



Summary of Vocational Rehabilitation Rights: Vocational Rehabilitation Services

A Self-Advocacy Guide

5025 E. Washington
Suite 202
Phoenix, AZ 85034
602-274-6287
800-927-2260 (toll free)
602-274-6779 (fax)

177 North Church Avenue
Suite 800
Tucson, AZ 85701
520-327-9547
800-922-1447 (toll free)
520- 884-0992 (fax)

www.azdisabilitylaw.org
center@azdisabilitylaw.org

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Federal and state law can change at any time. If there is any question about the continued validity of any information in the handbook, contact the Arizona Center for Disability Law or an attorney in your community.

The purpose of this guide is to provide general information to individuals regarding their rights and protections under the law. It is not intended as a substitute for legal advice. You may wish to contact the Arizona Center for Disability Law or consult with a lawyer in your community if you require further information.

- This guide is available in alternative formats upon request.

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Vocational Rehabilitation Services**

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A. Introduction to CAP and this Guide

1. How the Arizona Center for Disability Law's Client Assistance Program Assists VR Clients/Applicants with Disabilities

Sometimes people don't agree with decisions made by agencies. It can often be difficult to solve disagreements without help. The Arizona Center for Disability Law has a program to assist you with your vocational rehabilitation problems. The Client Assistance Program (CAP) offers help to clients and those applying for services under the Rehabilitation Act of 1973, as amended by the Rehabilitation Amendments of 1998. CAP is able to assist you by:

- ✓ informing you of available benefits under the Rehabilitation Act;
- ✓ advising you about ways to solve problems with your vocational rehabilitation counselor;
- ✓ providing training on your rights under the Rehabilitation Act; and
- ✓ as appropriate, representing you in negotiations with RSA and VR service providers, and at administrative reviews, mediation, fair hearings and lawsuits under the Rehabilitation Act.

Information about the eligibility requirements and priorities are available from the Center upon request. Assistance is provided according to program eligibility requirements, priorities and staff availability.

Eligibility. If you are an individual with a disability and are currently a client or applicant for services under the Rehabilitation Act (VR services, independent living services, or services through a VR service provider), contact CAP if:

- ▶ You are denied the right to apply for services;
- ▶ You are found ineligible for services, and you believe that you should be provided the services;
- ▶ You have a disagreement about your Individual Plan for Employment (I.P.E.) or a service or decision affecting your I.P.E.;
- ▶ You disagree with the decision by VR to close your case;
- ▶ You disagree with the decision by VR not to provide a Post Employment Service (P.E.S.); or
- ▶ **You do not understand your rights or the services available to you under the Rehabilitation Act.**

2. This Guide is not a Substitute for Legal Advice

The Arizona Center for Disability Law recommends that you obtain legal advice to resolve a dispute regarding your legal rights in a dispute with RSA. This guide is not a substitute for legal advice. This guide is meant to provide people with disabilities with information and examples about the rights under Title I of the Rehabilitation Act to vocational rehabilitation services.

3. Glossary of Terms

The following is a list of the meaning of numerous words that relate to your VR services and appeal rights. Most of these terms are explained in more detail in this guide or in one of the Center's other guides on VR rights.

Informal review: An optional informal way to try and solve disagreements with your vocational rehabilitation counselor. The review is conducted by a supervisor that is not directly responsible for the work of your VR counselor or his supervisor. A written decision is issued. If you are not satisfied with that decision, you have the right to request a fair hearing. For more information about this way to resolve disputes, see the Center's guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

Extended Evaluation: (See Trial Work Experience). There will be limited circumstances where an individual cannot participate in a trial work experience and in these cases, RSA must conduct an extended evaluation. This evaluation must be consistent with the rehabilitation needs of the individual and must be based on the informed choice of the individual.

Fair Hearing: A formal hearing conducted by an administrative law judge (or hearing officer) to hear and decide disputes between the Rehabilitation Services Administration (RSA) and clients and applicants. For more information about the fair hearing process, see the Center's guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

Hearing Officer: An administrative law judge who will conduct the fair hearing and issue a decision after the fair hearing. For more information about the qualifications and powers of a hearing officer, see the Center's guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

Individual Plan for Employment (I.P.E.): A document that is agreed upon by the client and the vocational rehabilitation counselor which states the client's employment goal and the

services necessary to reach that goal. For more information about the contents of an I.P.E., see the Center's guide, *Summary of Your VR Rights: The Individual Plan for Employment*.

Mediation: An informal way to try and resolve a dispute about your I.P.E. with the Rehabilitation Services Administration. A mediation is conducted by an impartial and trained mediator who listens to both sides and tries to help the parties reach an agreement that both can be satisfied with. The mediator is not a decision maker. If the mediation is successful, a written mediation agreement is prepared. For more information about mediation, see the Center's guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

Personal assistance services: The term "personal assistance services" means a range of services, provided by one or more persons, designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

Rehabilitation Act: A federal law that was passed in 1973 and updated several times, including in 1998, which gives rights to clients and applicants of VR services to reach an employment goal. The Rehabilitation Act outlines the rights of clients and the responsibility of the state in providing vocational rehabilitation services for people with disabilities.

Rehabilitation Services Administration (RSA): The state agency created to provide vocational rehabilitation services to qualified people with disabilities. Sometimes VR and RSA are used to describe the same state agency.

Representative: A friend, family member, advocate, attorney, or person knowledgeable about your rights that assists you at any informal or formal hearing to appeal a dispute with RSA. For more information about your right to have a representative, see the Center's guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

State Reviewing Official: The Director of the Arizona Department of Economic Security who may, upon the request of either party who does not win the fair hearing, review and change the decision of the hearing officer. For more information about when and how a state reviewing official can change a hearing officer's decision, see the Center's guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

Transition services: The term "transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult

services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation. These services are primarily the responsibility of the school district, but RSA is a partner where appropriate. For more information about the rights of students with disabilities for transition planning and services, see the Center's guide, *Transition Services*.

Trial Work Experience: If there is a question about a client's ability to benefit from VR services, VR must develop a written plan for the purpose of exploring the client's abilities, capabilities, and capacity to perform in a realistic work situation called a trial work experience. This can include supported employment, on-the-job training, and experiences using realistic work settings. The experience must fit the client's abilities and needs and accommodate his/her needs. The outcome of the experience is to either provide evidence that the person can or cannot benefit from VR services in terms of an employment outcome due to the severity of the person's disability.

Vocational rehabilitation (VR) services: Services that are available to a VR client who needs them to reach his/her employment goal on the I.P.E. including, but not limited to, assessment for eligibility, counseling and guidance, training, transportation, interpreters, readers, note takers, telecommunication aids and devices, job placement, job coaching, technology services etc.

Vocational rehabilitation (VR) counselor: An individual assigned to assist you in developing your I.P.E. and obtaining the services necessary to reach the employment goal of your I.P.E., including vocational counseling.

Written notice: A letter or other written document must provide to a client when RSA closes a VR case or suspends, stops, or reduces a VR service. This letter must also be provided to an applicant when RSA refuses to provide services. See the Center's guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

4. List of Acronyms

AT:	Assistive Technology
ADA:	The Americans with Disabilities Act

CAP:	Client Assistance Program
IDEA:	Individuals with Disabilities Education Act
IPE:	Individualized Plan for Employment (formerly known as IWRP: Individualized Written Rehabilitation Plan)
RSA:	Rehabilitation Services Administration
SSDI:	Social Security Disability Insurance
SSI:	Supplemental Security Income
TWIA:	Ticket to Work Improvement & Incentive Act
VR:	Vocational Rehabilitation
WIA:	Workforce Investment Act

B. Commonly Asked Questions About VR Services

1. How do I know if I am eligible for VR services?

You must be eligible for VR services which means: (1) you must have a disability; (2) your disability must be a barrier to employment; and (3) you must need VR services to reach an employment goal. You are entitled to VR services necessary to evaluate you and help you determine an appropriate employment goal. You are also entitled to those VR services that are **necessary** to reach the employment goal listed in your Individual Plan for Employment.

2. What VR services must I receive?

Vocational rehabilitation services are any services necessary to assist you to prepare for, find, keep, or regain employment. Employment can include, supported employment, competitive employment, and self-employment. The employment goal must be consistent with your strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. A list of the possible types of VR services that you and RSA should consider is in the answer to question #3 of this guide.

3. What are the types of VR services I might receive?

These are the various types of VR services you could receive if **necessary** to reach your employment outcome:

- (1) an assessment for determining eligibility and vocational rehabilitation needs by

qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;

Alec recently injured his back and can no longer work in the construction business. He is not sure what type of VR services he needs. His counselor will arrange for an assessment to determine if he is eligible for VR services and also what kind of services he will need. Once the type of services is established then Alec and his counselor can start developing an appropriate employment goal.

- (2) counseling and guidance, including information and support services to assist an individual in exercising informed choice;

Barbara has been informed that she needs to have an audiological evaluation because she may require hearing aids. She requests a list of audiologists from her counselor. Barbara reviews the list so that she can choose an audiologist that she will be comfortable with and whom she feels will be able to assist with her unique needs.

- (3) referral and other services to secure needed services from other agencies through agreements, if such services are not available under the VR laws;
- (4) job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

Donna has completed a nine-month secretarial school program. She is now ready to seek full-time employment. RSA will now hire a Job Developer who will work with Donna to write a resume and refine her job finding skills. The Job Developer will send out Donna's resume and also will contact companies who are accepting secretarial applicants to promote Donna's readiness to go to work.

- (5) vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials, except that no training services provided at an institution of higher education shall be paid for with RSA funds unless maximum efforts have been made by RSA and you to obtain grant assistance from other sources to pay for such training;

Ed plans to attend Arizona State University to obtain a degree in engineering. His VR counselor has instructed Ed to apply for a Pell Grant. Ed applied for a Pell Grant and was found not eligible. Because Ed was not eligible for a Pell Grant, the RSA becomes obligated to pay Ed's tuition to attend ASU. RSA will also need to pay for the tuition, books and drafting supplies that he would need to attend classes.

- (6) to the extent that financial support is not readily available from a source (such as through health insurance of the individual or through other comparable services

and benefits), diagnosis and treatment of your physical and mental impairments, including

- (A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;

Juanita has epilepsy. Because of medication she took for many years, she has developed some dental problems and missing teeth. Her employment outcome is to become a salesperson, and she will need some dental and cosmetic dental work if she is likely to get a job in a sales position. If she does not have dental insurance, RSA may need to provide this corrective dental surgery.

- (B) necessary hospitalization in connection with surgery or treatment;
- (C) prosthetic and orthotic devices;

Rasool has an amputation on the left leg below his knee following a serious car accident. He works as an inspector. He needs to be fitted for a prosthetic leg to keep his job and be able to inspect work sites.

- (D) eyeglasses and visual services as prescribed by qualified personnel;

Sara is mentally ill and travels to work via the public bus. She can't read the bus schedule and bus numbers. Sara is visually impaired, and her vision has changed. She may need a new prescription for her eyeglasses. RSA should provide a vision test and, if necessary, new glasses.

- (E) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals with end-stage renal disease; and
- (F) diagnosis and treatment for mental and emotional disorders by qualified personnel who meet State licensure laws;

Elizabeth is being provided with job training for a potential full-time position in a bookstore. However, Elizabeth is feeling very stressed by her new job duties and other personal matters she is dealing with. She discusses these concerns with her VR counselor. Elizabeth asks her counselor if there is anything that RSA can do to help her ease some of the stress. RSA provides mental health counseling for Elizabeth so that she can address her concerns with a professional and learn how to better deal with the stresses at work. After a few visits with the mental health specialist, Elizabeth is feeling much better about her situation and is able to complete her training and eventually becomes a full-time employee at the bookstore.

- (7) maintenance for additional costs incurred while participating in an assessment for determining eligibility and vocational rehabilitation needs or while receiving services under an individualized plan for employment;

Greg required an audiological examination to check if his hearing aids fit and work properly. However, Greg lives in Summerton. There are no audiologists in that area. Greg would have to travel to Phoenix in order to see an appropriate specialist. RSA paid for the costs of sending Greg to Phoenix. RSA paid for gas, food and a hotel for an overnight stay in order for Greg to obtain an accurate hearing examination.

- (8) transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the individual to achieve an employment outcome;

Helen recently completed her education. Helen was ready to start working. However, due to her cerebral palsy she was concerned that she would not be able to drive her vehicle to work. RSA paid for Helen to undertake a driver's evaluation. The evaluation determined that Helen needed special accommodations in her vehicle such as hand controls to make it easier and safer for her to properly drive her car. RSA paid for the hand controls for Helen's vehicle, in order for her to be able to go to work.

- (9) on-the-job or other related personal assistance services provided while an individual is receiving other services described in this section;

Jack requested assistance from RSA to find a job. Jack was concerned that he might not be able to work because his developmental disability causes him problems with concentration. RSA helped Jack get a job and provided him with on-the-job training assistance. The on-the-job trainer helped Jack learn techniques to concentrate and focus on his job. Initially, the on-the-job trainer assisted Jack on a daily basis. As Jack became more comfortable at his job, the trainer tapered the time he needed to be with Jack. Within a few weeks, Jack was able to work on his own and was able to successfully stay employed.

- (10) interpreter services provided by qualified personnel for individuals who are deaf or hard of hearing, and reader services for individuals who are determined to be blind, after an examination by qualified personnel who meet State licensure laws;

Kate was seeking to attend a private culinary arts school. RSA approved her employment goal. Because Kate was profoundly deaf she required interpreters to assist her throughout the school day. The culinary school was a private school and paid for only a portion of the necessary interpreters. RSA was then obligated to provide interpreters to assist Kate to complete her education at the culinary arts school.

- (11) rehabilitation teaching services, and orientation and mobility services, for individuals who are blind;

For Chris to properly be able to use a new computer with a voice activated software program, he will require the services of a computer specialist. RSA has a contract with several computer companies, and Chris can choose which contractor he seeks to use to properly assist him with this new computer program. RSA then refers Chris to a computer specialist and pays for him to receive special training on his computer and learn this new voice activated program.

Louis is a blind individual who recently was hired to work at an office answering phones. Louis needed assistance in learning how to use the phone system, how to safely maneuver in this new office environment, and to learn the new bus route and path to his office. Because Louis was a VR client, RSA provided a mobility specialist who directed Louis at work on how to arrange his desk for maximum efficiency when answering phones. The mobility specialist also guided Louis around the office instructing him on how to navigate safely in this new environment and his route to work.

- (12) occupational licenses, tools, equipment, and initial stocks and supplies;

Martin has completed his training to become an auto mechanic through his VR program. Martin had been hired by a local car dealership. However, this job requires that he have his own set of tools. Martin has a few tools but not all the ones that he will need for his job. He contacts his VR counselor and explains his situation. Because Martin is a VR client and he needs these tools to maintain his job, RSA provides the rest of the tools Martin needs so that he can successfully start his new job.

- (13) technical assistance for you if you are pursuing telecommuting, self-employment or small business operation;

Noreen is HIV+ and seeking to start her own business selling antiques so she has flexibility for her medical care. However, she needs assistance with finding out if there is a market for such a product and requires help from RSA. She discusses her need for a market analysis to complete a self-employment business plan. RSA hires a consultant who is familiar with the buying and selling of antiques. The consultant's report establishes that selling antiques could prove to be a profitable job opportunity. The positive report influences RSA to assist Noreen to complete a self-employment business plan in this field.

Oscar has a learning disability and wants to work as a recreation leader or youth program director. He lives in Casa Grande but is also willing to move if necessary. He does have a job developer who helped him make a resume and sample cover letter. Oscar does not own his own computer to keep sending out professional cover letters so RSA refers him to the One-Stop Job Center in his community where he can have access to a computer, printer, internet, fax and copy machines.

Sally is a lawyer who works for a small law firm. She has Chronic Fatigue Syndrome. She would like to work at home (telecommute) two days per week to help conserve her energy. Her employer agrees if she will pay for a laptop to use at home, they will install a fax and internet service for her research. Buying the laptop maybe an AT device that RSA can provide.

- (14) rehabilitation technology, including telecommunications, sensory, and other technological aids and devices;

Oren has completed his education and is ready to start a job at an accounting firm. Oren has a hearing impairment. He is concerned whether he will be able to meet the essential functions of the job. He expresses this concern to his VR counselor. RSA provides an on-the-job evaluation on Oren's behalf. This evaluation determines that Oren will require a TTY and a visual fire alarm. VR provides these devices so that Oren can become successfully employed.

- (15) transition services for students with disabilities that help high school students, like you, reach the employment outcome identified in your I.P.E.;

Paul is about to complete his senior year of high school. Paul would like to continue taking college classes to get a degree in art. However he is concerned because of his developmental disabilities he has been in special education classes most of his school life. He discusses these concerns with his VR counselor. Paul and his VR counselor work together to find an appropriate community college. The counselor researches the disabled student resources office to get Paul connected with individuals who will provide him assistance such as tutors for his disability needs. With the help of his VR counselor, Paul is able to formulate a suitable plan so that he attend college to obtain a degree.

- (16) supported employment services;

Ruth is a 22-year-old with Down's Syndrome. She has completed her education and will now start work in a supported work group doing recycling work for several major employers. For Ruth to be successful, she will need assistance from a job coach. RSA will provide Ruth and her group of co-workers with a job coach for four hours a day. This job coach will assist Ruth and her co-workers to focus on their job duties as well as provide direction on maintaining appropriate social skills in order for her to be as successful as possible in this new job.

- (17) services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome; and

Sue is attempting to complete a Bachelor's Degree in Social Work. However, due to family complications, Sue has no one to care for her two younger children. Sue is worried that she may have to drop some classes because she cannot find anyone to care for her children while she is at school. She explains her dilemma to her VR counselor. Her counselor assists Sue by having VR pay for after school day-care so that Sue can complete her education.

- (18) specific post-employment services necessary to assist an individual with a disability to retain, regain, or advance in employment.

Tom was a former VR client whose case was closed as a success. Tom has been working successfully at his job as a library clerk for over three years. Tom is a 29-year-old male with multiple sclerosis. Tom has been driving his own van to work. However, the lift in his van is starting to break down from years of use. Tom is concerned that if the lift fails, he will not be able to get to work. His work location is not on an accessible bus line. Tom contacts his former VR counselor and explains what is happening with his vehicle. Under post-employment services, Tom can receive further assistance from RSA. In this case, RSA provides Tom with a new van lift so that he can continue working and will not lose his job.

Eleanor is a former VR client whose case was successfully closed when she obtained a job as an office manager. She has arthritis which has become increasingly painful. She cannot keep up with typing memos and reports. She works for a very small company, and they are considering letting her go. She calls her VR counselor and asks for computer voice technology software. This would be a possible appropriate P.E.S.

4. Do I have to pay for my VR services?

Based on your individual financial resources, a state RSA may require you to pay all or a portion of some of your VR services. However, the following services are available to you and all eligible VR clients, regardless of your financial resources, without you paying for any part of the service:

- ✓ diagnostic services;
- ✓ vocational counseling, guidance, and referral services;
- ✓ I.P.E. planning;
- ✓ job search and placement services;
- ✓ rehabilitation technology (including assistive technology and services);
- ✓ under new federal regulations that have not yet become effective, sign language interpreter services will be added to this list;
- ✓ tuition; and
- ✓ adjustment to disability services.

Most likely other VR services, except the ones mentioned in the above question, would

be provided based on financial need.

5. How does RSA decide if I have to pay for VR services?

In Arizona, RSA requires that an individual's income be considered for receipt of all other services not listed in Question #4 above. Existence of economic need is determined as part of the IPE process prior to initiating services. Income from every member of the family is counted unless a person is a family of one. The family's gross monthly income is determined by listing income for all members of the family. Because many types of income are not received in a monthly sum, all income must be changed to a monthly figure. Then any disability-related expenses are subtracted from your monthly income. If the client's gross monthly income minus disability-related expenses is less than the amount on the VR economic need chart, a client meets financial eligibility. The economic need chart is in **the Appendix of this guide**.

6. What income is counted when RSA determines if I have met their financial need guidelines?

A VR client meets Economic Need if the adjusted gross income on his/her federal income tax is equal to or less than the monthly income listed on the AzRSA Economic Need Chart. **See Appendix – Economic Need Chart.**

7. Is there any income that is not counted when considering financial need?

Yes. Some income is not counted. No income received as benefits under Title II (Social Security Disability Insurance) or Title XVI (Supplemental Security Income) of the Social Security Act are counted. VR also does not count the dollar amounts of food stamps or any portion of educational grants and scholarships used to pay for tuition, books, and supplies.

8. Are any of my expenses taken into consideration when determining financial need?

Yes. Any financial needs test must take into account your disability-related expenses. If you have disability-related expenses, these need to be deducted from your monthly income before determining your financial need.

Pauline works as a lawyer at a legal aid office. She recently become more physically challenged because of multiple sclerosis and has to use a walker for short distances and a wheelchair for longer distances. This year, she has had a lot of disability-related expenses: a \$500 insurance deductible for her wheelchair and walker, the co-pay on medications, and home modifications. Although her income is higher than for a family of one, her income is significantly lowered by all of her disability-related expenses.

9. What can I do if I do not meet the economic needs guidelines but I cannot afford to pay for a necessary VR service?

Arizona cannot legally adopt financial need guidelines that are so high as to effectively deny you a necessary service. First, you should make sure that the service that you need is one that requires your financial participation. If it is not, then RSA cannot legally require you to participate in the cost. Second, you should make sure that only countable income was considered. See the chart in the Appendix. Third, you should make sure that a family member's income was not considered if you are not dependent upon your family. Fourth, you should make sure that all of your disability-related expenses were taken into account and subtracted from your monthly income. If these things did not happen, then RSA might be wrong about your need to pay. If they did the math right and you are still ineligible, then you may have to pay a portion of the cost, and that cost could be subtracted as a disability-related expense from your income. If you cannot afford a service that VR would normally be required to provide to you, contact CAP for more information about your rights in this area.

10. When must I look to a different agency to provide a service before RSA becomes responsible?

RSA is the payer of last resort for many services. In other words, RSA will not pay for a service if there is a similar service or benefit available from another provider. For example, if you qualify for attendant care through Arizona Long Term Care Services (ALTCS), RSA will not pay for the attendant care available through ALTCS. However, RSA cannot refuse to pay for additional attendant care needed to go to a job interview. Neither can RSA refuse to pay for college tuition because you could have, but did not obtain, student loans. Student loans requiring repayment are not "comparable benefits."

There are some situations in which RSA cannot require you to first look to another agency for the service. RSA cannot deny a service, if waiting for the comparable benefit by the other agency could interrupt or delay:

- (1) your progress toward achieving an employment outcome;

- (2) an immediate job placement; or
- (3) you are at extreme medical risk without this service.

Also, RSA cannot require you to get comparable benefits for VR counseling, referral services, job placement services and rehabilitation technology. It is not your sole responsibility to find comparable benefits. Under the federal law, RSA must develop a complete plan with all public agencies providing VR services, including Arizona Health Care Cost Containment System (Or AHCCCS–Arizona’s Medicaid alternative), public colleges, and partners in the workforce investment systems. Partners in the workforce investment system include but are not limited to One Stop Centers and Job Corps. The plan must include how the agencies will work together.

If there is a comparable benefit that exists and is available at the right time, you must use those services. However, if there is a comparable benefit, but it is not available when needed, RSA must provide the service until the comparable benefit becomes available. If another state or federal law requires a different agency to pay for the service and that agency is not providing the service, then RSA must provide the service but may try and get reimbursed by the responsible agency.

11. What do I do if I disagree with the amount or type of VR services RSA is willing to provide?

If you disagree with either the amount or type of VR services that RSA is willing to provide, you can appeal the decision. You have a number of informal and formal procedures you can use to appeal RSA’s decision. However, you will need to be able to show why you need the service or the amount of service that you are requesting. For more information about your appeal rights, see the Center’s guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

Isabel is mentally ill and works with a job coach and four other workers to provide housekeeping services for a wing at a resort. She needs to be able to communicate better with her job coach, such as being able to ask for more cleaning supplies, for assistance with a task, for a break to use the bathroom or get her meal, or to ask for help. Isabel obtained an augmentative communication device from RSA, but she needs training on how to use it. RSA believes she only needs two hours of instruction on the device. Isabel and her guardian believe that she needs at least 20 hours of instruction by a speech therapist. Isabel can appeal the decision by her counselor to only offer two hours of instruction by a therapist.

12. Do I have a choice of service providers?

You have the right to select the service provider of your choice as long as the provider is qualified and follows the fee schedule. You must be provided information to assist in making informed choices about what service providers are available to provide the specific services you may need. This information should be thorough so that you can make an appropriate selection of the service provider that will best meet your unique needs. If you choose a vendor whose rates exceed the fee schedule (and other vendors are available who would adhere to the fee schedule), you may still be able to use to provider if you are willing to pay the difference in rates.

13. What do I do if I am dissatisfied with the services of a service provider being paid for by RSA?

You should immediately inform your counselor of your dissatisfaction with a service or lack of service from a provider. You should provide a thorough explanation to your counselor regarding what is your reasoning for this dissatisfaction of a service from a provider. Your counselor should immediately attempt to fix this problem. If you are still dissatisfied, you should make a request to change to another provider if such provider is available.

If you are dissatisfied with a counselor's actions or lack of action concerning the provision of services from a provider, you have a right to an appeal. You must be informed by RSA about your appeal rights. For more information about your appeal rights, see the Center's guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

14. Is RSA required to provide the best service available?

No. RSA is required to provide you with the necessary vocational rehabilitation services to reach your employment goal. Therefore, if there are two or more alternatives and each would be effective in helping you reach your employment outcome, RSA can consider cost. However, if the alternatives that RSA is considering are not all effective to assisting you in reaching your employment outcome, then RSA cannot simply pay for the cheapest of the alternatives. The selected alternative must be effective in helping you reach your employment outcome.

15. Can RSA reduce, stop or suspend my VR services without my consent?

Yes. RSA can reduce, stop, or suspend your VR services without your consent. However, RSA must first provide you with written notice which explains the decision, the reason for the

decision, and your appeal rights. If you file a timely appeal, then RSA cannot reduce, stop or suspend your VR services (except in unusual cases where they believe you obtained your VR services through fraud) until the appeal is concluded. For more information about your appeal rights, see the Center's guide, *Your Appeal Rights for Disputes about Vocational Rehabilitation Services*.

C. Protect Your Rights

For many VR applicants, the process goes smoothly without any problems. However, if any of the following happens to you, you should call CAP for advice or get other legal advice:

- ◆ You are denied a specific necessary vocational service;
- ◆ You are denied the amount of service needed to reach your employment outcome;
- ◆ You are denied a service unless you pay for it and you cannot afford the service;
- ◆ You are required to wait for a service from another agency that RSA could provide and this is delaying your rehabilitation;
- ◆ RSA and another agency disagree about who should pay for a vocational service and you are caught in the middle;
- ◆ RSA terminates, reduces or suspends your service without proper written notice;
- ◆ You are not given a choice of service providers;
- ◆ You are not given information about your choices for service providers; or
- ◆ Any other problems related to vocational services.

D. Other Legal Services Offered by the Center

The Arizona Center for Disability Law helps people with disabilities in these types of problems:

- ◆ Preventing and remedying abuse and neglect of individuals in mental health facilities, nursing homes, community provider residences and schools;
- ◆ Ensuring appropriate discharge planning from mental health facilities and access to appropriate mental health services;
- ◆ Enforcing the right to a free appropriate public education for children with developmental disabilities;

- ◆ Advocating for the right to appropriate health care, assistive technology and other services for individuals with disabilities;
- ◆ Remedying housing discrimination against individuals with disabilities under the Fair Housing Act; or
- ◆ Remedying discrimination by enforcing the Americans with Disabilities Act including:
 - ✓ advocating for a greater accessibility to public places, businesses and governmental offices and services;
 - ✓ promoting integration and equality in public services and programs; and
 - ✓ employment rights for individuals with disabilities

The Center provides the following types of services:

- ◆ Information on legal rights;
- ◆ Representation of individuals in negotiations or in administrative proceedings and court;
- ◆ Investigate incidents of abuse and neglect;
- ◆ Bringing impact litigation to remedy systemic problems; or
- ◆ Providing technical assistance to groups and individuals on disability-related legal issues.

APPENDIX – ECONOMIC NEED CHART

Economic Need Chart

Fiscal Year 2012

Effective 10/1/2012	
Family Size	Monthly Income
1	2,995.16
2	3,916.74
3	4,838.33
4	5,759.92
5	6,681.50
6	7,603.09
7	7,775.89
8	7,948.69
9	8,121.48
10	8,294.48
11	8,467.08
12	8,639.88

Economic Need is based on 100% of the estimated Arizona State median income.

FY2011 covers the period 10/1/11 through 9/30/12

Services Conditioned on Economic Need

- All purchased **counseling** services
- All **restoration** services
- All **books/tools/computers/software/tape recorders and other training materials** purchased for basic education, skill training/education, and business/vocational/technical education
- All **occupational licenses, tools/computers, work equipment** purchased for work
- **Vehicle modifications**
- All **transportation costs**, except transportation in support of an evaluation or adjustment to disability service
- All **food/clothing, living away from home, and relocation** maintenance
- **Child care** services

Economic Need must also be determined if any of these services are to be provided to a family member.