

Secondary Service – Policy Definition

(Effective March 2002)
(Reviewed July 2014)

Approved by the Policy Academy on January 16, 2002.

Approved by the Senior Leadership Team on February 4, 2002.

Subject: Purchase of Services

Clarification:

1. To ensure that DVR staff are correctly planning services (primary and secondary) so accurate determinations of consumer contribution can be made.
2. To ensure that secondary services are only provided when associated with a concurrent primary service.

Definition of Secondary Service:

Secondary services may only exist on an IPE in conjunction with and be provided concurrently with a primary service.

Each secondary service may appear many times on any given IPE; as many times as it is needed to enable primary services.

A secondary service is a service that is needed by the consumer both for rehabilitation reasons and for personal reasons. Normally, this service is the responsibility of the individual and other agencies. However, when the cost of this service increases specifically because of the consumer's participation in an evaluation or an IPE, the increased cost may be considered a secondary service for vocational rehabilitation purposes.

By law, secondary services are limited to:

- *Maintenance (#7 on page 3)*
- *Transportation (#8 on page 3)*
- *Personal services attendant (#9 on page 3)*
- *Care of a child, elder, or disabled family member (#17 on page 4)*

Secondary services assume the financial liability of the primary service with which they are associated. For example, transportation to support placement is exempt from consumer contribution because placement is exempt. Transportation to support training is not exempt from consumer contribution because training is not exempt.

The exception to this strategy is personal services attendant. This secondary service is exempt by law from consumer contribution regardless of which type of primary service it supports.

Rationale

Section 103(a) of the Rehabilitation Act specifies 18 services that DVR may provide:

- (1) an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;
- (2) counseling and guidance, including information and support services to assist an individual in exercising informed choice consistent with the provisions of section 102(d);
- (3) referral and other services to secure needed services from other agencies through agreements developed under section 101(a)(11), if such services are not available under this title;
- (4) job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
- (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 funds under this title unless maximum efforts have been made by the designated State unit and the individual to secure grant assistance, in whole or in part, from other sources to pay for such training;
- (6) to the extent that financial secondary is not readily available from a source (such as through health insurance of the individual or through comparable services and benefits consistent with section 101(a)(8)(A)), other than the designated State unit, diagnosis and treatment of 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;

(B) necessary hospitalization in connection with surgery or treatment;

(C) prosthetic and orthotic devices;

(D) eyeglasses and visual services as prescribed by qualified personnel who meet State licensure laws and who are selected by the individual;

(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;

(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;

(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;

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

(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;

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

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

(13) technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;

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

(15) transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the individualized plan for employment;

(16) supported employment services;

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

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

Of these 18 service categories, four stand out as deserving special attention.

Federal Regulations define maintenance, personal assistance services, transportation, and services to family members as follows (Sec 361.5(b)):

(35) Maintenance means monetary secondary provided to an individual for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the individual and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an individualized plan for employment.

(i) Examples: The following are examples of expenses that would meet the definition of maintenance. The examples are illustrative, do not address all possible circumstances, and are not intended to substitute for individual counselor judgment.

Example 1: The cost of a uniform or other suitable clothing that is required for an individual's job placement or job-seeking activities.

Example 2: The cost of short-term shelter that is required in order for an individual to participate in assessment activities or vocational training at a site that is not within commuting distance of an individual's home.

Example 3: The initial one-time costs, such as a security deposit or charges for the initiation of utilities, that are required in order for an individual to relocate for a job placement.

Example 4: The costs of an individual's participation in enrichment activities related to that individual's training program.

(39) 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 without assistance if the individual did not have a disability. The services must be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. The services must be necessary to the achievement of an employment outcome and may be provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services.

(57) Transportation means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems.

(23) Family member, for purposes of receiving vocational rehabilitation services in accordance with Sec. 361.48(i), means an individual--

(i) Who either--

(A) Is a relative or guardian of an applicant or eligible individual; or

(B) Lives in the same household as an applicant or eligible individual;

(ii) Who has a substantial interest in the well-being of that individual; and

(iii) Whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

What these service definitions have in common is the aspect of enabling or supporting another vocational rehabilitation service. **It is the intent of the Rehabilitation Act to acknowledge that while people with disabilities may have ongoing needs for maintenance, transportation, personal assistance services, child care, or elder care the responsibility of meeting these needs rests with the individual and other service programs except insofar as *increased or new costs for these services* are created by participation in the vocational rehabilitation program under an IPE or as part of an evaluation.**

Implementation and Duration

Commencing on March 1, 2002 and Ongoing

Prior Procedure/Policy

This policy interpretation replaces all former guidelines, local practices, or training to the contrary.