

1125.00 Financial Need Review Policy

January 1991 (Amended April 2014)

See corresponding procedure: 1125.00P Financial Need Review Procedure

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Description

ACCES-VR reviews the financial need of individuals as required by the NYS Commissioner of Education Regulation so that its limited financial resources will be allocated for those eligible individuals with the greatest financial need. Federal Regulation requires States to establish written policies when a financial need test is used.

The determination of financial need is considered an integral part of the rehabilitation planning process for eligible individuals (Status 10-32) receiving vocational rehabilitation services. There is a shared responsibility between the individual and ACCES-VR to obtain, document and maintain financial information required to review the individual's financial need and to calculate the extent of their participation in the cost of services, if any.

Although all eligible individuals require a Financial Need Review, not all ACCES-VR services are based on financial need. A Financial Need Review must be completed at

least annually or more often if there is a significant change in the individual's financial situation.

Through a Financial Need Review an individual may be determined to be an:

1. Individual who receives public assistance, SSI and/or SSDI and is EXEMPT from consideration of their financial resources;
2. Individual whose only planned services are no cost, non-economic need based or cost effective skills training (no calculation required); or
3. Individual who is not Exempt and financial need based services are planned requires a calculation of their participation in the cost of services, if any.

Note: A Financial Need Review does not always require a Calculation of Consumer Participation in the Cost of Services.

ACCES-VR's Financial Need Review policy and procedures are applied uniformly to all individuals in similar circumstances within the same geographic region. Regional cost of living adjustments have been determined based on federal housing and utility costs for NYS. Medical and disability-related expenses should also be considered when calculating the individual's contribution to the cost of services, if any.

(PRO-10-02) Limits on Duration and Cost of Service establishes maximum service durations and spending limits for some vocational rehabilitation services.

Note: Individuals who are determined to be Exempt through the Financial Need Review process are not exempt from the funding limits established in ACCES-VR policy.

Full use of available comparable benefits and services is required prior to providing ACCES-VR funding. (208.00) Comparable Benefits and Services Policy and Procedure

Use of the most cost effective services is required (100.00) Consumer Involvement Policy and Procedure

Responsibility for Determining Financial Need

Responsibility is shared between the individual and ACCES-VR. The individual is responsible to provide complete and accurate information and ACCES-VR is responsible to determine financial need and safeguard the individual's financial information.

The district offices have the discretion to assign responsibility for obtaining/collecting financial information and completing the calculation of consumer participation in the cost of services to a designated staff person. The VRC must verify that the Financial Need Review is complete and current, maintain financial records, and verify that the individual's calculation of participation in cost of services has been determined prior to providing financial need based services.

Non-Financial Need Based Services

The following services are provided by ACCES-VR without considering an individual's financial resources.

- All diagnostic, evaluation and necessary services required during evaluation. Necessary services do not include purchase of equipment or tools, restoration aids or services but may include maintenance, transportation, child care, interpreter, personal and reader assistance and rehabilitation technology aids where required (204.00) Assessment Policy and Procedure and (1370.00) Rehabilitation Technology Policy and Procedure;
- Training at and transportation provided by approved rehabilitation facilities;
- Special transportation required by individuals with significant disabilities;\
- Adaptive driver training at a regionally accredited (or other driver training program that does not exceed cost of the regionally accredited adaptive driver training center), (440.00) Driver Evaluation and Training Policy and Procedure;
- Driver training for non-professional driver; (440.00) Driver Evaluation and Training Policy and Procedure;
- Reader and note-taking services;
- Tutoring;
- Attendant/personal assistance services;
- Interpreter services;
- Vocational counseling, guidance and referral services; (200.00) Referral and Applying for Services Policy and Procedure
- Core Rehabilitation Services (CRS) including Entry, Assessment, Work Readiness, Youth Employment, Job Placement, Supported Employment, Rehabilitation Technology, Benefits Advisement and other adjunct services;
- Work-Try-Out/ On-the-Job training;
- Work-Study training;
- Cost-Effective Skills Training;
- Any auxiliary aid or service required to participate in a VR program and which would be mandated.

Note: Non-Financial Need Based services maintain the same requirement to first use all available comparable benefits and services the individual is eligible for prior to applying ACCES-VR funds, and to identify the most cost effective service option.

Financial Need Based Services

The following services may not be provided until the individual's available resources have been applied toward the cost:

- All training services, including tuition and related fees, at colleges, universities and vocational training programs;
- Required textbooks and related materials;
- Physical and mental restoration services;
- Maintenance (except those provided during evaluation);
- Medical care for acute conditions arising during the program;

- Transportation (except during evaluation, special transportation, or when provided with Core Rehabilitation Services, and transportation to attend an administrative review or fair hearing);
- Occupational tools and equipment;
- Goods, inventory, equipment and supplies for self-employment;
- Occupational and business licenses;
- Modifications to homes, vehicles and worksites;
- Telecommunications, sensory and other technological aids and devices;
- Services to other family members; and
- All other goods and services not exempt above under “Non-Financial Need Based Services.”

Financial Need Review

Exempt

Individuals who are determined Exempt through verification of public benefits, may be provided services up to the funding limits established in policy without consideration of their available resources. Verification the individual is a recipient of one or more of the following benefits must be provided to, or obtained by ACCES-VR:

1. Public Assistance including: Temporary Assistance for Needy Families (TANF), Safety Net Assistance (SNA), Home Energy Assistance Program (HEAP), Food Stamps, Medicaid, including 1619b);
2. Supplemental Security Income (based on the individual’s own disability determination); and
3. Social Security Disability Insurance (not Social Security Retirement or Survivor Benefits). The individual must be the recipient based on their own eligibility determination.

Note: A dependent consumer under age 19 may have a disability determination but be a Supplemental Security Income (SSI and/or Social Security Disability Insurance (SSDI) recipient under a parents’ social security number.

All Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) recipients, regardless of age or intended employment outcome, are exempt from considering their available resources up to the cost limits established in ACCES-VR policy.

Non-Financial Need Based Services (No Calculation)

Individuals whose Individual Plan for Employment (IPE) includes only no cost, non-economic need or cost effective skills training services may qualify for this type of review (No Calculation). It may also be appropriate for a consumer who is unwilling to provide their financial information. No financial need based services may be provided to individuals in this review unless provided as a cost effective skills training service plan.

See the *Consumer Participation in the Cost of Services*, Exceptions section below regarding dependent individuals who are unable, or whose family refuses, to provide financial information necessary to determine participation in cost.

Cost Effective Skills Training does not require consideration of the individual's available resources. Skills training provided at proprietary vocational schools, community colleges and BOCES and meets the following criteria is determined to be cost effective:

- The training program is a non-degree program;
- The maximum allowable cost to ACCES-VR for tuition, books and fees (and required tools and equipment) for proprietary vocational schools and community colleges does not exceed \$10,000 and one year in duration; and
- The actual cost for tuition may be paid for skills training at BOCES. Up to two years may be allowed for BOCES programs that operate on half-day sessions or for trainees whose disabilities require part-time attendance.

In order to provide cost effective skills training, all program costs must be documented in the Individual Plan for Employment (IPE). Any costs in excess of the \$10,000 funding limit are subject to consideration of the individual's financial resources.

Note: If financial need based services are also planned, a Consumer Participation in the Cost of Services calculation must be completed.

Consumer Participation in the Cost of Services

ACCES-VR uses a calculation of consumer participation in the cost of services when an individual is not Exempt and financial need based services are planned. As a result of the calculation, some individuals may be required to contribute to the cost of financial need based services if it is determined that they have available resources, i.e. *Spend Down*. (See 1125.00P Financial Need Review Procedure).

A Financial Need Review must be completed at least annually for all eligible individuals and more often if financial need based services are planned and a Non-Calculation Review was completed or the individual's income and/or assets change significantly during the year.

A Financial Need Review must be documented in the electronic record of services (CaMS). If an individual will receive financial need based services, a current Calculation must be completed prior to providing financial need based services.

Note: A current calculation is one that has been completed within the last 12 months and is updated sooner if there is a significant change in the individual's available resources.

Exceptions

Room and Board in Lieu of Special Transportation and Interpreter Services

Room and board may be provided to the individual in lieu of special transportation or interpreter services if it can be documented to be more cost effective than directly funding special transportation or interpreter services.

When an Individual Cannot Obtain Family Financial Information

If the family (of a dependent consumer) refuses to accept responsibility for their expected contribution, the District Office Manager can determine if the family has provided a compelling, convincing justification for their refusal to cooperate and the counselor may determine consumer contribution based solely on the information available from the consumer. If the District Office Manager determines that the refusal is not justified, no service requiring determination of available resources may be authorized.

One-Time-Services are services that are required for the individual's participation in employment and required based on an evaluation and/or prescription, i.e. rehabilitation technology, visual, hearing, medical, home modification, vehicle modification evaluations. One-time services tend to be essential for the individual, high cost and with recurring need for the service. An individual may receive multiple one-time-services if required and their justification must be documented in the IPE. Multiple purchases of the same service during the life of a case are not allowed.

The One-Time Service Calculation is limited to the following Case Services:

- 210 Vision Aids
- 220 Hearing Aids
- 230 Other Communication Aid/Devices
- 240 Prosthetics
- 250 Orthotics/Assistive Devices
- 280 Wheelchairs
- 800 Adaptive Household Equipment
- 811 Computers as Assistive Technology
- 820 Assistive Technology Devices
- 840 Home Modifications
- 850 Van Mod/Adaptive Driving Equipment – Vans
- 860 Car Mod/Adaptive Driving Equipment – Cars
- 891 Repairs (limited to repair of above technology, aids and devices)

The one-time-service Calculation multiplies the individual's 'Available Resources' or *Spend Down* by 15% or .15 to determine the amount they will be required to contribute to the cost of the service. This calculation is beneficial to the individual who has a *Spend Down* because it reduces the amount of their contribution.

If other non one-time-services are also planned, a second *Calculation of Consumer Participation in the Cost of Services* is required to determine available resources prior to providing ACCES-VR funds.

One-Time-Services Job Save may be applied for those employed individuals whose 'Available Resources' or *Spend Down* exceeds the cost of their van or car modification, home modification, prosthetic or wheelchair after the One-Time-Services calculation is applied.

For those employed individuals, the One-Time-Services Job Save may provide some financial assistance up to one half of the actual cost of the following services but not more than:

Maximum One-Time-Services Job Save Contribution

850 Van Modification \$18,750
840 Home Modification \$7,500
240 Prosthetic \$11,000
280 Wheelchair \$ 5,000
860 Car Modification \$ 3,000

A One-Time-Services Job Save may be provided only once during the life of a case. The need and requirements of service must be based on a prescription and/or evaluation.

The One-Time-Services calculation applies only to One-Time-Services and One-Time-Services Job Save. If other services are also planned, a separate calculation of consumer participation in the cost of services is required. The one-time service calculation should be completed first. All comparable benefits must be applied prior to ACCES-VR funding.

Due Process

An ACCES-VR consumer dissatisfied with any determination involving issues of cost of service, Financial Need Review, or comparable benefits and services, made by ACCES-VR when providing services, may seek to resolve that dissatisfaction through Administrative Review, Mediation and/ or Impartial Hearing (105.00) Due Process Policy and Procedure

Required Signatures

For those individuals who are Exempt or receiving No Cost, Non-Financial Need Based, or Cost Effective Skills Training services (No Calculation), the Financial Need Review consumer letter is informational and does not require the individual's signature.

For those individuals who are not Exempt and financial need based services are planned, a *Calculation of Consumer Participation in the Cost of Services* is completed.

The *Calculation* form requires the signatures of both the individual and the ACCES-VR Counselor.

By signing the *Consumer Participation in Cost of Services* form, the individual attests to the best of their knowledge and belief that the information provided and used to calculate their 'Available Resources' is true, correct and complete and they acknowledge a responsibility to promptly notify their counselor if their finances change substantially.

Services Without a Signature

If waiting for the individual's signature on the *Calculation of Consumer Participation in the Cost of Services form* will in effect deny the individual access to necessary services, the services may be authorized without the individual's signature. This circumstance must be reviewed and approved by the District Office Manager, or designated supervisor, and documented in a Chronological Case Note. No further or additional services should be provided without the signed form.

Related Policies and Procedures

- 100.00 Consumer Involvement Policy and Procedure
- 102.00 Confidentiality Policy and Procedure
- 208.00 Comparable Benefits and Services Policy and Procedure
- 405.00 College and University Training Policy and Procedure
- 410.00 Non-Degree Training at Trade, Business and Other Schools
- PRO-10-02 Limits on Duration and Cost of Services
- POL-09-05 Funding Limits for Vocational Training Programs
- POL-09-04 Purchase of Clothing/Tools/Equipment
- 07-05-2005 Payment to Rochester Institute of Technology NTID memo
- 07-07-2003 Edinboro University Costs memo