

Public Meetings and Public Comment Period Summary Comments and Responses

The West Virginia Division of Rehabilitation Services (DRS) sought public input on the draft fiscal year 2014 State Plan and proposed changes to several DRS Client Services Manual sections. West Virginians with disabilities and other vocational rehabilitation stakeholders were encouraged to review and comment on the documents.

DRS held two public meetings in May 2013 and received comments from April 19 to May 13. The public meetings were held on May 1 (in Charleston) and May 2 (in Morgantown). DRS requested comments be submitted in writing via email, fax or mail. The following documents were open for public review and comment:

FY 2014 State Plan attachments:

- Attachment 4.11(c)(1) Goals and Priorities (page 50)
- Attachment 4.11(d) State's Strategies (page 60)
- Attachment 4.11(c)(3) Order of Selection (page 55)

Page numbers refer to the [State Plan for Vocational Rehabilitation and Supported Employment](#).

Client Services Manual sections:

- Section 2100, Determining Significance of Disability
- Section 2400, Intake and Case Management
- Section 2504, Special Considerations for Eligibility (page 11)
- Section 3600, Rehabilitation Training
- Section 3802.5, Specialty Consultations (page 5)
- Section 4304.4, Vehicle Purchase (page 3)

Page numbers refer to the [Client Services Manual of the WV Division of Rehabilitation Services](#).

Public Comments

DRS received nine written responses during the public comment period.

Comment Summary

One comment requested that DRS make no revisions to any existing policies. Seven comments echoed similar concerns regarding the proposed changes to Section 3600, Rehabilitation Training. The primary concern was the proposed discontinued use of DRS funds for college room and board. The commenters were concerned that if DRS and third party funding for college

(e.g., Promise Scholarship) only pay for tuition and fees, that the student and/or family may be forced to take out loans to cover room and board expenses. The commenters requested that DRS continue to pay for room and board, or at the minimum, ‘grandfather’ current DRS consumers who are students that have already committed to housing for the upcoming academic year (e.g., have already provided a non-refundable deposit) by allowing them to continue under the current (prior to July 1, 2013) policy.

DRS Response

DRS appreciates those who attended the public meetings and provided comments to the agency. DRS values public input and always takes all submitted comments and concerns into consideration prior to finalizing any substantial changes in policy. DRS agrees with several aspects of the comments regarding the proposed changes to Section 3600, Rehabilitation Training. DRS will allow consumers with an Individualized Plan for Employment (IPE), approved prior to July 1, 2013, that includes the use of DRS funds for college room and board to continue to receive agency funds for these purposes during the upcoming academic year (Fall 2013 and Spring 2014). This will allow students, families, colleges and DRS time to work together to identify alternate sources of funds (e.g., Pell Grants, scholarships) that can be used for room and board in the future. It should be noted that DRS policy allows for reviews on a case-by-case basis to grant exceptions for consumers with extenuating circumstances.

Comment Summary

One comment submission contained several detailed concerns and recommendations for Case Services Manual Sections 2100, 3600, 3800, and 4300. Comments for each section are found below (verbatim with identifiable information redacted), followed by the DRS response.

Comments regarding Section 2100

“[redacted] has concerns about Section 2100 “Determining Significance of Disability.” Proposed changes to the policy limit or eliminate services to people who can be rehabilitated within a shorter amount of time. Serving clients who require shorter rehabilitation times will allow DRS to assist a greater number of people with the same amount of funding. Proposed policy changes of requiring longer rehabilitation time periods in order to receive services could create a situation in which well-intentioned Counselors could “drag out” the length of services in order to meet eligibility requirements.”

DRS Response

DRS will provide training to all the vocational rehabilitation counselors to ensure full understanding and adherence to any policy changes. DRS maintains a Quality Assurance Unit that assists counselors with policy changes and ensures that policies are consistently interpreted and implemented statewide. Furthermore, DRS is federally mandated to incorporate time in

service and number of functional limitations in determining significance of disability. DRS is also federally mandated to prioritize services to individuals with the most significant disabilities (MSD) and does not exclude or deny services to any eligible individual.

Comments regarding Section 2101.1

“[Redacted] recommends that DRS leave the length of service requirement as it is in the current policy (less than six months). The reason for this recommendation is because of concerns that a group of individuals with disabilities who could receive rehabilitation services and return to work within 6 months are being excluded and potentially denied rehabilitation services based on this proposed change.”

DRS Response

DRS is federally mandated to prioritize services to individuals with MSD and does not exclude or deny services to any eligible individual.

Comments regarding Section 2101.2 (C.)

“[Redacted] recommends that this policy not be changed and that the period of time for services remain at 6 months. The reason for this recommendation is because of concerns that a group of individuals with disabilities who could receive rehabilitation services and return to work within 6 months are being excluded and potentially denied rehabilitation services based on this proposed change.”

DRS Response

DRS is federally mandated to prioritize services to individuals with MSD and does not exclude or deny services to any eligible individual.

Comments regarding Section 2101.3 (A.), (B.) and (C.)

“[Redacted] recommends that the eligibility criteria remain at two functional capacities. The reason for this recommendation is because of concerns that if/when DRS operates on an Order of Selection that only serves MSD level of clients, an entire group of individuals with Most Significant Disabilities who now qualify for services will be excluded from receiving rehabilitation services.”

“[Redacted] recommends that DRS allow the requirement for services in addition to Counseling and Assessment be one or more services rather than two or more. We are particularly concerned about individuals with MSD being excluded if the only service they need is related to Assistive Technology, medical devices, etc.”

“[Redacted] recommends that this policy not be changed and that the period of time for services remain at 6 months. The reason for this recommendation is because of concerns that a group of

individuals with disabilities who could receive rehabilitation services and return to work within 6 months are being excluded and potentially denied rehabilitation services based on this proposed change.”

DRS Response

DRS has proposed policy changes regarding the determination of significance of disability to ensure that individuals with MSD are accurately identified in order to prioritize services to these individuals. Individuals who have already been found eligible and assigned a significance of disability cannot receive a lower assignment (e.g., from MSD to significantly disabled), even during the implementation of an order of selection. However, an individual can have his or her significance of disability reviewed and increased, if appropriate (e.g., from significantly disabled to MSD).

DRS is federally mandated to include the number of limited functional capacities, number of services received and time in service when determining significance of disability. DRS aims to use these criteria to accurately identify individuals with MSD in order to prioritize services to these individuals.

Comments regarding Section 3604 (B. 2.)

“The increase in total allowable amount that may be paid for supplies from \$80 per twelve month period to \$160 per twelve month period will be very helpful to clients.”

DRS Response

DRS agrees that this policy change will be very helpful to consumers receiving rehabilitation training.

Comments regarding Section 3605.2 (A.)

“This paragraph outlines the procedure that the Counselor must follow to use financial aid and all other sources of funding prior to the DRS providing assistance toward tuition, fees, books, and supplies. While [redacted] understands that this paragraph will give structure to the process that must be followed when the DRS is providing assistance with rehabilitation training, we are concerned that this process may cause the student to be misinformed about their responsibility to utilize financial aid prior to the DRS providing assistance. [Redacted] believes that the student could be under the impression that they would need to accept student loans before the DRS would provide assistance, when this is not the case.

[Redacted] does note that the student is informed they are not required to accept loans in the Financial Aid Resources section of the Client Services Manual. We suggest that such a statement be added to the Student Financial Plan as the Economic Needs Test paragraph in order to fully ensure that the student understands they are not required to accept a loan prior to the DRS

providing financial assistance. [Redacted] also requests that the DRS ensure that Counselors are informing students that they are not required to accept loans as early as possible in the application and rehabilitation planning process.”

DRS Response

DRS will ensure that counselors continue to inform consumers that they are not required to accept student loans prior to receiving assistance from DRS. The Quality Assurance Unit will provide training on any final changes in policy and will continue to monitor for consistent implementation statewide after any policy changes have been made.

Comments regarding Section 3606.9 (C.)

“We are recommending that DRS not remove the Additional Conditions for Baccalaureate Degrees section. We are recommending this because many students with disabilities do not score highly on standardized tests, and research shows that these low scores are a result of their disability. The removal of this section disqualifies students who have proven that they can successfully perform at the college level.”

DRS Response

DRS acknowledges that some students with disabilities may score lower on standardized tests due to their disability and has provisions for exceptions. DRS found that one semester with a 2.0 or higher GPA does not necessarily support success in a specific training program. Additionally, exceptions can be granted when there are other indicators of success for that training.

DRS still retains the following exemptions in Case Services Manual Section 3606.9(C)(2)(b): Clients not meeting ACT or SAT requirements may be considered for future sponsorship if: (1) The client scores at least 17 on the ACT or 830 on the SAT due to limitations presented by a learning disability, ADD/HD, other cognitive deficit(s), or sensory impairment; or, (2) The client graduated from high school more than five years prior to the request for sponsorship; or, (3) The client who is deaf plans to attend either Gallaudet University or the National Technical Institute for the Deaf (NTID).

Comments regarding Section 3802.5 (B.)

“[Redacted] is recommending that DRS add a statement to this policy that allows for payment by DRS to repair a hearing aid if the client is actively receiving services from DRS; can demonstrate significant financial hardship to pay for the repairs; and cannot complete the IPE without a hearing aid.”

DRS Response

DRS will conduct reviews regarding the repair of hearing aids on a case-by-case basis for special consideration.

Comments regarding Section 3803.2 (B. (3))

“[Redacted] is concerned about the addition to this policy because it refers to “any mental or medical condition.” However, the policy does not explain why a mental condition would preclude optimal use of a cochlear implant, as it does with medical conditions. We are recommending that “mental condition” be removed from this policy.”

DRS Response

DRS appreciates this comment and will further examine the use of the term “mental condition” in this section.

Comments regarding Section 4304.4

“The addition of this policy addresses a much needed support service for people with disabilities who need transportation in order to be employed. The time frame is reasonable, and the multiple options for which to obtain a vehicle will be very helpful to clients.

While [redacted] is aware that the following is not directly related to DRS policy, we have concerns about the inconsistencies among Counselors regarding DRS policies depending on different regions of the state. Clients in different geographical areas are receiving different policy information from their Counselors.”

DRS Response

DRS’ Quality Assurance Unit will work to identify and correct any inconsistencies among counselors regarding policy interpretation and implementation.