



Vocational Rehabilitation Services (VR)

Rights Information

The Virginia Office for Protection and Advocacy (VOPA) operates the **Client Assistance Program (CAP)**. **CAP** advocates for people's rights to rehabilitation services. Persons eligible for **CAP** are those individuals who are clients of or applicants for services provided by the:

- Department of Rehabilitative Services (DRS);
- Department for the Blind and Vision Impaired (DBVI);
- Centers for Independent Living (CILs); or
- Other programs funded under the Rehabilitation Act.

The information in this brochure focuses on applicants and/or clients of DRS or DBVI. Information and referral, technical assistance, and case level advocacy services under the **CAP** are free of charge.

In Virginia, the federal vocational rehabilitation (VR) programs are operated by the Department for the Blind and Vision Impaired (DBVI) and the Department of Rehabilitative Services (DRS).

Rights Related to Eligibility for VR Services

You have the right to:

- Begin the application process for DRS or DBVI services by telephone, in writing, or by visiting your nearest DRS/DBVI office.
- Have an eligibility determination within 60 days of applying for services unless you agree to extend the eligibility period. In order for the VR agency to process your application, you must be available to work with your assigned counselor to complete the assessment process.
- Be determined eligible for VR services by DRS/DBVI if:
 - ◊ it is determined that you have a physical or mental impairment which constitutes or results in a substantial impediment to employment. (This means that because of your disability, you have had difficulty getting or keeping a job); **and**

- ◇ you require VR services in order to prepare for, enter, engage in, or retain gainful employment. (In other words, without the help of VR services, you are not likely to be able to get or keep a job. If you have a good work history, have never experienced trouble getting or keeping a job, and
- ◇ there are no new disability-related factors, then it is possible that you will not be eligible for VR services because you have shown that you can get and keep a job on your own); **or**
- ◇ you are a Supplemental Security Income (SSI) or Social Security Disability Income (SSDI) recipient who intends to achieve an employment outcome.

(Under the Rehabilitation Act, the VR agency must presume that you can benefit from VR services unless the agency can demonstrate, based on clear and convincing evidence, that you will not be able to obtain an employment outcome even with the help of VR services.)

- Have your eligibility determined based on existing information, including information you or your family provide, to the maximum extent possible. If existing information is not sufficient, you have the right to have additional evaluations conducted at no cost to you for the purpose of determining your eligibility.
- Be provided with personal assistance services, interpreter services, or other accommodations if these services are necessary for you to participate in the eligibility process.
- Receive trial work experiences, including on-the-job supports and/or training, before the VR agency can determine that you cannot benefit from VR services due to the severity of your disability – except under limited circumstances when the individual cannot take advantage of such experiences.
- Have a review of an ineligibility determination within 12 months, and anytime after that if you or your representative requests a review.

Rights Related to VR Program Development and Implementation

Once you have been found eligible for VR services, you have the right to:

- Participate jointly with your counselor in establishing an employment/vocational goal which is consistent with your interests, needs, abilities, and capabilities.
- Develop your own Individual Plan for Employment (IPE), or request the assistance of a VR counselor in developing your IPE. The IPE describes the goals, objectives and services needed for you to reach your vocational goal. Your counselor must approve the IPE before it can be implemented.

- Receive information from DRS or DBVI about different service providers and choose from among service providers who are able to offer the same or like quality service at a comparable cost.
- Have your services delivered in the most integrated setting possible consistent with your choice. This means that in addition to the people working with you to help you achieve your goal (like your counselor), most of the other people that you meet, talk to, and work with during your VR program will be people who do not have disabilities. You have the right to receive the appropriate assistive technology and/or personal assistance services that will allow you to receive services in an integrated setting.
- Have personal information remain confidential unless you give written permission for personal information to be released, or unless the release of information is required by federal law or court order.
- Receive information from DRS/DBVI about the **CAP** at key stages of the rehabilitation process.
- Have your IPE reviewed annually by you and your VR counselor. You may also request changes to your IPE if your vocational needs change as a result of disability-related factors. Once you have requested a change to your IPE, you have the right to work jointly with your counselor to develop these changes. The changes will not take effect until agreed to by you and the VR counselor.
- Receive VR services based on your vocational goal. The VR agency cannot set an arbitrary, inflexible cap on the nature or cost of services which you may receive. The VR agency provides only those services that are directly related to achieving your established vocational goal. The VR agency must provide you with an explanation of the agency guidelines and criteria regarding funding of the IPE.
- Have your case remain open at least 90 days after you start working to make sure that you are stable in your job.
- Appeal any decision through the VR agency's appeal process. You have the right to mediation, as well as an administrative hearing before an impartial hearing officer. In addition, should the state establish procedures for further appeal, you will have the right to appeal the hearing officer's decision consistent with such procedures. **CAP may be able to help you during your appeal.** **CAP** will consider the facts and merits of your case, your needs, and available resources. All services provided by **CAP** are free. Your VR agency must inform you about your right to access **CAP**.

VR Services Available through DRS/DBVI

Services available through DRS/DBVI may include the following: (Provision of services is based on your IPE and must be consistent with federal and state laws, regulations and policy.)

- Assessments for determining eligibility and vocational rehabilitation needs by qualified personnel.
- Counseling, guidance, and work-related placement services, including necessary job search and placement assistance, job retention services, and follow-along services necessary to assist you to maintain, regain, or advance in employment.
- Referral and other services needed to secure services from other agencies if the needed services are, in accordance with federal law, not available through the VR program.
- Vocation and other training services, including higher education services except that no training services provided at an institution of higher education shall be paid for out of VR funds unless DRS/DBVI and the individual have made maximum efforts to secure grant assistance from other sources.
- Treatment of physical or mental impairments, including corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, including necessary hospitalization, prosthetic and orthotic devices, eyeglasses and visual services, special services, including transplantation and dialysis, and diagnosis for mental and emotional disorders. VR funds can only be used for this service if there is no financial support readily available from another source, including health insurance, Medicaid, and other sources.
- Maintenance for additional costs incurred while participating in an assessment for determining eligibility and VR needs or while receiving services under an IPE.
- Transportation, including adequate training in the use of public transportation vehicles and systems, provided in connection with the provision of any other services and needed by the individual to achieve an employment outcome.
- Interpreter services if you are deaf or hard of hearing and reader services if you are blind.
- Rehabilitation teaching services and orientation and mobility services if you are blind or deaf-blind.
- Occupational licenses, tools, equipment, and initial stocks and supplies.

- On-the-job or other related personal assistance services while you are receiving other VR services.
- Technical assistance and other consultation services to conduct market analysis, develop business plans, and otherwise provide resources to eligible individuals pursuing telecommuting, self-employment, or small business operation.
- Rehabilitation technology services, including telecommunications, sensory and other technological aids and devices.
- Transition services for students with disabilities that facilitate the achievement of an employment outcome in an IPE.
- Supported employment services.
- Services to a family member necessary to assist you in achieving an employment outcome.
- Post-employment services necessary to assist you to retain, regain, or advance in employment.

About VOPA

Under its **CAP**, VOPA can assist eligible individuals with problems in the service process from application to closure. Specifically, **CAP** can explain a client's rights and responsibilities and answer questions about service and benefits available under the Rehabilitation Act, including services provided by DRS, DBVI, and Centers for Independent Living (CILs). **CAP** can help resolve problems with a client's counselor or case manager, mediate disagreements about services, provide information on additional services, and represent clients who are denied services or provided inappropriate services.

CAP's philosophy is that people with disabilities:

- should be given the information and assistance necessary to make choices and decisions based on their needs;
- have the right to be independent, speak on their own behalf, and make decisions about their lives;
- have a right to individualized services that respect individual dignity and personal choice and help each individual obtain employment or independent living status consistent with his/her interests, needs, and abilities.

Virginia Office for Protection and Advocacy

Richmond and Central Offices

Ninth Street Office Building
202 North Ninth Street, Ninth Floor
Richmond, Virginia 23219
800-552-3962 (Toll-Free/Voice & TTY)
804-225-2042 (Voice & TTY)
Fax: 804-225-3221

Staunton Office

114 MacTanly Place
Staunton, Virginia 24401

Virginia Beach Office

287 Independence Boulevard, Suite 120
Virginia Beach, Virginia 23462

For more information about VOPA programs, investigations, publications, and upcoming events, log onto our web site at: www.vopa.state.va.us

For other disability agencies visit the
Virginia's Disability Services web site at:
www.vadsa.org