AIDS/HIV  See [Counselor Desk Reference A1: AIDS/HIV](http://intra.twc.state.tx.us/intranet/vrs/html/counselor-desk-reference.htmlhttp:/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. |
| Asthma  See [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 [VR3102, Pulmonary Evaluation Report](https://twc.texas.gov/forms/index.html). |  |
| Back disorders  See [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. |
| Cancer  See [Counselor Desk Reference A6: Cancer](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-a6-cancer.docx). | [VR3112, 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 VR3112 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 Disorders  See [Counselor Desk Reference A7: Cardiac Disorders](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-a7-cardiac-disorders.docx). | Use [VR3103, 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. |
| Dental  See [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. |
| Deaf  See [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 [VR3105A, 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 loss  See [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 [VR3105B, Hearing Evaluation Report Otological Examination.](https://twc.texas.gov/forms/index.html)  Current evaluation by licensed audiologist. Use [VR3105C, 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. |
| Epilepsy (seizure disorders)  See Counselor Desk Reference A13: Epilepsy and Seizure Disorders. | Medical records from a neurologist  If 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. |  |
| Fractures  See [Counselor Desk Reference A14: Fractures](https://intra.twc.texas.gov/intranet/vrs/cdr/cdr-a14-fractures.docx). | 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. | A fracture that has healed abnormally (malunion) or failed to heal (nonunion) may constitute an impairment for eligibility purposes.  State Medical Director review is required before determining eligibility. Refer to [VRSM C-703-33: Fractures](https://twc.texas.gov/vr-services-manual/vrsm-c-700#c703-33) for more information. |
| Gynecological condition |  | Screening procedures for cancer (for example, mammograms or Pap smears) are not allowable VR diagnostic procedure. |
| Hard of Hearing  See [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 VR3105A, VR3105B, and VR3105C, Hearing Evaluation Report, or the equivalent. | See information about hearing aids in C-704-10: Hearing Aids. |
| Intellectual Developmental Disorders  See [Counselor Desk Reference B9: Intellectual Disabilities](https://intra.twc.texas.gov/intranet/vrs/cdr/cdr-b9-intellectual-disability.docx). |  | A customer has an impairment in adaptive behavior when he or she cannot successfully accomplish two or more of the following:   * Communication * Self-care * Home living * Social and interpersonal skills * Use of community resources * Self-direction * Functional academic skills * Work * Leisure * Health and safety |
| Psychological Disorders  See the Psychological and Neurodevelopmental Disorders chapters in the [Counselor Desk Reference](http://intra.twc.state.tx.us/intranet/vrs/html/counselor-desk-reference.html). |  | Before eligibility is determined, customers with these disorders must be:  currently receiving needed medication or therapeutic treatment; or  willing to participate in a recommended treatment plan.  See [VRSM C-800: Neurodevelopmental and Psychological Services](https://twc.texas.gov/vr-services-manual/vrsm-c-800). |
| Psychological Disorders somatoform, dissociative, personality, disruptive, adjustment, cognitive, and other mental disorders  See the Psychological and Neurodevelopmental Disorders chapters in the [Counselor Desk Reference](http://intra.twc.state.tx.us/intranet/vrs/html/counselor-desk-reference.html). |  | To be determined eligible, customers with mental disorders in these categories must be participating, or willing to participate, in a structured program to modify their behavior and approach to employment.  See [C-800: Neurodevelopmental and Psychological Services](https://twc.texas.gov/vr-services-manual/vrsm-c-800) for information about mental health restoration service guidelines. |
| Obesity |  | Obesity is not considered an impairment for eligibility determination purposes if it does not meet the criteria of severe (morbid) obesity, that is, a body mass index (BMI) of 40 or greater.  Obesity may be an attendant factor that affects other established disabilities. |
| Pregnancy |  | Pregnancy is not considered an impairment for purposes of eligibility determination, but, the condition does not prevent a customer with a disability from receiving disability-related vocational rehabilitation services. VR does not pay for assessments or medical services related to the pregnancy. |
| Severe (Morbid) Obesity  See [Counselor Desk Reference A20: Morbid Obesity](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-a20-morbid-obesity.docx). |  | For severe obesity to be considered an impairment for eligibility purposes, the customer must have:  a body mass index (BMI) of 40 or greater; and  physical limitations in work capacity measured by a functional capacity assessment (FCA) performed by a physical or occupational therapist.  If the customer is:  employed, an occupational or physical therapist must perform a job analysis to determine the functional requirements of the customer's job; or  unemployed, the customer must be unable to meet the physical demands of the proposed employment goal.  See C-703-27: Surgery for Morbid Obesity for specific requirements for determining whether severe obesity results in an impediment to employment. |
| Substance Use Disorder  See [Counselor Desk Reference B14: Substance-Related and Addictive Disorders](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-b14-substance-related-addictive-disorders.docx). |  | To be determined eligible, customers with substance use disorders must be participating, willing to participate, or have completed a structured program to modify their behavior and approach to employment.  See [VRSM C-806: Substance Use Disorders Services](https://twc.texas.gov/vr-services-manual/vrsm-c-800#c806) for guidance about how the customer's responsibilities are reflected in the IPE.  Exception: A customer with a coexisting brain injury who is unable to benefit from other types of therapeutic programs may use a VR-sponsored post-acute brain injury rehabilitation program to establish involvement in a therapeutic program. |
| Traumatic Brain Injury (TBI)  See [Counselor Desk Reference A5: Brain Injury](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-a5-brain-injury.docx). | Neuropsychological evaluation | When the VR counselor cannot presume that the customer is capable of an employment outcome, refer to B-310: Trial Work Services. |
| Tuberculosis (TB)  See [Counselor Desk Reference A24: Respiratory Disease](http://intra.twc.state.tx.us/intranet/vrs/cdr/cdr-a24-respiratory-disease.docx). |  | Eligibility for VR services requires that the customer has recovered sufficiently so that he or she is no longer considered infectious to VR employees, potential employers, and others.  The customer must:  use effective medications, and cooperate in taking them as prescribed; and  show definite improvement as ascertained by the physician in charge.  The treating physician must state in writing that the person is ready for employment or training.  See C-701-1: Professional Medical Services, Restrictions. |
| Tumors (masses or growths) |  | Non-painful lumps are not considered impairments for the purposes of eligibility determination.  Screening procedures for cancer (for example, mammograms or Pap smears) are not an allowable part of the VR diagnostic assessment. |

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## B-309: Establishing the Level of Significance

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**B-309-2: Updating Level of Significance**

After the initial level of significance is set in ReHabWorks (RHW), the level of significance of a case may be changed if the change is based on additional information that is gathered during the comprehensive assessment.

When the change to the customer’s level of function (not level of significance) is a direct result of VR services, such as physical restoration, rehabilitation technology, or medical devices, the level of significance of the case should not be changed from the level of significance that was designated before the provision of VR services.

For more information about selecting and updating the level of significance in RHW, refer to the [ReHabWorks (RHW) Users Guide C-100 Eligibility, C-102 Level of Significance](https://twcgov.sharepoint.com/sites/ws/vr/co/RHWUserGuide/RUG%20C-100%20Eligibility%20100119.docx).

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**B-309-4: Designating the Level of Significance in RHW**

The level of significance is designated at the time of eligibility on the "Disabilities" page in RHW. It must be entered prior to selecting "yes" or "no" for eligibility in RHW. This ensures that the snapshot of data that is taken at the time that eligibility is determined in RHW, which is reported to Rehabilitation Services Administration (RSA), includes the designated level of significance.

To determine the level of significance of the case, the VR counselor

1. decides on the significance of the disability per the criteria for significance as defined above and supports the designation with information from
   * the customer; and
   * a review of available records and reports.
2. determines that the customer meets all criteria for the selected level of significance and selects the corresponding response in the drop-down menu in RHW;
3. selects one or more capacities in the Limited Functional Capacities page in RHW if "significant" or "most significant " was selected;
4. ensures that the case file reflects evidence of the serious limitations in the limited functional capacity categories selected;
5. documents the rationale for the level of significance selected
   * in a standalone RHW case note;
   * as part of a case note for eligibility; or
   * by completing and filing in the paper file [VR1390, Checklist for Determining Significance of Disability](http://intra.twc.state.tx.us/intranet/gl/html/vocational_rehab_forms.html) (When using the VR1390, a RHW case note must also be entered that states that the form was completed and is in the paper file.)
6. indicates, when completing the IPE with the customer, the need for an extended time to deliver more substantial services beyond the date that the IPE is signed;
7. includes in the IPE any needed interventions for each functional capacity area identified as seriously limited;
8. changes the designation of level of significance of the case if he or she determines that the effect of the disability does not require the extent of services originally planned, or if it is determined that the designation was made in error. Otherwise, the designated level of significance remains throughout the life of the case, even though the customer's functional capacities may improve over the course of the case.

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## B-310: Trial Work Services

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### B-310-3: Trial Work Experience

All policies throughout the VRSM that are related to purchasing, arranging, or providing specific goods or services for VR customers apply to customers that are receiving trial work services. If a good or service has special requirements or restrictions for eligible customers, those same requirements and restrictions apply to customers receiving services through a trial work plan.

Trial work experiences can include supported employment, on-the-job training, Work Experience Services (excluding Paid Work Experience purchased from the Local Workforce Development Boards), Wage Services for Work Experience through WorkQuest, and other experiences using real work settings.

#### Supported Employment as Trial Work Experience

When using Supported Employment for trial work experience, at a minimum, Benchmarks 1, 2 and 3 must be purchased. If a customer achieves Supported Employment Benchmark 5, he or she meets the criteria of eligibility. If at any time while the customer is participating in Supported Employment Services it is determined the customer is eligible for services, an IPE must be implemented to continue supported employment service.

A TWP must include trial work experiences that are of sufficient variety and duration to provide:

* evidence that the customer can benefit from VR services; or
* clear and convincing evidence that the customer cannot benefit from VR services in terms of an employment outcome owing to the severity of his or her disability.

Trial Work experiences must be provided in competitive integrated employment settings to the maximum extent possible, consistent with the informed choice and rehab needs of the individual.

#### Additional Assessments

If existing records do not meet the assessment needs for determining eligibility for services, the VR counselor includes any additional diagnostics and or assessments that are required as planned services in the TWP. Refer to B-300: Determining Eligibility for additional information about requirement for use of existing records to determine eligibility.

#### Services that Require Approval as part of the Trial Work Plan

The following goods or services require VR Manager review and approval when provided as part of a trial work plan:

* Residential modifications
* Worksite modifications
* Durable medical good
* Orthotics and prosthetics
* Services or goods to support any of these items

The following goods or services require Deputy Regional Director or Regional Director review and approval when provided as part of a trial work plan:

* Any services related to self-employment
* Modification of vehicles, except hand controls
* Academic or vocational training
* Medical services specified in VRSM C-700: Medical Services.
* Services or goods to support any of these items

#### Paid Work Experience

Paid Work Experience purchased from the Local Workforce Development Boards cannot be used to meet the requirements for trial work experience.

For more information on Paid Work Experience, refer to the [Requirements for Vocational Rehabilitation Services Provided by Local Workforce Development Boards, Chapter 2: Wage Services for VR Participants in Paid Work Experience](https://twc.texas.gov/partners/board-vr-requirements/paid-work-experience).

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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." Refer to [B-604-1: Disability Too Significant to Benefit from Services](https://twc.texas.gov/vr-services-manual/vrsm-b-600#b604-1) 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](https://twc.texas.gov/vr-services-manual/vrsm-b-300#b309) for more information about determining and updating the level of significance.

#### Twelve-Month Review of Ineligibility Determination Based on Severity of the Disability

When a customer is determined to be ineligible for VR services based on a finding that the customer is incapable of achieving an employment outcome due to the severity of the disability, the customer must be contacted within 12 months (and annually thereafter, if requested by the customer or, if appropriate, by the customer's representative) to discuss whether his or her circumstances have changed and a new application for services should be completed. Document the contact in a case note in RHW.

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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, refer to [B-604-1: Disability Too Significant to Benefit from Services](https://twc.texas.gov/vr-services-manual/vrsm-b-600#b604-1) for detailed processes and procedures for closing the case.

If the customer:

* has no disabling condition - the assessment for eligibility reveals that the customer does not have a disability;
* has no impediment to employment - the assessment for eligibility reveals no substantial impediment to employment; or
* does not require VR services - the customer does not require VR services to prepare for, obtain, retain, or regain employment; already is receiving the needed services; or already has available the needed services without VR services providing, paying for, arranging, or coordinating the services.

Take the following actions to close the case:

1. Before case closure, give the customer an opportunity to fully discuss the decision, including the right of appeal.
2. Refer the customer to:
   * another program; or
   * other programs that are part of workforce development (programs that can address the customer's training or employment needs); and
   * document the referral in a case note.
3. Notify the customer in writing of his or her ineligibility using ReHabWorks form VR5104, VR Ineligibility Notice, and include:
   * reason(s) for the determination of ineligibility;
   * right of appeal; and
   * availability of the Client Assistance Program (CAP).
4. Use the appropriate reason for closing the case.

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