

4200 ATTENDANT CARE SERVICES

4201 General. Attendant care services may be provided only when they are crucial to the success of the vocational rehabilitation (VR) effort. *In no instance will attendant care be provided as the sole service.* Attendant care services may be provided only under an approved *Individualized Plan for Employment* (IPE) and only as a supportive service. The individual must be capable of assisting in the selection, training, and supervision of the attendant's scheduled activities.

4202 Supportive Attendant Care

4202.1 Policy. Attendant care must be required to enable the individual to participate in one or more major rehabilitation service(s) that may lead to employment:

A. *Training.* Attendant care may be considered only in instances where the individual is enrolled in full-time post-secondary training. The Counselor may consider attendant care for a full-time college student requiring dormitory residence. Attendant care will be limited to the amount of time specified in the evaluation of the individual's needs described on the *Activities of Daily Living* report.

B. *Physical Restoration.* In the case of an individual for whom services include therapy or physical restoration services, attendant care will be restricted to the particular care needs, such as transfer or mobility assistance necessary for the individual to receive the designated services.

C. *Trial and/or extended work experience.* In some situations, it may become necessary to provide attendant care services during trial and/or extended work experience(s). The total accumulative attendant care provided during the trial and/or extended work experience(s) will be limited to the amount of time specifically required for the individual to participate in the trial and/or extended work experience(s).

4202.2 Evaluation of Need. As part of the formulation of any IPE which includes attendant care services, the Counselor will obtain an evaluation

of the individual's attendant care needs through a Center for Independent Living that is able to provide an evaluation of the individual's activities of daily living needs. The purpose of the evaluation is to assure that any attendant care provided by the Division meets the individual's actual needs. The evaluation report will contain the information described on the *Activities of Daily Living* report form. The actual cost per week will be determined by negotiation up to the maximum indicated later in this section.

4202.3 Individualized Plan for Employment. When developing an IPE which includes attendant care services, the Counselor will carefully address intermediate objectives necessary for the individual to achieve a vocational goal.

4202.4 Resource Exploration. The case record will include documentation of a thorough exploration of all available resources for acquiring attendant care.

4202.5 Maximum Allowance. The maximum allowance for attendant care is the State hourly minimum wage.

4202.6 Authorizing Attendant Care Services. WVDRS-16A, *Maintenance Authorization*, will be used to authorize maintenance for attendant care services. Using those maintenance funds, the individual will be responsible for paying the attendant(s) an agreed upon wage or salary.

4202.7 Economic Need. The provision of attendant care services is not subject to economic need consideration.

4202.8 Documentation. In the *Action/Details* of iECM the case record will document a clear and detailed agreement established between the Counselor and the individual regarding the responsibilities of the individual for the recruitment and training of the attendant(s). There should also be documentation of the individual's living arrangements and the exploration and resolution of any problems which have been anticipated regarding those arrangements, including any assistance to be provided by a training facility.

4202.9 Manner of Payment. The Rehabilitation Counselor should assure that the individual understands that any Division contribution toward payment of the cost of attendant care will be in the form of maintenance to the individual and not to the attendant. It is recommended that the attendant be hired as a self-employed person. If the attendant is hired as the individual's employee, the individual will become responsible for the legal obligations of an employer, including withholding taxes and other payroll deductions.