

COMPARABLE SERVICES AND BENEFITS

I. LEGAL AUTHORITY:

Rehabilitation Act of 1973, as amended, in Title IV of the Workforce Development Act of 1998; Sec. 12(c) and 101(a)(8); Sec. 103(a)(1)-(12); Sec. 504; Sec. 705(a)(3); 29 U.S.C. 711(c) and 721(a)(8); 34 CFR 104.44(d); 104.51; 104.52(d)(1); 361.5(b)(10); 361.53; 365.15(a); 361.48; 361.50(b)(1); Title IV of the Higher Education Act of 1965, as amended; Sec. 484(a)(3).

II. POLICY STATEMENT AND PURPOSE:

The Office of Rehabilitation Services must determine whether comparable services and benefits, as defined in § 361.5(b)(10), exist under any other program and whether those services and benefits are available to the individual.

A. Definitions

1. Comparable services and benefits are services and benefits which are:
 - a) Provided or paid for in whole or in part by other Federal, State, or local public agencies, by health insurance or by employee benefits;
 - b) Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the IPE; and
 - c) Commensurate with the services that the individual would otherwise receive from the vocational rehabilitation agency.
2. Comparable services and benefits excluded from this definition are:
 - a) Awards and scholarships based on merit.
3. Extreme medical risk means a probability of substantially increasing functional impairment or death if medical services, including mental health, are not provided expeditiously.

III. GUIDELINES:

A. Conditions and Criteria

1. The determination of comparable services and benefits shall be required unless:

- a) The determination would significantly interrupt or delay the progress of the individual toward achieving the employment outcome identified in the Individualized Plan for Employment (IPE)(ORS-17);
 - b) The determination would interrupt or delay the provision of services to any individual at extreme medical risk (extreme medical risk means the substantial increase of functional impairment or risk of death if medical services are not provided expeditiously) based on medical evidence provided by an appropriate qualified medical professional;
or
 - c) The determination would interrupt or delay the loss of an immediate job placement.
2. Services Subject to the Comparable Benefits Requirements:
- a) Physical and mental restoration treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial barrier to employment.
 - b) Maintenance/monetary support provided to an individual for expenses, such as food, shelter, and clothing which are in excess of the normal expenses of the individual and are necessitated by the individual's participation in vocational rehabilitation services, i.e., cost of uniform/clothing that is required for job seeking and/or placement; one time security deposit or charges for initiation of utilities that are a result of an individual relocating for job placement.
 - c) Tuition for college and vocational training programs are subject to determination of available grant assistance in whole or in part from other sources (i.e. Pell Grants, WIA funding, and Estimated Family Contribution (EFC) according to FAFSA).
 - d) Occupational licenses, tools, equipment and initial stock and supplies.
 - (1) Occupational license is a license required for the identified vocational goal.
 - (2) Tools and equipment are those needed to perform the work of the identified vocational goal (refer to Section 115.20).
 - (3) Initial stock and supplies are items pertinent to establishing a new business within the first six months.
 - e) Transportation/travel expenses that are necessary to enable an individual to participate in a vocational rehabilitation service including training in the use of public transportation and vehicles.

- f) Vocational rehabilitation services to family members includes a relative, guardian, or person who lives in the same house as an eligible individual of ORS and has a substantial interest in the well being of the individual and whose receipt of vocational rehabilitation services is necessary to enable the eligible individual of ORS to achieve an employment outcome.
 - g) Transition services are a coordinated set of activities designed for a high school student which promote or facilitate the achievement of employment as identified in the IPE.
3. Services not Subject to the Comparable Benefits Requirements:
- a) Assessment for determining eligibility and vocational rehabilitation needs;
 - b) Counseling and guidance, including information and support services, to assist an individual in exercising informed choice;
 - c) Referrals to secure needed services from other agencies, including other components of the statewide workforce investment system
 - d) Job-related services, including job search and placement assistance, job retention services, follow-up services and follow-along services;
 - e) Vocational and other training services, which are not provided in institutions of higher education, including personal and vocational adjustment services, books (including alternative format books, accessible by computer and taped books), tools and other training materials;
 - f) Rehabilitation Technology devices and services including telecommunications, sensory and other technological aid and devices; and
 - g) Post-Employment Services consisting of the previously listed exceptions in "a" through "f".
4. Determination of Comparable Services and Benefits
- a) The determination of Comparable Services and Benefits is an ongoing process through the individual's vocational rehabilitation process.
 - (1) The Comparable Services and Benefits Review Checklist form (ORS-156) is to be completed at time of Individualized Plan for Employment (IPE)(ORS-17) development.
 - (2) At a minimum, the information is to be updated annually at the time of the IPE review.

- b) Eligible individuals are required to apply for and accept those comparable services and benefits to which they are entitled when the services are adequate for the achievement of their vocational goal.
 - (1) ORS cannot utilize VR funds for services subjected to Comparable Services and Benefit Review if the individual:
 - (a) Refuses to apply for services or benefits for which he/she may be eligible (i.e. an individual seeking higher education must apply for the Pell Grant);
 - (b) Refuses to accept a comparable service or benefit which is available and adequate to meet the intermediate rehabilitation objective of the Individualized Plan for Employment (IPE).
 - (2) The determination of comparable services and benefits is not attached to financial eligibility/determination of economic need (ORS-60). An individual may be financially eligible and still will be expected to utilize whatever comparable services and benefits available to them to meet the cost of vocational rehabilitation services (i.e., Individuals receiving SSI/SSDI must apply for a Pell Grant when attending college or a training program that is Pell Grant eligible, although the individual will not be subject to a financial needs test.)
5. Provision of Services
- a) If the individual has access to comparable benefits and services at the time needed to ensure timely movement toward the employment outcome identified in the Individualized Plan for Employment (IPE), then ORS must use those comparable benefits and services to meet in whole or in part the cost of the vocational rehabilitation for the individual.
 - b) In cases where comparable services and benefits exist under another program but are not available to the individual at the time needed to ensure timely movements toward the rehabilitation objective in the IPE, ORS will provide those services until comparable services and benefits become available.
 - c) In cases where ORS is providing the services, the State Purchasing Policies apply. Please refer to Section 115.20(c), Occupational Tools, Equipment, Licenses, Initial Stock and Supplies section - Purchasing

Procedures. If the fee is listed on the ORS Fee Schedule, no quotes or MPA documentation is required.

- d) If the individual chooses an out-of-state service which represents a higher cost than a comparable in-state service that will meet the individual's needs, ORS is not responsible for the excess cost beyond the cost of the service in-state.

6. Case File Documentation

- a) The case file is to contain documentation of exploration and determination of comparable services and benefits; the individual's eligibility/ineligibility for comparable services; and justification for not utilizing a potential comparable service or benefit.

IV. FORMS (LOCATED IN APPENDIX #1)

- A. Comparable Services and Benefits Review Checklist (ORS-156)
- B. IPE/IPE Annual Review/Amendment (ORS-17)
- C. Determination of Economic Need (ORS-60)