

3200 ECONOMIC RESOURCES

3201 General. The Division will consider participation by clients in the cost of vocational rehabilitation services only during implementation of an Order of Selection. This section provides policy to be used when applying an economic needs test to determine whether and to what extent a client will be required to participate financially in the cost of rehabilitation services. The Counselor will evaluate the client's available resources and ability to manage financial responsibilities as planning is carried out in all phases of the case.

3202 Purpose. The Division's policies regarding economic resources implement provisions of federal regulations by assuring that, when and to the extent appropriate, each client is required to participate in the cost of implementing the rehabilitation plan. Such participation also enhances the client's involvement in rehabilitation plan formulation.

3203 Equitable Treatment. Division policies will be implemented uniformly and objectively to ensure that the level of any financial participation required of a client is equitable and reasonably consistent with that required of other clients whose available economic resources or other pertinent circumstances are similar.

3204 Reviews. To facilitate vocational planning throughout the case, the Counselor and client will jointly review the determination of economic resources annually to determine if the client will be required to contribute to the cost of services; and, as often as may be necessary to assure that the client is treated equitably. Such reviews must be conducted when:

- A. The client's economic resources change; or,
- B. There is a change in the client's exemption status; or,
- C. Expenditure of Division funds covered under this policy are being considered; or,
- D. Services requiring expenditure of Division funds are provided.

3205 Services Requiring Consideration of Economic Resources. The Division's provision of services within the following categories requires the consideration of economic resources and financial participation by the client in the

cost of their delivery under a rehabilitation plan, subject to other provisions of this section:

A. Physical/mental restoration services, (Section 3800 *Diagnostic and Treatment Services*);

B. Transportation provided during any phase of the rehabilitation process other than the referral, application, or program formulation phase, (Section 2800 *Rehabilitation Services*);

C. Occupational licenses;

D. Placement tools, equipment, initial stocks and supplies, (Section 4300 *Support Services*);

E. Rehabilitation training tuition, books and supplies as defined by the college training policy, (Section 3600 *Rehabilitation Training*);

F. Maintenance in support of a vocational goal as outlined under a rehabilitation plan, (Section 4300 *Support Services*);

G. Services to family members of a type which would require economic resource consideration if the same service were provided to the client, (Section 4300 *Support Services*);

H. Telecommunications, sensory, and other technological aids and devices, (Section 3700 *Rehabilitation Technology*);

I. Post-employment services of a type which would require economic resource consideration if provided during the program implementation phase, (Section 3100 *Post Employment Services*);

J. Purchased services required to assist in the establishment of a self-employment project, (Section 2000 *Employment Services*);

K. Room and board provided in support of vocational or other rehabilitation services, (Section 3700 *Rehabilitation Technology*);

L. Clothing and uniforms, (Section 4300 *Support Services*);

M. Rehabilitation technology, (Section 3700 *Rehabilitation Technology*);

N. On the job training (OJT), (Section 3600 *Rehabilitation Training*).

3206 Services Not Subject to Consideration of Economic Resources. The following categories of service are not subject to consideration of an economic needs test to determine if the client has the economic resources for participation in rehabilitation services:

A. Assessment services;

B. Vocational counseling and guidance;

C. Job placement services; (Section 2000 *Employment Services*)

D. Supported employment services; (Section 2900 *Supported Employment*)

E. Any auxiliary aid or service, interpreter services, or reader services that a client requires to participate in vocational rehabilitation (VR) services; (Section 2800 *Rehabilitation Services*)

F. Any VR service if the client has been determined eligible for benefits from Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI); and,

G. Personal assistance services when necessary to achieve an employment outcome and when provided only while the client is receiving other VR services. (Section 4200 *Attendant Care Services*)

H. Pre-Employment Transition Services. (Section 4000 *Transition Services*)

3207 Determining Direct Cost. Direct cost to the Division is defined, for the purpose of this section, as those expenditures accounted by the Division as costs incurred in serving the client. Services provided directly by Division employees are not considered when determining client contribution toward cost of services.

3208 Client Contribution

3208.1 Determining Amount of Contribution. The client's contribution will be determined at the time of each *Economic Resource Survey* annual review. The client's total annual contribution will equal the monthly surplus amount indicated on the most recent *Economic Resource Survey*. The annual Contributions can be set up on a payment plan, if necessary. (Example: a monthly surplus of \$120 might be contributed either as a single, lump-sum payment of \$120 or as contributions of \$10 for each month during the twelve-month period). The total amount contributed will not exceed the total amount of the service(s) on the initial rehabilitation plan or subsequent amendments.

3208.2 Scheduling Contributions. The estimated payment schedule and amount of required contributions will be included on the client's rehabilitation plan. Contributions will be planned and agreed to prior to the encumbrance of Division funds. The final contribution should be scheduled to be received prior to the expected date of case closure. However, in no instance will case closure be delayed when otherwise appropriate simply to complete the contributions. As no method currently exists for the individual to be reimbursed for prepayment of a service that was not received, the Counselor will not accept payment for a service before that service is provided.

3208.3 Methods of Contribution. Every contribution submitted to the Counselor shall be by check or by money order made payable to the "Division of Rehabilitation Services." The Counselor shall not accept currency, or any check or money order made payable to any party other than the Division, or any post-dated check or money order. The Counselor will forward each check or money order to the Division's Fiscal Office immediately upon receipt. In no instance will the check or money order be retained locally.

3208.4 Voluntary Contribution. A client, or other interested party may elect to contribute voluntarily toward the direct cost of any service provided by the Division, including those services not requiring consideration of economic resources. Such voluntary contributions should be encouraged when the consideration of economic resources is not applicable, and the Counselor finds that substantial financial resources are available.

3209 Third Party Payment. Consideration of economic resources is not applicable to any service if the cost of the service will be borne entirely by any third party, and the Division incurs either no cost or only indirect or administrative costs associated with coordinating or monitoring the delivery of the service. If only a portion of direct cost of the service is borne by a third party, the Division's usual policies regarding economic resources are applicable to any remaining portion to be borne by the Division.

3210 Economic Resource Survey

3210.1 Determining Individual(s) to Be Surveyed

A. *Client.* The client shall be included in the survey.

B. *Parent or Guardian.* The parent(s) or guardian(s) shall be included in the survey only when an unmarried applicant or client is age 23 or younger and resides with the parent(s) or guardian(s). The parent(s) or guardian(s) shall be excluded from the survey when the applicant or client is age 24 or over, resides separately, is married, or is a ward of the court.

C. *Students.* Students who live away from home while attending school are considered to reside with their parents if the parents' home is claimed as the permanent residence, the parents provide financial support, the application for financial aid is based upon the parents' income, or the parents claim the student for income tax purposes. Unmarried students under the age of 24 may be considered to reside separately for economic resource purposes only when it can be clearly established that the relationship with their parents has been severed, the student is completely financially independent, and application for financial aid is based solely upon the student's income.

D. *Spouse.* The client's spouse shall be included in the survey, unless the spouse is legally separated by court order. A life partner is not recognized by the State of West Virginia as a spouse and is not deemed a spouse for purposes of this section.

E. *Other Individuals.* Individuals other than the client, or the client's spouse, parent(s), or guardian(s) are excluded from the survey.

3210.2 Income to Be Reported. Gross earned income and all other types of income, either cash or cash equivalent, shall be reported on the *Economic Resource Survey* whether the income will be subject to consideration of economic resources. In no instance will income be excluded by reason of either the source or the nature of the income. As examples, Social Security benefits (SSI, DIB, OASI), pensions, annuity payments, alimony, child support, Workers' Compensation, Department of Health and Human Resources benefits, unemployment compensation, interest, dividends, and private insurance payments, are included in the same manner as are wages and all other types of income, such as gross business profits (revenue after direct costs but before taxes).

3210.3 Determining Gross Earned Income. Gross earned income is the full amount of earned income received during the month before any taxes, benefits or other deductions.

3210.4 Standard Deduction. The Counselor will deduct the amount indicated on Table 3200-1, *Standard Monthly Deduction*, from the total monthly gross income after determining the number of individuals residing within the household who are primarily supported by the-surveyed income.

3210.5 Disability-Related Expenses. When documented in the record of service, ongoing out-of-pocket disability-related expenses may be deducted dollar for dollar. Disability-related expenses are defined as costs resulting from payment of medical services, durable medical equipment, medication, or medical supplies that are a direct consequence of the disabling condition and that constitute an ongoing financial obligation. Disability-related expenses of an immediate family member may be deducted if the family member is included in the income to be surveyed. The costs of medical services or medications for ancillary health problems or temporary illnesses are not considered disability-related expenses. The costs of medical- or disability-related expenses for a family member residing in the home but whose income is not surveyed (such as an elderly relative or adult sibling) will not be considered. Disability-related expenses will be documented on the *Economic Resource Survey*.

3210.6 Assets. Assets such as checking or savings accounts, Certificates of Deposit, 401(k), individual retirement accounts, stocks, bonds, or real or personal property (including land or buildings, business equipment or inventory, etc.) shall **not** be included in the determination of economic resources.

3210.7 Monthly Surplus. The monthly surplus is any amount remaining after deducting the applicable *Standard Monthly Deduction* and any ongoing out-of-pocket disability-related expenses from monthly gross income.

3210.8 Administrative Exception. The District Manager may approve an administrative exception from the Division's policies regarding consideration of economic resources. Based on the client's circumstances, the counselor may request an exception for the contribution payment to be waived or reduced. A justification for the waiver or reduction will be entered on the *Economic Resource Survey*. The District Manager must approve all exceptions by signing the Economic Resource Survey.

3211 Refusal or Failure to Cooperate

3211.1 Refusal to Disclose Required Information. If a client refuses to disclose financial or other information necessary for the determination of economic resources, the Counselor will provide an explanation of the nature and purpose of the required information and of the Division's policies regarding the confidentiality of such information. If the client continues to refuse disclosure of necessary information, the Counselor will inform the client, that the Division will refuse to provide any services to which the consideration of economic resources is applicable until the necessary information has been disclosed.

3211.2 Failure to Disclose Required Information. Promptly upon learning that a client has failed to disclose financial, third party or other information necessary for determination of economic resources, the Counselor will meet with the client and conduct a review and revision of the *Economic Resource Survey* at the earliest practical time. Sponsorship of further Division services to which the consideration of economic resources is applicable prior to completion of the review will require approval by the District Manager.

3211.3 Refusal to Negotiate Amount of Required Contribution. If the *Economic Resource Survey* reveals a surplus and the client refuses to negotiate with the Counselor regarding the amount of the contribution indicated on the rehabilitation plan, the Counselor will advise the client that the Division must establish the amount of the required contribution prior to development and completion of a rehabilitation plan and provision of services. The client will be advised of due process rights to request a review of the decision.

3211.4 Failure to Submit Required Contribution. If the client fails to submit a required contribution, the Counselor will meet or otherwise communicate with the client and attempt to determine why the contribution was not submitted. In some instances, failure to submit a required contribution may suggest a need for review and revision of the *Economic Resource Survey* for renegotiation of the amount of the contribution or for reconsideration of whether an administrative exception should be recommended. If it is determined that the client's failure to submit the contribution is not due to a need for renegotiation, and the counselor has exhausted all attempts to collect the contribution, then the District Manager shall request assistance from the Division's legal consultant.

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Client Services Manual

Table 3200-1, Standard Monthly Deduction

PERSONS IN HOUSEHOLD	DEDUCTION
One	\$3,220.00
Two	\$4,355.00
Three	\$5,490.00
Four	\$6,625.00
Five	\$7,760.00
Six	\$8,895.00
Seven	\$10,030.00
Eight	\$11,165.00
Additional Persons	Add \$1,135 each

Table 3200-1 is based on West Virginia Income Maintenance Manual Appendix A (DHHR) income guidelines.
(January 2021; <300% Federal Poverty Level)

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