

REFERRAL AND APPLICANT

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Authority

- Rehabilitation Act of 1973 as amended, Section 101(a)(6)(A) and Section 102(a)(6).
- Federal Regulations, Sections 361.41, 361.38
- Administrative Regulation 781 KAR 1:020 Sections 2 and 3.

*For the purpose of this manual, use of the terms **must** or **shall** reflect requirements of Federal law or regulation or state law or administrative regulation and must be adhered to strictly.*

Referral Development

The Department of Vocational Rehabilitation counselors are responsible for finding individuals with disabilities in their areas and encouraging them to apply for Department services. Counselors will be responsible for maintaining productive contacts within the district, which result in appropriate referrals to the Department.

Each county has at least one general rehabilitation counselor assigned to accept referrals. Each county has an assigned Rehabilitation Counselor for the Deaf (RCD). RCDs serve consumers who are deaf and use sign language as their preferred mode of communication. Each RCD is responsible for a service area based on labor market groupings. Communication Specialists, located in most of the major offices, serve consumers who are hard of hearing and late deafened. When serving an individual who has both hearing and vision loss, contact the State Coordinator of DeafBlind Services. This will help ensure the individual is placed on a statewide registry and that appropriate services are provided. In counties without a rehabilitation office, counselors serving that area make periodic visits to offices of other state and county agencies to provide rehabilitation services.

The Department establishes and maintains working and cooperative agreements with agencies through which referrals may be made. The Department educates referral sources to ensure that individuals with disabilities are given accurate information about the Department of Vocational Rehabilitation.

The Department maintains supplies of brochures explaining the vocational rehabilitation program. These can be distributed to potential referral sources or used in other ways to inform the public. Public Service Announcements, video, and other aids are available through the Central Office. The counselor assumes the initiative for making contact with and educating referral sources. Some suggested sources are:

Individuals

Public and Private Schools

Hospitals and Clinics

Insurance Companies

Physicians

**Department for Employment
Services**

Department for Social Insurance

Department for Health Services

Department for Social Services

Consumer Groups

Businesses

Private Rehabilitation Facilities

Guidance Counselors

One-Stop Career Centers

Health Services

**Community Rehabilitation
Programs**

Comprehensive Care Centers

Workers' Compensation

Department of Corrections

Veterans Administration

Social Security Administration

Civic Clubs and Groups

Associations and Labor Groups

This list is not intended to be an all-inclusive. Counselors should use all of their professional talent and imagination to identify individuals appropriate for referral.

In order to establish and maintain good relationships with referral sources, counselors should consider the following:

- Have frequent contact
- Maintain two-way communication
- Encourage, share, and develop information - as appropriate in a team approach
- Visit treatment team planning sessions
- Attend staffings
- Participate in IEP/ARC meetings
- Become familiar with other programs
- Explain DVR decisions

From the above involvement, the counselors will benefit in terms of receiving more appropriate referrals and obtaining accurate information that enhances the possibilities of successful employment outcomes.

Special Considerations

The Department will accept applications from individuals who maintain a domicile in the Commonwealth at the time of filing an application.

It is best practice to accept applications on institutionalized individuals approximately 30 days prior to discharge or release. This enables the counselor to meet with the individual for an initial assessment and to begin gathering necessary diagnostic information to determine eligibility. Applications should *not* be taken on individuals who are institutionalized for an indefinite or considerable period of time since that individual would not be available to complete an assessment.

Counselors should be very cautious when individuals who are institutionalized apply for services if immediate employment or training is a condition of parole/release. The acceptance of such conditions distorts the counselor/consumer relationship and may place the counselor in a difficult situation if parole/release conditions are not observed.

Occasionally, a counselor may be requested to make a home visit with a consumer. It is recommended that another Department staff person accompany the counselor. Concerns about home visits should be discussed with the field administrator or management team.

Visual Impairments

If the interview reveals that the individual's primary disability is a visual impairment, a referral should be made to the nearest office of the Department for the Blind. "Visual Impairment" means an individual has a condition of the eye, which constitutes or results in a substantial impediment

to employment for the individual. "Legally blind" means a visual acuity of 20/200 or less in the better eye with correction or a visual field of 20 degrees or less (KRS 163.460). Referrals who have a visual impairment and no other disability are the responsibility of the Department for the Blind.

The Department for the Blind has the responsibility for:

1. Applicants who have a visual impairment and no other disability. A Department counselor will not open a case or provide any diagnostics for an individual with a visual disability.
2. Applicants with a secondary disability of visual impairment, which has been caused, by the primary disability. An example of this would be diabetic retinopathy caused by diabetes.
3. Applicants having visual impairments that are of a progressive nature and which have a medical prognosis of deterioration.

Responsibility for applicants with multiple disabilities in addition to a visual impairment is determined as follows:

1. If an individual has a significant loss of vision and the visual impairment is the primary vocational impediment, services will be provided by the Department for the Blind.
2. If an individual has a significant loss of vision and the loss of vision is the secondary impairment, and the unrelated impairment is the primary vocational disability, vocational rehabilitation services will be extended by the Department.
3. If it is not clear whether the visual impairment or the other unrelated impairment constitutes the more substantial vocational impediment, and where reasonable minds may differ on this, appropriate staff members of both agencies will confer and make the necessary determination as to the responsible agency. Counselors of the Department and the Department for the Blind, in the district where these cases arise, will be expected to make the determination.
4. If the counselors are unable to reach a decision as to which agency is to take an application, the question should be referred to the field administrator or management team for a decision or to the respective Central Office if a decision cannot be reached at the local level. When this occurs, a representative from each agency and a third person agreed upon by both agencies will review all available information and

make a decision regarding which agency would appropriately serve the individual.

5. In particularly difficult cases involving individuals in this category where it is apparent that the expertise of both agencies is required for extending effective service to the individual, both agencies will cooperate closely. Each agency will provide consultation as needed.

When it is determined that an individual presently being served by one agency is properly the consumer of the other agency, the case will be closed in the proper status, the case folder will be retained by the agency closing the case, and a referral will be made to the other agency with copies of the entire case file made available to the other agency. The counselor will make this referral promptly through the Central Office Liaison between the Department and the Department for the Blind who will forward the referral to the appropriate agency.

Individuals who are deafblind may require services from both the Department and the Department for the Blind to achieve their vocational goals. DeafBlindness is defined as a combination of visual and hearing impairments that is so severe that the individual has extreme difficulty in the attainment of independence in activities of daily living, psycho-social adjustment or in the pursuit of a vocational objective. It is not necessary for either the hearing impairment or the vision impairment to be the major or secondary disabling condition as the presence of both conditions is sufficient for the individual to be considered deafblind. An individual may also meet the definition of deafblindness if the hearing or vision has a prognosis of further deterioration or if the individual's ability to use the hearing and/or vision is so limited as a result of protracted and inadequate use of either or both of these senses that the individual functions as a person who is deafblind.

Each agency has identified specific counselors to work cooperatively to provide services to individuals who are deafblind. Initial interviews are to be conducted jointly by counselors from each agency within 30 days of the referral date. Both counselors and the consumer are to review medical information, the significance of the disability and the need for multiple and complex services in order to determine whether or not it is appropriate for both agencies to provide services to the individual. When dual cases are warranted, cases should be opened in both agencies.

Relative Applicants

An employee shall not take an application or provide vocational rehabilitation services to a relative. The relative should be referred to the Director of Program Services or designee. The Director of Program Services or designee will assign a staff member who is not a relative to take the application and to provide services as deemed appropriate.

"Relative" is defined as an individual related to another individual by blood, marriage, or adoption, including spouses, parents, grandparents, brothers, sisters, sons, daughters, grandchildren, aunts, uncles, nieces, nephews, and first cousins.

If the applicant is a distant relative the counselor should treat the situation with the same discretion used when determining conflict of interest on any other case. The counselor should excuse himself or herself from the case if the potential for conflict of interest exists.

Employee Applicants

In order to provide Department employees fair and equal access to Department services and to avoid the appearance of impropriety or conflict of interest, an applicant who is a Department employee and the Department shall adhere to the following procedures when such an employee wishes to apply for rehabilitation services:

1. The employee shall advise the Director of Program Services or designee of the intent to apply.
2. The Director of Program Services or designee will select a counselor to take the application. Whenever possible, the counselor will be located in an adjacent district.

Initial Interview and Application Process

Once a counselor receives a referral, a good faith effort **must** be made to contact the individual in a timely manner. The purpose of this contact is to inform the individual of the application requirements for vocational rehabilitation services and to begin gathering information necessary to initiate an assessment for determining eligibility and priority of services. This contact *should* occur within five (5) working days of receipt of the referral. This is an opportune time for the counselor to discuss the existing information and request that the individual bring available records to the first meeting.

If the individual decides to pursue application for vocational rehabilitation services, arrangement *should* be made to meet within thirty (30) days of the date of referral. During this first meeting, the counselor should put the individual at ease and establish rapport. The purposes of the initial interview are:

1. To determine why the individual has come to the Department;
2. To obtain the individual's assessment of the disability and limitations in functional capacity, and how the individual feels the Department can assist;
3. To identify the mutual purpose and goals of the rehabilitation process;
4. To begin the assessment to determine eligibility.

At this time, the counselor should help the referred individual understand the eligibility criteria, the Order of Selection, and the assessment procedure. The counselor may use the Consumer Guide to further explain the vocational rehabilitation process. A copy of the Consumer Guide must be given to each applicant.

During the application process, the counselor and individual complete and sign the survey worksheet. At this point, the individual becomes an applicant. An individual may also become an applicant by requesting services in accordance with 781 KAR 1:020 Section 1 (1) which states "applicant means an individual who has signed a letter or document requesting vocational rehabilitation services who is available to complete an assessment. The completion of a joint intake form requesting Department services at a One-Stop is also an application for services. The sixty-day time frame for determination of eligibility begins when the individual becomes an applicant regardless of the method chosen.

In those cases where the counselor and the applicant wish to proceed with assessment to determine eligibility, the following steps should be taken:

1. Refer to the Consumer Guide to advise the applicant of his/her rights and responsibilities including appeal procedures and the right to determination of eligibility within sixty days;
2. Collect existing data if available or arrange for appropriate diagnostics;

3. Refer applicant to other appropriate resources such as Medicaid, community services, and other applicable Federal or State programs;
4. Provide an interpreter consistent with that person's mode of communication or other communication devices when indicated;
5. Begin case documentation including progress notes; and
6. Offer voter registration services (see National Voter Registration Act for further instructions).

After the initial interview the applicant should understand thoroughly the need to maintain contact with the counselor and the obligation to participate actively throughout the rehabilitation process.

National Voter Registration Act

The Department of Vocational Rehabilitation has been identified as one of the agencies to implement the National Voter Registration Act. Each office will maintain a supply of the necessary forms (i.e. the voter registration form, the "Voter Registration Rights and Declination" form, and the mail-in voter registration form). Counselors should offer every applicant the opportunity to register to vote when the consumer initially applies for services, during the annual review, or when the consumer changes addresses.

- At the point of initial application, each consumer is given the "Agency Voter Registration Rights and Declination" form and asked, "If you are not registered to vote where you live now, would you like to apply to register here today?"
- Detach the bottom portion of the "Agency Voter Registration Rights and Declination" form and give it to the consumer, whether the consumer decides to register or not.
- Provide the same level of assistance in completing the voter registration form as you would provide when the consumer completes any agency form. The counselor should be ready to answer any questions on each section of the form, and fill out the form for the applicant, if necessary.
- Maintain strict neutrality with respect to party enrollment.
- Accept the voter registration application form for transmittal to the County Clerk of the county of the applicant's voting residence, and store it in the location the Department has designated until it can be forwarded to the County Clerk's office.
- Mail the applications weekly or at least within 10 days of receipt of the application.

- Allow the applicant to choose to mail in the application. Provide that individual with the mail-in voter registration form.
- Keep the top portion of the "Agency Voter Registration Rights and Declination" form. Each office should designate a location for these forms, The forms are to be kept for two years.

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