



**Department of Health and Human Services
Division of Employment and Independence for
People with Disabilities**

Policy Directives

Independent Living Program

Effective Date: July 1, 2010

Revision Date: March 14, 2025

Volume VIII Policy Directives

Click on the links below to view the corresponding directive

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[#03-2021](#) - In-Person Service Delivery **OBSOLETE**

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Year Issued: 2022

#01-2022 - FNS Allowable Net Monthly Income Table ***OBSOLETE***

#02-2022 - In-Person Services and COVID-19

Year Issued: 2023

#01-2023 - FNS Allowable Net Monthly Income Table ***OBSOLETE***

#02-2023 - Money Follows the Person (MFP) ***OBSOLETE***

Year Issued: 2024

#01-2024 - FNS Allowable Net Monthly Income Table ***OBSOLETE***

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#03-2024 - Impacts from Hurricane Helene - UPDATED

Year Issued: 2025

#01-2025 - Voter Registration

#02-2025 - FNS Allowable Net Monthly Income Table



**North Carolina
Department of Health and Human Services
Division of Vocational Rehabilitation Services**

Michael F. Easley, Governor
Carmen Hooker Buell, Secretary

George McCoy, Director

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August 27, 2003

MEMORANDUM

To: All Staff Assigned Volume I

From: Georgia Steele, Assistant Director
Program Operations and Support Services

Re: **INTERIM POLICY AND PROCEDURE DIRECTIVE #1**

Please create a new tab in your Appendix for "Policy Directives" following appendix section "P" and file Interim Policy Directive #1 in the Appendix in the new section. This section will be utilized to file information previously sent out as informational memos from multiple sources. The Directives will be numbered differently in order to distinguish the directive from Policy Transmittals.

Policy Directive #1 addresses the recent changes in CATS and IMS edits to insure accurate reporting to RSA. This Policy Directive must be followed until a Policy Transmittal or another Policy Directive replaces the content of the directive.

Please address questions regarding the reporting issues to Marjorie Donaldson.



North Carolina
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POLICY and PROCEDURE DIRECTIVE MEMORANDUM # 1

TO: Regional Directors, Unit Managers, Quality Development Specialists,
Counselors

FROM: Marjorie Donaldson, Chief of Planning and Development

SUBJECT: Client Data Input and Data Maintenance Changes

DATE: August 27, 2003

As discussed at the August 6, 2003 Management Team meeting, there are several issues regarding the input and upkeep of client data that have to be addressed immediately in order to comply with RSA requirements and all federal reporting due to increasing and substantial errors.

Therefore, effective immediately, the following areas will be mandatory and edits will be in place to assure compliance:

Primary Support: Must be reported at application and updated at closure.

Public Support: Must be reported at application; reviewed at the time of eligibility; and updated at closure. The amount received by the individual each month for each source of public support must be recorded.

In addition, an edit will be in place to disallow public support amounts exceeding \$4,000. If there is a legitimate case where the amount exceeds \$4,000, please contact Jennifer Mitchell.

Medical Benefits: Must be reported at application and updated at closure. Each type requires a response either yes or no, and cannot be skipped.

Veteran Status: A response either yes or no is required. This field cannot be skipped.



Social Security Numbers: Input of the SSN has to be done before any type of case closure including “08’s (closure from applicant status).

IPE date and Closure date: There have been hundreds of cases over the past two years where the IPE date input was prior to the eligibility date. In addition, cases were closed with a date prior to the application date. An edit will be in place to prevent this from occurring.

Extended Employment: Closure reason 14 (extended employment) is only allowed for status 28 closures.

Significant Medical Improvement

Input of this information will no longer be required.

Backdating of Status 12

Recently, there has been a noticeable increase in requests to Jennifer Mitchell to backdate cases in status 12. The majority are cases where staff indicated that they failed to input a status change from status 10 to 12 in CATS or failed to do so at the time they developed an IPE. Requests recently from staff have been to backdate status 12 as far back as April of last year. Jennifer will assist staff with backdating status changes as long as it is within the current quarter and does not cross state or federal fiscal years.

As you are aware, the Division submits quarterly and annual federal reports to the Rehabilitation Services Administration (RSA) as required by the Rehabilitation Act and regulations. Much of the quarterly data reported is based on eligible clients with a plan for services. This information has to remain constant once reported. Therefore, please remind staff to check their masterlists more frequently to minimize the number of cases on a monthly basis that require backdating.

As noted previously, edits will be in place for both CATS and IMS to assure that this data is captured as indicated. Cats will bring forward on the closure screen the level of education, public support and medical benefits that were input at application. The counselor will be required to verify these and adjust any fields that are different at the time of closure in order to maintain correct data.

Required Verification Checks

RSA also conducts what it deems “reasonableness checks” of the data submitted. These areas are not necessarily errors **but do require verification**. Many of you have been asked to verify the accuracy of such data in the past. The major areas that fall under this category are:

- Verification of amounts of SSI, VA, other public support greater than \$4000.

- Verification of cases with closures of successful outcome and unsuccessful outcomes after services have been provided that have no cost.
- Verification of cases with costs greater than \$100,000.
- Verification of cases with time spent in VR less than three days.
- Verification of cases with age greater than 75 at time of application.
- Verification of cases with age less than 14 at time of application.
- Verification of cases in VR greater than 12 years.
- Verification of hourly wages greater than \$50/hour at application and /or closure.

Missing Data Report for Field Staff Use

Effective this month, a new report has been generated and is available on EXPORTER. It is labeled: VCMB970 RSA Data Miss.-Mo. located under DHR/VRA in EXPORTER. This report is available for each caseload. Security is set up so that a counselor can only look at his/her own caseload. Managers and QDS's will have access to their multiple caseloads. The purpose of this report is to provide a mechanism for counselors and office assistants to know what cases require corrective action and allow them to make those corrections. This report indicates both errors and data that need verification. Please have your staff move this new report (VCMB970) to their favorites list in EXPORTER.

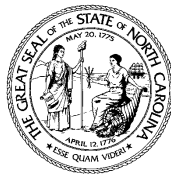
Currently, there are approximately 10 pages of missing data per caseload on this report. This represents a number of older cases that have been closed during the federal fiscal year that will end next month. Therefore, it is very important that staff work now to correct the areas noted on their caseload's report before the end of September. Jennifer Mitchell will be available to assist staff with this process and she will, as you know, be the person who will need to confirm this data prior to reporting. Jennifer will start reconciling this data in October to be submitted for the RSA-911 report for federal fiscal year 2002-2003.

Items on this report that require verification, as noted above, will not drop off the counselor's report and will remain there each month. The counselor or office assistant will be required to send via email, a response to Jennifer confirming the action taken on these items (correction or verification of accuracy). Once this is sent to Jennifer, no further action should be necessary.

The **VCMB970 RSA Data Miss. Report** will be available monthly for on-going caseload maintenance. Once the large amount of data noted previously is corrected and/or provided on these older cases, subsequent monthly reports should be considerably smaller. A "tickler" reminder will be generated for each caseload counselor via CATS regarding the need to address errors/missing data.

The client data reports the Division submits to RSA is the primary basis by which the VR program is evaluated. When errors occur, the Division is required to correct it quickly. Therefore, it is critical that we all put forth strong effort to get it right initially.

Thank you for your attention to this matter. Please contact Jennifer Mitchell or me if you have any questions.



North Carolina
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Division of Vocational Rehabilitation Services

Michael F. Easley, Governor
Carmen Hooker Odom, Secretary

George McCoy, Director

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October 21, 2004

MEMORANDUM

To: All Staff Assigned Volume I

From: Georgia Steele, Assistant Director
Employment Services

Re: **INTERIM POLICY AND PROCEDURE DIRECTIVE #06**
DURABLE MEDICAL EQUIPMENT

Please utilize the following policy and procedure for purchasing the specific durable medical equipment and assistive technology referenced in this memo until it is replaced by a subsequent policy directive or revision. This policy directive is effective immediately.

1. **Wheelchairs**

- A prescription is required in order to purchase a wheelchair
- If purchased from vendors that have been awarded a state term contract the Division will pay up to that rate after all other resources and comparable benefits have been utilized to pay for the wheelchair. The vendor is required to file for any comparable benefit available.
- If purchased from other vendors with justification as defined in Section 2-5-5, VR will solicit three written bids, take the lowest bid and pay up to that rate after all comparable benefits have been utilized.
- The vendor is required to file for any comparable benefit available. The benefit may be filed unassigned (this means that the money goes to the client instead of the vendor). This enables the vendor to blend sources of funding for components that are not covered by the comparable benefit.



- This procedure has not changed from previous practice. If the cost of the chair is estimated to be over \$2500.00, a purchasing packet must be forwarded to the Purchasing Unit for bids and purchasing.
2. **Augmentative Communication Devices:** These devices do not have a set rate or a Medicaid rate.
 - A prescription is required in order to purchase augmentative communication devices
 - The Purchasing Unit will be responsible for purchasing this equipment as it is generally in excess of \$2500.00.
 - The Division will pay up to the rate of the lowest bid after all comparable benefits and resources have been utilized to purchase the device. The vendor is required to file for any comparable benefit available. This procedure has not changed from previous practice.
 3. **Lift chairs:** Lift chairs do not have a set rate or a Medicaid Rate
 - A prescription and a Certificate of Medical Necessity is required to purchase this durable medical equipment
 - Since these chairs cost under \$2500.00, the bid process may be initiated locally. Three written quotes must be solicited and the lowest quoted rate accepted for the chair.
 - The vendor is required to file for any comparable benefits available and apply that to the cost of the lift chair.
 - NOTE: If the individual has a wheelchair previously sponsored by Medicare, the comparable benefit will not pay for a lift chair. Document this in the record to explain why the vendor does not file for the comparable benefits in this case
 4. **Multiple items of Durable Medical Equipment purchased as a package:** a number of small items is purchased together in which some have Medicaid rates and some do not:
 - Solicit quotes as a package
 - Accept the lowest quote
 - Submit the invoice for the entire amount
 - The Division will pay the amount for the entire package
 - Do not itemize separately with “E” codes in this case

For all other durable Medical Equipment and Medical Equipment, the Medicaid rate or the Division’s set rate will be paid. If there is no rate, contact Michelle Stephenson for clarification of the Medicaid rate or for the Division’s set rate.

GS:tf



North Carolina
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MEMORANDUM

To: All Staff Assigned Volume I

From: Brenda S. Williamson, Assistant Director, Employment Services
 Carol Potter, Assistant Director, Community Services

B.S. Williamson
C.P. Potter

Date: February 9, 2006

Re: **INTERIM POLICY AND PROCEDURE DIRECTIVE #01-2006**
VR and IL Personal Assistant Services – SECTION 2-18

The purpose of this directive is to bring the VR/IL Personal Assistance Services policy (SECTION 2-18) up to date with IRS requirements and to insure, to the extent possible, that our clients/participants are in compliance with the law so that they do not incur penalties for being delinquent in the payment of the FICA tax. Also, VR counselors are increasingly utilizing personal assistance services with clients, particularly in instances where the client is the actual employer of the personal assistant instead of securing this service through traditional home health agencies. In these cases, we are adding procedures to help insure that client's are fulfilling their responsibilities in paying the federal household employer (FICA) tax.

VR counselors must follow the IL Personal Assistance Services Policy (SECTION 2-18-1 Participant as Employer) when the client is the employer of the attendant. The Controller's Office will no longer process payment for VR personal assistance services unless the IL policy is followed in these situations.

This policy directive also addresses new procedures for client/participants in maintaining tax withholdings on their attendants when the client/participant is the employer of the personal assistant. Clients/participants are required to pay federal household employer (FICA) tax either quarterly or annually depending on their individual circumstances. The client/participant is responsible for determining what his/her obligation is for schedule of payment of FICA taxes, either with or without



assistance from an accountant or bookkeeper. There are numerous variables that must be taken into account in determining if the federal household employer tax (FICA) is to be paid either quarterly or annually. **It is not the role of the VR/IL State Agency to make these determinations for the client/participant.** If we were to attempt this and make incorrect determinations, the division would be liable for the payment of penalties.

The Division is no longer providing the FICA tax to the client/participant on a bi-weekly basis as it has in the past. Our policy heretofore has stated that “It is the responsibility of the participant to save the FICA taxes received and withhold until the end of each calendar year when those taxes are to be submitted to the IRS”. In the future, these funds will not be released until they are needed for the quarterly or annual payment of FICA, whichever is applicable. Clients/Participants must determine their own individual schedule of payment of the FICA tax and document such on the new DVR Form 1022A, to be submitted to their rehabilitation counselor. For the current tax year 2006, clients/participants should submit this form to their counselors by March 1, 2006, so that the division can provide them the FICA money in time to pay their first quarterly tax payment (if applicable) for the current tax year 2006.

Revised Policy

Volume I, Section 2-18 - “Participant Employer-Related Tax Obligation”, Number 3 (FICA Taxes), is revised to state that at the end of each pay period, the participant will be reimbursed for only the net wage based on form DVR-1019 “Record of Personal Assistant Hours” (timesheet) that the participant submitted to their counselor. The client/participant shall complete and return Form DVR-1022A and return it to their counselor by March 1 of each year or within twenty-one (21) days after actually hiring their first personal assistant(s). In the future, it is the responsibility of the participant to pay the FICA tax either quarterly or annually as they have determined on Form DVR-1022A. The client/participant shall pay the FICA tax as specified on the “Federal/State Household Employer Tax Payment Schedule” provided by the counselor. Within seven (7) days of paying the federal/state household employer tax, the client/participant will complete form DVR-1022B “Payment of Federal/State Household Employer Taxes” and return it to their counselor.

Due to the fact that the client/participant needs to complete and return form DVR-1022A to their counselor by March 1, 2006, it is necessary for staff to immediately provide the client/participant with copies of the following forms:

- Form DVR-1022A “Payment of Federal Household Employer Tax” is a new form. The participant will need to complete this form and return it to their counselor by March 1, 2006.
- Form DVR 1019A “Personal Assistance Services Receipt” has been revised to remove the language regarding the FICA amount being withheld in the checking account.
- Form DVR-1022B “Payment of Federal/State Household Employer Taxes” is a new form. The participant will need to complete this form and return it to



their counselor after paying their federal and state taxes.

- “2006 Federal/State Household Employer Tax Payment Schedule for Participant Use”
- “2006 Federal/State Household Employer Tax Payment Schedule For Staff Use Only”





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MEMORANDUM

To: All Staff Assigned Volume I

From: Elizabeth W. Bishop – Section Chief, Program Policy, Planning and Evaluation

Date: February 20, 2007

A handwritten signature in blue ink that reads "Elizabeth W. Bishop".

**Re: INTERIM POLICY AND PROCEDURE DIRECTIVE #01-2007
Workplace Violence**

The Division is committed to providing a safe and secure setting for employees to conduct their important work for the clients they serve. Likewise, we are also committed to providing a safe professional environment where client's can meet with vocational rehabilitation professionals to address their issues. We realize at times there can be situations in which applicants and clients become volatile or unstable to some degree. In many situations, this may be the focus of our vocational rehabilitation counseling in helping clients develop effective strategies in problem-solving difficult situations. However, clients are expected to follow societal codes of conduct and laws as set forth under our state and Federal statutes when conducting business and interacting with Division employees. The Division cannot tolerate behavior that is threatening, hostile, harassing, violent, intimidating, damaging to property, or physically aggressive to employees or others in the work environment, or when employees are in the community. Threatening behaviors could be made by phone, by mail, on site, after business hours, or in connection with other VR service providers such as Community Rehabilitation Programs (the respective policies of CRP would be applicable as well).

Definitions

- **Workplace Violence**: For purposes of casework and client services, workplace violence entails violence that may be carried out by consumers of services, their friends, relatives, strangers or acquaintances, and vendors either in an office setting or field location.

- *For issues involving staff against staff workplace violence, please refer to policies through the Office of State Personnel and Department of Health and Human Services. The web links for these policies are:
Office of State Personnel - <http://www.osp.state.nc.us/manuals/manual99/workplvi.doc>
Department of Health and Human Services - <http://info.dhhs.state.nc.us/olm/manuals/dhs/pol-50/man/Pol5>*
- **Threat**: The expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future.
- **Intimidation** – Actions that include but are not limited to stalking or behavior intended to frighten, coerce, or induce duress
- **Harassment**: This is an unwanted persistent behavior against another person which results in physical or emotional intimidation.
- **Physical Attack**: Unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, use of firearms or any weapons, or devices which would cause bodily harm.
- **Property Damage**: Intentional damage to property and includes property owned by the State employees, their consumers of services, visitors or vendors.
- **Improper Use of Internet/Telephone**: the use of various communication mediums to relay harassing statements or threats.
- **NOTE**: These guidelines do not apply to behaviors, statements, or actions which are inappropriate, offensive, irritating, or otherwise troublesome in nature. Such actions and behaviors are sometimes encountered by counseling professionals and other staff who work with people who have significant mental and/or physical disabilities. As professionals, we are expected to handle such actions and behaviors in a competent, efficient, and understanding manner. Supervisory and administrative consultation should be obtained whenever needed, but especially whenever it is felt that an action is becoming or constitutes a threat, violence, harm, harassment, or other form of intimidation. Unless an individual's action or behavior rises to the level of a threat, violence, harm, harassment, or other form of intimidation, it is expected to be treated, and responded to in a professional manner.

Each office must have emergency protocols for dealing with potentially dangerous or violent situations (this should be a type of alarm, warning system, or code words that will alert others to the fact that help is needed or that the police need to be called by someone other than the individual in the situation). If in an employee's judgment a situation requires immediate action, employees should attempt to utilize strategies of de-escalation. However, if an immediate danger exists, the police shall be contacted promptly. If a physical threat is taking place the threatened person should disengage from the threatening person involved as quickly as possible and obtain support from all other people in the vicinity. Consultation with supervisors and administration should be sought immediately. All other individuals in the vicinity should be informed that a threatening incident is occurring or has occurred. If someone is being physically attacked, and it is no longer a threat, that person has the right to defend himself or herself immediately, to escape or disengage from the situation, and to immediately seek all available assistance and support.



All threats, violence, harm, harassment, and other forms of intimidation must be documented using the *Workplace Violence Incident Report Form*. This form must be submitted to the most immediate and available supervisor, even when there is an uneventful or favorable resolution of the incident. Management, in consultation with Human Resources Staff and affected employee(s), will determine a measured response and course of action to take and initiate such, factoring in the perceived seriousness of the situation and need to involve others such as law enforcement.

When an individual demonstrates by past or present actions that they pose a threat to Division staff, they have forfeited the benefit to receive vocational rehabilitation services. The Chief of Policy and Casework Operations, or Section Chief for Policy, Planning & Evaluation should be consulted **in all such cases**.

1. If there is an open case, the case should be closed as “*failure to cooperate*”. The individual should be notified in writing of the closure, the reason for the closure (the individual’s behavior which was identified as violent or threatening), the State’s workplace violence policy, and the standard rights to appeal.
2. Requests to open new cases or reopen previously closed cases should be assessed very carefully. The individual must provide independent evidence that they have received services or therapy to address the previously identified violent or threatening behavior. It is the individual’s responsibility to provide such evidence. Independent sources for such evidence and evaluation may be a psychiatrist, psychologist, medical doctor, or other professional whom the counselor deems qualified to assess such situations. Participation in such services or therapy alone does not equate to eligibility for Vocational Rehabilitation services. The individual would still have to be determined eligible according to the standard eligibility policies and procedures. If a case is not opened or reopened, the individual should be notified in writing of the Division’s decision, the reason for the action, the State’s workplace violence policy, and the standard rights to appeal.

All VR Offices should have the weapon frees/prohibition policy posted.



WORKPLACE VIOLENCE INCIDENT REPORT – VOLUME I

Reporting Individual: _____

VR Work Unit: _____

Name of Intended Victim: _____

Date of Incident: _____

Specify Location of Incident: _____

TYPE OF INCIDENT: (Check one or more)

Threat:

- | | |
|--|---------------------------------|
| <input type="checkbox"/> Communicated directly to victim | <input type="checkbox"/> Verbal |
| <input type="checkbox"/> Communicated to another person | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> Note |
| _____ | <input type="checkbox"/> E-Mail |

Intimidation:

- Stalking
- Engaging in actions intended to frighten, coerce, or induce duress
- Other (Specify) _____

Physical Attack:

- Hitting, fighting, pushing, or shoving
- Use of object as weapon
- Use of weapon such as gun or knife
- Other (Specify) _____

Property Damage:

- Damage to State Property
- Damage to personal property
- Other (Specify) _____



**North Carolina
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MEMORANDUM

To: All Staff Assigned Volume I

From: Elizabeth W. Bishop – Section Chief, Program Policy, Planning and Evaluation

Date: February 20, 2007

A handwritten signature in blue ink that reads "Elizabeth W. Bishop".

**Re: INTERIM POLICY AND PROCEDURE DIRECTIVE #02-2007
VR Sponsorship of Prescription Pain Medications**

The purpose of VR sponsorship of physician prescribed pain medication is to make an individual's pain more tolerable during the recovery process from physical impairments and/or to help the individual be more functional and able to participate in their vocational rehabilitation program. These medications have very strong addictive potential. There is the potential for overdose if not taken as instructed by a physician. They also present significant risk for abuse and misuse.

The following guidelines must be followed by rehabilitation counselors when authorizing this service:

1. All prescriptions for the client must be provided by one treating physician. If the client has a history or current diagnosis of substance abuse/dependence, he/she must sign VR Consent for Release of Confidential Information Form allowing the Division to release this information regarding past or current substance abuse to the treating physician.
2. VR sponsorship of these medications should not exceed a period of sixty days. The one exception is that a unit manager may approve an extension of the sixty day limit for a specified, limited, time if the client is actively being treated in a chronic pain clinic and under the medication protocols of that clinic. However, the Division is unable to purchase prescription pain medications on a long term basis for chronic pain disorders. In these

situations, efforts must be made to identify long term funding sources for the prescribed medications.

3. The treating physician will provide the vocational rehabilitation counselor with a brief treatment plan for the patient. The counselor will be notified in writing of any significant changes or amendments to this plan.
4. If the patient is referred to another physician who will become the treating physician, the patient will sign a release allowing notification of the new physician of the patient's controlled substance use.
5. The client must sign a VR Narcotics Contract which will be in effect for the duration of the service.
6. VR will not authorize replacements of medications that are lost, stolen, damaged, destroyed, thrown away, etc.
7. The client must inform the treating physician and rehabilitation counselor if he/she is receiving prescriptions for pain medications from any other physician. Failure to do so will result in the Division terminating sponsorship of this service.

The treating physician should provide periodic blood or urine testing of the patient. This helps to identify patients who are using additional drugs, using excessive amounts of the prescribed drug or not using any medication at all.



North Carolina Division of Vocational Rehabilitation
Prescription Pain Medication Contract

1. The purpose for my using the medications is to make my pain more tolerable during the recovery process from physical impairments. Additionally, these medicines are used to help me be more functional in being able to participate in my vocational rehabilitation program and secure suitable employment. VR authorization of these medications will be for the quantity indicated on the prescription not to exceed a supply covering 60 days (the equivalent of a prescription for a one month and one refill)
2. I understand that these medications have very strong addictive potentials. There is potential for being overdosed if not taken as instructed by my physician. I am to take these medications exactly as prescribed by my physician.
3. I understand that if my tolerance for these medications becomes too great that my physician may put me on a drug holiday (that is, taken off these medications) so that my body can readjust to function at a much lower level or no drug level.
4. I will obtain these medications only from the treating physician identified in my rehabilitation plan (IPE). I will not seek these medicines from any other physicians. I will make other treating physicians aware of my Prescription Pain Medication Contract with NC DVR.
5. I must notify my rehabilitation counselor in advance of needing authorization of a refill.
6. There will not be replacement of medications that are lost, stolen, damaged, destroyed, thrown away, etc. I will store these medicines in a safe place away from children.
7. I will tell my treating physician and rehabilitation counselor if I am getting these medicines from any other physicians.
8. If I do not follow the guidelines in this contract, I will no longer receive assistance from NC DVR in the purchase of medications.

Client Signature

Date

Witness





**North Carolina
Department of Health and Human Services
Division of Vocational Rehabilitation Services**

Michael F. Easley, Governor
Carmen Hooker Odom, Secretary

Linda S. Harrington, Director

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MEMORANDUM

To: All Staff Assigned Volume I

From: Elizabeth W. Bishop – Section Chief, Program Policy, Planning and Evaluation

Date: February 20, 2007

A handwritten signature in blue ink that reads "Elizabeth W. Bishop".

**Re: INTERIM POLICY AND PROCEDURE DIRECTIVE #03-2007
Morbid Obesity/Clinically Severe Obesity/Surgery for Clinically Severe Obesity**

Obesity is defined as an increase in body weight beyond the limitation of skeletal and physical requirements, as the result of an excessive accumulation of fat in the body. People with obesity are employed in most occupations and businesses. Being overweight or obese may cause little or no inconvenience to a person's career. However, when this condition reaches the extreme it may be diagnosed as morbid obesity or clinically severe obesity (used interchangeably) and may result in substantial impediments or even physical incapacitation.

Determination of Impairment

The diagnosis of morbid obesity should be provided, at a minimum, by a physician specializing in family practice, internal medicine, endocrinology or gastroenterology. The body mass index (BMI) is the standard in defining overweight, obesity, and morbid obesity. The BMI is calculated based on a person's height and weight – weight in kilograms (2.2 pounds per kilogram) divided by the square of height in meters (39.37 inches per meter). A BMI of 25 or more is considered overweight; 30 or more obese; and 40 or more, morbidly obese or clinically severe obesity. Generally, an individual having a diagnosis of morbid obesity with a BMI of 40 or more, and two or more co-morbid conditions would be considered as having a disabling condition for VR eligibility purposes. The most prevalent morbid obesity-related diseases include:

- Hypertension
- Diabetes

- Heart Disease
- Stroke
- Gastrointestinal Complications
- Osteoarthritis
- Sleep Apnea and Respiratory Problems
- Some Cancers

Determination of Impediments

The counselor must document how the morbid obesity is resulting in substantial impediments to employment. This documentation is accomplished through an analysis of the medical records along with other case data, such as the work history, educational/training history, and consultation with other specialists. Additionally, the medical data must evidence two or more of the following complications associated with morbid obesity:

- The presence of a primary diseases such as arteriosclerosis, diabetes, heart disease, hypertension, pseudo-tumor, etc., which is significantly complicated by morbid obesity. The individual would have restrictions normally associated with these types of medical conditions and made worse by the morbid obesity; i.e., fatigue, significantly diminished stamina and work tolerance, need for modified work schedule or frequent breaks, tendency to have shortness of breath.
- The obesity causes substantial orthopedic or physical limitations as documented by the medical history records including x-ray findings and other diagnostic test results. The ability to ambulate or carry-out physical tasks may be substantially impaired. Other limitations could include inability to utilize public transportation or utilize toilet facilities outside of the home.
- There is significant respiratory insufficiency or sleep apnea documented by respiratory function studies, blood gases, sleep studies, etc. Resulting impediments could include excessive daytime drowsiness and impaired alertness on the job, fatigability, tendency to have shortness of breath upon exertion.
- There is significant circulatory insufficiency documented by objective measurements. Resulting limitations could include impaired functioning of one or more extremities due to circulatory insufficiency.
- Skin disorders resulting in severe medical complications, pain and discomfort

VR Sponsorship of Medically Managed Weight Loss Programs

Medically managed weight-loss programs provide treatment in a clinical setting with a licensed healthcare professional, such as a medical doctor, nurse, registered dietitian and/or psychologist. These programs typically offer services such as nutrition education, physical activity and behavior modification/therapy. In some situations, closely related programs such as cardiac rehabilitation programs may be utilized to accomplish this purpose as they have many of the same essential components. Before VR will sponsor services for a client through a medically managed weight loss program, medical records must document that the individual has attempted other organized weight loss programs for a period of 9 months or more. VR may sponsor these programs for clients at the established Medicaid rate and subject to the individual meeting the Division's financial criteria. With regard to the duration of VR sponsorship, the guidelines in Policy Directive #5-2006 Physical Restoration and Physical Disabilities apply (*see under Guidelines for Anticipated Duration of Treatment*). Approval of extensions of VR sponsorship beyond 6 months may be approved by the



Unit Manager if the individual is demonstrating acceptable progress in their weight loss as evidenced by the progress reports from the program.

VR Sponsorship of Surgical Intervention

VR sponsorship of surgery for morbid obesity may be considered when it is determined to be a medical necessity by the appropriate specialist and when the following conditions are met:

1. the individual is at least 19 years old; **and**
2. medical record documentation substantiates that the individual:
 - o has a BMI greater than or equal to 40 with serious complications/limitations in at least two of the following areas:
 - documentation of primary diseases such as arteriosclerosis, diabetes, heart disease, hypertension, pseudo-tumor cerebri, etc., is significantly complicated by clinically severe obesity
 - the obesity causes substantial orthopedic or physical impediments as documented by the medical history records including x-ray findings and other diagnostic test results
 - there is significant respiratory insufficiency or sleep apnea documented by respiratory function studies, blood gases, sleep studies
 - there is significant circulatory insufficiency documented by objective measurements; and
3. clinically severe obesity must be present for a period of at least three years; **and**
4. the individual must have made consistent efforts to lose weight over a period of 9 months or longer under physician supervision or in an organized weight loss program and failed; **and**
5. the individual has no correctable cause for the obesity, e.g.; an endocrine disorder; **and**
6. the surgery is one of the following procedures:
 - Gastric bypass, in which approximately 90% of the stomach is bypassed and anastomosed with the proximal jejunum (CPT code 43846, 43659 for laparoscopic procedure).
 - Vertical banded gastroplasty (also called vertical banded gastric partition or vertical gastric stapling) in which a proximal pouch of 30-60 mL and a one-centimeter outlet are created by a vertical row of staples and a horizontally placed reinforcing band (CPT code 43842, 43659 for laparoscopic procedure).

NC DVR does not sponsor procedures that are considered to be investigational:

- Jejunioileal bypass
- Biliopancreatic bypass
- Gastric wrapping
- Gastric banding
- Jejunocolostomy
- Mini-gastric bypass

Case Documentation Requirements - VR Sponsorship of Surgical Intervention for a Client

1. Documentation of a continuous nine month period or longer of all medical treatment modality therapies attempted by the individual under the supervision of a physician or in an



organized weight loss program to reduce weight, the duration of each therapy and the results of each treatment

2. Documentation of the individual's weight for each of the three previous years
3. The individual's present weight, height, skeletal frame, body mass index and gender
4. Medical history of the entire individual's diagnoses such as heart disease, pulmonary problems, arthritis, diabetes, etc.
5. Medical test results
6. Documentation that all correctable causes of obesity have been ruled out with test results of laboratory tests performed
7. Documentation of a psychological evaluation assessing the recipient's suitability for surgery and his/her ability to comply with lifelong dietary changes and medical follow-up. Components of such an assessment should include: levels of depression, eating behaviors, stress management, cognitive abilities, social functioning, self-esteem, personality factors or other mental health diagnoses that may affect treatment, readiness and ability to adhere to required lifestyle modifications and follow-up social support.
8. Documentation of a fully developed, 5-year psychosocial, nutritional, and activity-based follow-up plan.
9. Certification that the individual has been informed about all surgery risks, surgery sequelae, the need for extensive follow-up care, expectancy of weight loss and a signed statement that the individual has been informed of the risks and results and still desires a surgical procedure.
10. Description of the type of gastro-bariatric surgery planned and CPT code that describes the surgery planned.
11. VR may authorize follow-up surgeries if deemed to be medical necessities – ex: surgical skin flap removal. However, the Division cannot sponsor these type surgeries if they are purely elective.
12. The Division cannot authorize "up-front" administrative fees which are sometimes required by surgical clinics.





North Carolina
Department of Health and Human Services
Division of Vocational Rehabilitation Services

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MEMORANDUM

To: All Staff Assigned Volume I

From: Elizabeth Bishop, Section Chief for Program Policy, Planning and Evaluation

Date: May 2, 2007

A handwritten signature in blue ink that reads "Elizabeth W. Bishop".

**Re: INTERIM POLICY AND PROCEDURE DIRECTIVE #04-2007
Physical Restoration - SECTION 2-19 and Physical Conditions - SECTION 3-5**

{This directive replaces Policy Directive #05-2006 dated 8/9/2005}

Physical restoration services may be provided to correct or significantly reduce a physical impairment¹ that is stable or slowly progressive and that results in substantial impediments to employment². A slowly progressive condition is one in which the client's functional capacity is not expected to diminish so rapidly as to prevent successful completion of vocational rehabilitation services, and/or employment for a reasonable period of time. Physical restoration services are subject to the individual meeting the Division's financial needs criteria and comparable benefits, when available. This policy directive addresses both eligibility and service provision as they relate to physical impairments.

¹ The Federal Rules and Regulations define a Physical impairment to mean - Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hematological and lymphatic, skin, and endocrine

² Substantial impediments to employment means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's abilities and capabilities.

Temporary Medical Conditions Which are Not Eligible and Acute Treatment That Cannot Be Sponsored

Temporary conditions which are easily addressed and remedied with acute level treatment do not fall within the definition of impairment for eligibility purposes. Division funds should not be viewed and used strictly to supplant health insurance, or the lack thereof. There are medical conditions and services that many individuals face at some point in their lives that do not result in substantial impediments to employment. Examples of these types of conditions could include but are not limited to:

- Appendicitis
- Fractures
- Recent Onset Knee Injury
- Recent Onset Back Injury
- Recent Onset Hernia
- Recent Onset Gynecological Conditions
- Lipoma
- Cholecystitis (Gall Stones)
- Renal Calculus (Kidney Stone)

Eligibility for VR Services and Sponsorship of Physical Restoration Services

One or more of the following three guidelines may apply in making a determination of eligibility for VR services:

1. **Chronic Impairments** – Chronic generally refers to an impairment that has a long or indefinite duration, and is marked by frequent recurrences. There are, however, impairments which have a rapid onset, but by their nature, are chronic from the outset or early stage. These types of rapid onset impairments are covered under #3 below. Other chronic impairments have a gradual or insidious onset such as multiple sclerosis. In these situations, whether an individual has an impairment with substantial impediments to employment and/or whether the individual requires a program of Division services could be determined once the chronic nature of the impairment becomes evident. However, counselors must keep in mind that some chronic diagnoses, in the early stages, do not present substantial impediments or functional loss in the individual, so in these instances eligibility cannot be established. The existence of substantial impediments to employment may not be an issue until later stages of the disease. The medical data and the case history should provide the documentation of the chronic impairment, its current status and resulting substantial impediments.

Examples of chronic impairments could include:

- a. Multiple Sclerosis
- b. Crohn's Disease
- c. Coronary Artery Disease
- d. Degenerative Joint Disease
- e. Hemophilia
- f. HIV Disease



g. Cerebral Palsy

In terms of the age of the medical data for determining VR eligibility, this depends upon the nature of the impairment in question. For example, HIV disease tends to be unstable with exacerbations and remissions – recent medical data would be needed to determine the current status of the diagnosis. However, cerebral palsy tends to be a stable, unchanging condition with a relatively fixed set of impediments, so older medical data may actually suffice for establishing the impairment, impediments and other components of VR eligibility.

2. **Acute or Temporary Medical Conditions/Injuries which Become Chronic** – To a certain degree, depending upon the diagnosis, the timeframe varies for an impairment transitioning from acute to chronic. Although most of the types of diagnoses covered above under temporary/acute conditions would not become chronic, some could progress into chronic impairments and present to VR as such.

Examples could include:

- a. Back or knee impairments presenting functional loss that have been medically documented for extended periods of time.
- b. Fractured bone resulting in nonunion. (This impairment is defined to have occurred if the fracture site has failed to heal by six to nine months.)

Often, the question of whether an acute or temporary condition has progressed to becoming chronic with substantial impediments can not be answered until the individual has undergone the initial set of medical interventions and had time to go beyond the acute phase in terms of recovery and healing (keeping in mind that physical therapy and other ancillary services are sometimes a part of the initial/acute interventions following surgery).

However, if a diagnosis of an acute condition is documented by medical data and remains unresolved after 9 months it may be considered chronic. There may or may not have been optimal treatment interventions. The rehabilitation counselor must also establish from the medical data that the chronic impairment is presenting substantial impediments to employment.

In exceptional situations, with counselor discretion, this determination may be made as early as six months from the initiation of medical intervention if the medical data definitively shows the existence of a chronic impairment. If the individual meets the other components of the VR eligibility criteria, then overall eligibility for the program may be considered. The analysis of the medical data by the counselor is of critical importance in making the determination of eligibility based upon a physical impairment.

3. **Injuries or Rapid Onset Impairments which have a High Probability of Becoming Chronic** – Some injuries or impairments, from the early stages, carry a high probability of becoming chronic, notwithstanding the acute level interventions that are initiated. In such cases, the distinctions between stable and unstable, acute and chronic may be unclear or academic. Also, the standards of six or nine months as indicators of chronic impairment (and stated above under number “2”) may not be applicable in these cases. There may also be a



high probability of substantial impediments to employment resulting from the likelihood of chronic impairment. In these circumstances, though the Division still could not sponsor emergency interventions, counselor judgment is essential in determining on an individual case basis, at what point during the recovery process a chronic impairment with substantial impediments becomes apparent and Vocational Rehabilitation services would be appropriate. Examples could be:

- a. amputations (either traumatic or disease connected)
- b. strokes with resulting hemi-plegia or other functional loss
- c. diabetes
- d. seizure disorder
- e. reconstructive surgery
- f. spinal cord injury
- g. traumatic brain injury
- h. disfigurement of one or more limbs resulting from trauma or disease
- i. second or third degree burns

Staffing with the Unit Manager, Quality Development Specialist and/or Unit Medical Consultant should occur whenever questions arise.

Physical Restoration as a “Substantial” Vocational Rehabilitation Service

VR sponsorship of a physical restoration service(s) would be viewed as a substantial service when it is:

1. provided to substantially reduce or eliminate limitations/impediments associated with a chronic impairment (consistent with the guidelines for criteria #1, #2, and #3 above in determining a chronic impairment), and
2. required by the individual in order to begin work, return to work, or maintain employment, and
3. provided within a supportive counseling and guidance relationship and/or in conjunction with other *Core* VR services.

The following are examples of supportive guidance and counseling interventions:

- *Helping the individual understand their diagnosis/impairment, impediments and what to expect during and after treatment*
- *Helping the individual understand the vocational implications of their diagnosis/impairment; i.e., need for part-time or modified duties following treatment, need for job re-assignment or job change because of impediments*
- *Career and educational guidance to help the individual select suitable jobs and/or type of training*
- *Assisting the individual in dealing with and adjusting to the emotional issues surrounding the diagnosis/impairment*
- *Referral to other community resources to assist with issues associated with physical restoration*



- *Liaison or interventions with medical providers to facilitate the individual's treatment, and medical needs*
- *Discussion and exploration of an individual's strengths, interests and abilities in relation to recommendations from the assessment data (medical and vocational) and other case information*
- *Providing supportive guidance and follow-up on specific impairment related issues after return to work*

Typically, two or more *Core* services (See 2-2-1 for listing of the *Core* services) are necessary to address an individual's rehabilitation needs. However, if only one *Core* service (e.g. physical restoration) is determined necessary, the supportive counseling and guidance provided by the rehabilitation counselor, or other Division support staff, and documentation of such becomes even more important. This supportive element distinguishes the VR service from that of simply serving a medical insurance function, or paying a medical bill. The presence of a *chronic impairment* and provision of the physical restoration service *within a VR guidance and counseling relationship* distinguishes this situation from those where VR would simply be *paying a bill* for an acute or otherwise temporary medical condition. The client need for the *guidance and counseling relationship* must be established as part of VR eligibility; specifically, in relation to the "requires VR services" component of the eligibility criteria.

Otherwise, if all that an individual requires is payment/sponsorship of a medical service, then the individual is not eligible for VR services. The counselor must always question whether the individual meets VR eligibility in *requiring a program of VR services* (meaning, are the skills, resources, and supportive counseling provided by a qualified VR counselor needed?). This does not apply to individuals who because of the nature of their disabilities require permanent assistive devices, rehabilitation technology, or ongoing on-the-job supports (examples – hearing aid, wheelchair, home or worksite modifications, etc.).

Secondary Restoration Issues Accompanying a Chronic Impairment

Please refer to **INTERIM POLICY AND PROCEDURE DIRECTIVE #05-2007** for policy guidelines on sponsorship.

Sponsorship of Medical Diagnostic Evaluations

Generally, the Division should not sponsor diagnostic medical evaluations of new onset impairments. The Division will not sponsor emergency hospitalization, diagnostics or treatment needed at the time of referral relating to an acute impairment, injury or suspected impairment. The appropriate point for VR involvement is generally the rehabilitation phase of chronic impairments. However, the Division may sponsor diagnostic examinations/assessments associated with stable or slowly progressive conditions for use in eligibility determination if available existing data containing a chronic diagnosis is insufficient in establishing a current impairment with impediments, or if an updated evaluation is advisable given the nature of the impairment. Examples could include situations in which the existing data obtained by the counselor is dated and insufficient in providing a current picture of client's condition or impediments; or, in which the condition may be unstable in nature, characterized by exacerbations and remissions, and an updated assessment is advisable to address the individual's current status and to clarify current impediments to employment.



An individual may present at referral with compelling indications of a chronic disabling condition even though there may be a lack of existing data. In this situation, in order to determine the existence of a disabling condition, the Unit Manager may approve an exception and authorize a diagnostic specialty evaluation. The Quality Development Specialist and/or Chief of Policy and Casework Operations should be consulted whenever questions exist. The counselor's knowledge base and professional discretion are critical factors in identifying the indicators of chronic versus acute, temporary or remediable conditions.

Guidelines Regarding Anticipated Duration of Medical Treatment

Some individuals have stable or slowly progressive conditions of long duration. The Division does not provide long-term or ongoing physical treatment. Accordingly, Division funds cannot be used to initiate treatment that is reasonably anticipated to last more than six months (per case) unless unit manager approval has been obtained. Agreed upon extensions may be approved only if the client maintains reasonable progress toward achieving the vocational goal. An exception can be when the purchase of medication/medical supplies is expected to exceed six months duration in support of training as a major service on the Individualized Plan for Employment. It is expected that the counselor would work jointly with the client to identify comparable benefits for long term medical care.

Guidelines Regarding the Planning and Sponsorship of Other Major VR Services in Conjunction with Physical Restoration

Individuals with chronic physical impairments that can be removed with little or no residual limitations will not be eligible for Division sponsored post-secondary training. However, if an impairment has hindered an individual in developing suitable work skills and work experiences, then VR post-secondary training services may be provided to address the need.





North Carolina Department of Health and Human Services
Division of Vocational Rehabilitation Services

Pat McCrory
Governor

Aldona Z. Wos, M.D.
Ambassador (Ret.)
Secretary DHHS

Linda S. Harrington
Division Director

MEMORANDUM

To: All Staff Assigned Volume VIII
From: Neil Mac Britt – Chief of Policy *Neil Mac Britt*
Date: February 25, 2013
Re: **Interim Policy and Procedure Directive #1-2013:
Staff Use of Social Media**

The purpose of this Directive is to address the use of Social Media and Social Networking Sites by Division staff, specifically communications with active consumers of the Division. This Directive was developed in accordance with the broader DHHS Policy on Social Networking/ Social Media Sites and with the Division's policy on Confidentiality of Client Information (Volume I and VIII).

This Directive is effective immediately.

- Employees are allowed to have personal social networking sites or interactive websites not maintained or located on a state-operated server. These sites must remain personal in nature and be used to share personal opinions and non-work related information. This helps ensure a distinction between personal and agency views. Employees must be certain that communications on any personal social networking sites do not interfere with their work during normal business hours. This excludes personal LinkedIn or similar networking tools for purposes of outreach to potential employers of the Division's consumers for purposes of basic contact not involving personal views or consumer-specific information.
- **Employees shall not use their personal social networking accounts to contact or communicate with consumers they are currently serving.** For situations in which staff have already made contacts with clients (or vice versa) on Facebook, twitter, MySpace, Google+ or others, these contacts shall cease with a brief communication by staff to the individuals explaining the termination. On Facebook this would involve "unfriending" or on Twitter "unfollowing".
- No confidential Division information shall be posted on any social media site.
- Employees should never use their state email account or password in conjunction with a personal social networking site.



- Email communications with consumers of the Division must be secure and confidential and generally must occur over state-operated servers and email networks.
- At this time, no Division unit office, section, region or staff member shall have any social media, or social networking site representing the Division.
- Division staff may utilize social networking sites to locate consumers by accessing the consumer's public Facebook or social network page to determine if contact information is available, much the same way a person would use a telephone directory to locate someone. However, staff must not attempt to contact consumers on Facebook. Social media access and use involving State equipment and resources are subject to the DHHS Computer Usage Policy at all times.
- DHHS has one official YouTube channel. No other YouTube channels are authorized. All work-related submissions for this channel must be approved by the DHHS Office of Public Affairs before posting and only after receiving approval through existing NC DVRS review and publication procedures.
- Personal views made and posted on YouTube shall not contain professional and agency views or information.
- Failure to observe and abide by this Directive may result in disciplinary action which may include dismissal.



North Carolina Department of Health and Human Services
Division of Vocational Rehabilitation Services

Pat McCrory
Governor

Aldona Z. Wos, M.D.
Ambassador (Ret.)
Secretary DHHS

MEMORANDUM

To: All Staff Assigned Volume VIII
From: Neil Mac Britt – Chief of Policy *Neil Mac Britt*
Date: June 17, 2013
Re: **Interim Policy and Procedure Directive #2-2013:
1281 Budget Suspension**

Effective July 1, 2013 the 1281 budget will be suspended indefinitely. This directive provides clarification regarding procedures for handling 1281 authorizations currently in effect in concurrent IL/VR cases through July 1, 2013.

Effective immediately, no further services should be authorized using the 1281 budget. Services required for a primary vocational purpose should be authorized using VR funds (following VR policy). Likewise services required for a primary independent living purpose should be authorized using IL funds (following IL policy).

IL counselors in particular should be aware that they can no longer plan or provide services subject to financial need using VR financial criteria/policy to sponsor IL services (subject to financial need) with a primary independent living purpose. IL financial need must be established to provide services from IL funds.

All 1281 budget authorizations in current cases that are not expected to be paid by the last check write of the 2012-2013 state fiscal year (projected to be June 24, 2013) must be deleted and authorized using either the VR or IL counselor's case service budget – depending on whether the service is for VR or IL purposes as described above.

Current cases with outstanding authorizations in which the client does not meet the IL needs test (VR financial status used) but require an IL authorized service should be authorized by IL with documentation on a Progress Review explaining that these services were previously approved through utilization of the 1281 budget and will be honored by the IL program. No additional services subject to financial need should be authorized by IL unless the client meets the IL financial needs test.

NOTE – SPECIAL CIRCUMSTANCES PERTAINING TO PERSONAL ASSISTANCE SERVICES (PAS):

PAS currently authorized using the 1281 budget will remain in place and paid out of 1281 as currently authorized through the last GT Payroll Period of the current SFY which is June 16 – June 29. A new authorization for payroll period of June 30, 2013 – December 31, 2013 will be issued out of the regular VR case service budget until other funding sources are identified and/or the case can be served by IL for PAS.





North Carolina Department of Health and Human Services
Division of Vocational Rehabilitation Services

Pat McCrory
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MEMORANDUM

To: All Staff Assigned Volume VIII

From: Neil Mac Britt – Chief of Policy *Neil Mac Britt*

Date: June 30, 2014

Re: **Interim Policy and Procedure Directive #3-2014:
BEAM Service Structure and Service Selection**

Background

In conjunction with implementing the Division's new BEAM case management system, client services will be re-labeled and categorized. Prior to BEAM implementation, the Division relied on two classification systems to manage services being planned, provided, and purchased for clients. On IL and VR plans, the Division used service labels that mostly corresponded with federal service types as required by the RSA-911 and RSA-704 reports. This resulted in 28 available service categories on the VR plan and 23 available service categories on the IL plan. There has been no service classification used for issuing authorizations. The Division used case service (CS) codes to classify services at the time of invoicing. There have been more than 75 unique case service codes used for categorizing invoices.

The Division's previous case management system enabled administrative users to roll-up the two separate service classifications to generate federal and state reports, but did not include controls to prevent the user from creating an authorization for a service that should be prohibited according to casework policy due to the client's status and/or whether or not the service had been previously approved on the client's plan. BEAM will, however, create an association between the client's plan and the authorizations that are generated for planned services. Therefore, rather than two disjointed classification systems, BEAM will utilize a single service classification system that will be used for selecting services on plans and authorizations as well as generating state and federal reports.

Standards for BEAM Service Classification

- **Services are labeled using familiar terminology specific to the needed service.** Attempts have been made to use labels that more specifically describe what service is being planned/authorized in order to clearly communicate with the client, representative, or vendor, to match terminology

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used in casework policy, and to generate reports with consistent information. The intent is to remove some of the guesswork in determining how a service should be classified.

- **Services are associated with many automated controls that are maintained by the Division's BEAM system administrators.** The Division will use controls to determine the following:
 - how the service is federally reported
 - which account the service pulls money from when it is authorized
 - whether or not there are maximum rates or quantities
 - whether or not there are exceptions to maximum rates/quantities
 - which users are permitted to approve exceptions to service maximums
 - where in the system approval for exceptions are granted

There are many other controls that may be maintained for services. Controls will be used to automate many of the Division's casework policies and approvals.

- **Services are added to plans and authorizations using a pick list.** This method assures uniformity and allows the system to run queries on the dollars spent on a service or the numbers of clients receiving a service. On plans and authorizations, users may add more detailed service information in free-text form beneath the selected service. This free-text information is not incorporated into reports or queries.
- **Some services are set up according to a "parent/child" hierarchy.** Some services have "child" services which inherit the basic qualities or controls of the parent service. "Child" services are generally sub-categories of a "parent" service and may have more stringent controls than the "parent" service. Once a client's plan has been approved by all required parties for a particular "parent" service to be provided by a specific vendor, then any of the "parent" service's "child" services can be authorized to the vendor. *Not all services will have "child" services. Also, if a service does have "child" services, the hierarchy of services currently only goes one level deep. (There are no "grandparent" relationships in service set-up).*

Ex: Parent service: Assistive Technology Devices – Off Contract
Child services: Adaptive Vocational Equipment
Aids for Daily Living

- **A service is only connected to the vendors that provide the service.** The relationships between services and vendors are maintained by a DVRS BEAM system administrator. BEAM will not allow a user to plan a service or authorize a service to a vendor that does not provide the specific service.
- **Some services are duplicated in the system to represent qualities and controls that are *almost* identical, but not quite.** In general, only viable options should be available for selection based on qualities of the client or the user. However, users should take care to select the correct service as this will dictate rate maximums and approval flows that follow.

Ex: A user should take care when selecting “Assistive Technology Devices – **Off Contract**” versus “Assistive Technology Devices – On Contract as a service on the plan. **Selecting the correct service** will assure that State Office Policy and Purchasing are involved to approve and purchase the item if required.

BEAM Service Selection

Volume VIII casework policies apply when authorizing services for clients to access the application process, when authorizing services as part of the preliminary assessment, when planning and authorizing services as part of the IL needs assessment or IL Service Plan.

BEAM provides a mechanism for selecting services within authorization and plan forms that reduces the service pick list to only those options which are valid based on factors including the client’s program, status, and other client characteristics. The system’s methods of filtering out non-valid service options do not absolve the counselor of his/her responsibility to apply casework policies and practices otherwise stated in this manual to discern which services should be planned or authorized according to the client’s informed choice. The Division maintains its responsibility for planning and authorizing those services that are required to assist eligible individuals in planning for or achieving their independent living or employment goals.

A complete list of BEAM services available for DVRS users can be accessed by the BEAM PDQ, *View All DVRS Activated Services*.



North Carolina Department of Health and Human Services
Division of Vocational Rehabilitation Services

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Governor

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Secretary DHHS

Claudia B. Horn, M.S.
Senior Director

Elizabeth W. Bishop
Division Director

MEMORANDUM

To: All Staff Assigned Volume VIII
From: Neil Mac Britt – Chief of Policy *Neil Mac Britt*
Date: April 1, 2015
Re: **Interim Policy and Procedure Directive #2-2015:
Changes to Paper-Based Financial Needs Survey (FNS) and
Completion of the Electronic FNS**

Due to revisions to the 1040 tax form by the IRS and changes to North Carolina income tax withholding percentages the paper version of the Financial Needs Survey worksheet, accessible via the agency intranet, has been updated.

Changes are limited to the tax worksheet portion of the form and include:

1. Change in the 1040 line used to determine gross federal tax withheld. This information was found on Line 61 of previous versions of the 1040. It is now appears on Line 63.
2. North Carolina income tax withholding was reduced from 7% to 5.8%. (Please see usage note below).

DVR has requested that Libera update the electronic version of the form in BEAM to reflect these changes. Until that development has been completed users should take the following action:

1. Enter information from Line 63 of the 1040 form despite BEAM's instructions to use Line 61



LINE 1 (Net Wages)

Calculate monthly net income using the 1040

Form 1040, line 7 (gross wages)

Form 1040, line 61 (gross federal tax w/h)

Calculate the state w/h tax (if return is not available) (use a rate of 7% of line 7)

Net annual wage income

divide by 12 (months)

Net monthly wages (calculated)

2. The state withholding calculation in BEAM is automated and users cannot edit the result. Until such time as Libera makes this correction continue to use the amount calculated at the old 7% rate. Please note this will NOT have a negative impact on the client's determination of financial need as the erroneous calculation resulting from use of the higher rate acts in favor of the client.

LINE 1 (Net Wages)

Calculate monthly net income using the 1040

Form 1040, line 7 (gross wages)

Form 1040, line 61 (gross federal tax w/h)

Calculate the state w/h tax (if return is not available) (use a rate of 7% of line 7)

Net annual wage income

divide by 12 (months)

Net monthly wages (calculated)

Usage Note: To avoid a discrepancy between the calculated result on the paper form and the calculated result in BEAM for NC withholding, users should continue to use the 7% when making the calculation until such time as the electronic form edits are complete.



MEMORANDUM

To: All Staff Assigned Volume VIII
From: Vicky Miller – Chief of Policy *Vicky Miller*
Date: **May 16, 2016**
Re: **Interim Policy and Procedure Directive #3-2016: Displacement Prevention Partnership (DPP) as a Comparable Benefit**

Effective June 1, 2016

Background

In the Spring of 2012, the Division was notified by the NC Housing Finance Agency (NCHFA) of changes to the Displacement Prevention Partnership (DPP) funds. The program was previously funded by interest from the NC Housing Trust Fund; however NCHFA now has to access the principle meaning that different legislation applies. The Division was notified that recipients of the funds would be required to sign a promissory note, submit a W9 and that DPP funds would be dispersed to qualified individuals as an unsecured loan. Recipients may qualify for the maximum amount allowed as determined by NCHFA for accessibility modifications to their home. The **loan** will be forgiven at a rate of \$2,000 per year.

General Guidelines

- The Division has determined that DPP funds are a comparable benefit for IL residence modification services. According to Division policies, this comparable benefit must be accessed for clients who require a residence modification to increase their independence. For clients who are utilizing both MFP and DPP funding, MFP funding must be exhausted to capacity prior to utilizing DPP funds. DPP funds are reimbursed to the Division after the expense is incurred.
- Qualifying homes include permanent dwellings and mobile homes that do not have wheels. If the mobile home has wheels but has been placed on some sort of blocking or foundation, – the home type should be staffed with the State Office DPP Representative.
- When the client has a concurrent record of service for IL and VR with a residence Records of Service for instruction.
- Refer to Volume VIII- Appendix: Residence Modification Guidelines regarding repairs.



Financial Guidelines

- Any project requiring the expenditure of IL funds (non-reimbursed expenses) will be contingent on the availability of IL funds regardless of whether DPP funds can be accessed. (Volume VIII, Section 3-7-3) A \$12,000 limit of the Division's State appropriated case expenditures per client per lifetime shall be placed on residence modification projects in general, with specific project limits based on the type of residence (currently \$12,000 for a site built home and \$8,500 for a mobile / manufactured home).
- Regardless of the funding blend of IL and/or DPP monies or other comparable benefits, when an individual project is estimated to cost above the specific type of modification limit, an exception must be approved by the **Chief of Policy**. The request for an exception applies to all situations including any potential third party contributions and shall be included in the total cost of the project being submitted for consideration by the Chief of Policy.
- When the Division receives reimbursement by a third party such as DPP, the amount of the third party contribution shall be deducted from the cost of the modification and the lifetime cap of \$12,000 of the Division's State appropriated case expenditures per client.
- **If the IL financial needs test is met, and the DPP needs test is met**, the Counselor proceeds in authorizing residence modifications, with DPP reimbursing IL up to NCHFA allowable maximum. For projects estimated to cost more than the DPP allowable maximum, IL may sponsor the excess depending on the availability of IL funds.
 - If there are no excess resources, then the modification project may be funded by DPP up to the maximum amount allowed by NCHFA and the Division will cover the remaining expenses, if the client meets the financial needs test and if the funds are available.

Please note: If the client's previous expenditures from NCHFA programs have already met the current maximum NCHFA allowance (e.g., previous expenses through Urgent Repair Program), the client will not be eligible for DPP funds. **If the maximum NCHFA allowance is increased**, the client may be eligible for additional DPP funds.

- **If the IL financial needs test is not met but the DPP needs test is met**, the Division has approved extenuating circumstances allowing the IL counselor to authorize IL funds for the residence modification project in the amount equivalent to the DPP loan approval amount with the understanding that NCHFA will reimburse the Division these funds. Essentially, the Division is waiving consideration and application of the client's excess resources towards the costs for the residence modification project that NCHFA will reimburse to the Division. However, the client is required to contribute their excess resources (as recorded on the IL Financial Needs Survey) towards any sum that exceeds the DPP loan amount, unless arrangements have been made and documented on the Financial Needs Survey for the client to contribute their excess towards the cost of other required services on the Independent Living Service Plan (ILSP). The counselor shall document "DPP Waiver" for these extenuating circumstances under the Remarks - Extenuating Circumstances - Justification section of Financial Needs Survey (FNS). If there are excess resources that the client will need to contribute in excess of the DPP loan amount, the counselor must also document the manner in which the client will contribute the excess on the FNS form. If the excess is to be applied to the cost of the residence modification, the client must pay the vendor directly prior to the work being initiated. The vendor should credit the client's payment on the invoice submitted to the Division.

Please note: *When there are unusual or complicated financial situations, consult with the Unit Manager or QDS for guidance on how to proceed.

Process

Please note: Follow existing IL policies for providing residence modifications.

If at any point in the process the client does not meet the qualifications for DPP, the documentation must be reflected in the case notes.

When a client is determined eligible for IL services and is in need of a residence modification:

- A. Engineer completes assessment when appropriate.

Please note: The projected amount of the project is based on engineer's assessment or applicable quotes.

- B. Determine the client's eligibility for DPP funding:

The DPP Excel Workbook, the Promissory Note and the Life Estate template are located on the I-drive to be used in the DPP Process.

1. Verify ownership of the property. If verification cannot be located, this will need to be discussed with the owner(s) to involve them in locating documentation to substantiate ownership.
2. If the client is the owner, all owner(s) must sign the DPP application form. Please inform the owner(s) they will need to sign a promissory note and W9.

Please Note: If the client is the owner and refuses to sign the DPP documents, the client is ineligible for DPP funding. Since DPP is a comparable benefit the modifications cannot be provided using IL funds unless a policy exception is granted.

3. If the client is not the owner or married to the owner, the owner(s) must sign the DPP application form and provide a signed, notarized Life Estate.
4. List all occupants of the home (related or not related to one another) under Household Membership. If the owner(s) does not reside in the home, include them on household membership but indicate that they don't live in the home.
5. Verify Income for all persons living in the household including children and non-family members.
6. DPP application form, loan reservation form, approved forms of verification of home ownership and the Life Estate, if applicable are submitted to the DPP Representative.
7. When approved or denied an email notification will be sent by DPP Representative to the person designated as the contact person indicating the amount reserved and the due date. The project is to be completed in **90 days**.
 - a. Do not start or add to the project without prior approval from the DPP Representative.

- b. If there are extenuating circumstances and the project is expected to go over 90 days, the contact person sends an email to the DPP Representative to request an extension including the reason for the delay and expected time of completion. A returned response will be sent if NCHFA approves or denies the extension.
 - c. If the projected total cost of the modification project is greater than \$500 over the Loan Reservation amount, a request for increase must be sent to the DPP Representative.
 - d. If there are any changes or errors on the Promissory note, the form must be correct and re-signed by the homeowner(s).
- C. Reimbursement - Once the work is completed, the signed Request for Reimbursement, and signed Promissory Note with original signature(s), W-9(s) and invoicing paperwork are submitted to the DPP Representative.
- D. For clients that do not meet the DPP criteria, the Division's existing IL policies regarding financial need apply.



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF VOCATIONAL REHABILITATION SERVICES

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GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

CLAUDIA B. HORN, M.S.
SENIOR DIRECTOR

TARA K. MYERS
DIVISION DIRECTOR

MEMORANDUM

To: All Staff Assigned Volume VIII
From: Vicky Miller – Chief of Policy *Vicky Miller*
Date: June 16, 2017
Re: **Interim Policy and Procedure Directive #3-2017: Functional Electrical Stimulation (FES) or Foot Drop Stimulator (FDS) Systems**

Effective July 1, 2017 NCDVRS will not sponsor Functional Electrical Stimulation (FES) or foot drop stimulator (FDS) systems. There is not enough data to support the medical or vocational benefits from the use of these devices. More specifically, clinical evidence does not demonstrate that there might be enough improvement in function, sustainable over a whole workday and work week, that would be great enough to make a substantial meaningful difference in the types of jobs an individual can perform or in increasing an individual's independence.



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TARA MYERS, MS, CRC, CPM • Senior Director

MEMORANDUM

To: All Staff Assigned Volume VIII
From: Vicky Miller – Chief of Policy *Vicky Miller*
Date: July 13, 2018
Re: **Interim Policy and Procedure Directive #2-2018:**
Documents to be Signed and Retained in the Case Record

Effective: August 1, 2018

Until we have a completely paperless case management system, it will be necessary to maintain a hard copy case record. This policy directive identifies specific BEAM generated documents that must be printed and maintained in the hard copy case record. All documents that require a client/guardian signature must be printed in their entirety, signed by the client/guardian, and retained in the case record. There are other documents that must be printed and given to the client. For auditing purposes and consistency, these documents should also be copied for the case record.

Specific documents include:

- Agreement of Understanding/Application
- Release of Information Forms
- Eligibility Decision Letter
- Financial Needs Survey - when client signature is required
- BANC Form – if applicable
- IL Service Plan
- Progress reviews
- Annual reviews
- Revisions

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- Amendments
- Social Security Administration Information Form when used for income verification
- Documents (email correspondence, memos) verifying approval external to BEAM. Examples include MFP, DPP, policy exceptions
- Documents created by a CIC, AUM that require approval by UM. Examples include status 26 closures, FNS with categories of excess income applied and extenuating circumstances.

It is not required to print and retain the following, but at the discretion of the counselor may be printed and retained in the case record:

- WRAP
- Authorizations
- Joint VR/IL Cases – not required to print concurrent documents
- IL Eligibility



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MEMORANDUM

To: All Staff Assigned Volume VIII
From: Vicky Miller – Chief of Policy *Vicky Miller*
Date: July 1, 2019
Re: Interim Policy and Procedure Directive #2-2019: Direct Express

Effective: July 15, 2019

Cross reference: Section 3-8: Financial Need and Client Resources

Recipients of Social Security benefits have the option of using Direct Express or Netspend for the deposit of funds. Recently both Direct Express and Netspend have changed their processes for providing written balance statements and verification of funds by phone. Recipients may now only request a statement for the current month, rather than three months as required by FNS policy. The following adjustment is being made to the requirement to obtain three months of statements from a client and any applicable family members:

- SSI recipient only (no SSDI/retirement) – no verification from Direct Express or Netspend is required. The recipient should sign the BANC form indicating they have no additional accounts.
- SSDI/Retirement – only one current (within the past 30 days) statement is required to meet the policy requirement noted in the FNS policy. If the recipient is unable to obtain one statement, the Unit Manager can review the specific circumstances and approve waiving this requirement as allowed in Extenuating Circumstances.

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MEMORANDUM

To: All Staff Assigned Volume VIII
From: Vicky Miller – Chief of Policy *Vicky Miller*
Date: August 1, 2019
Re: Interim Policy and Procedure Directive #4-2019: Revised Paper Application

Effective: August 15, 2019

Interim Use of Revised Paper Application For IL Services/Agreement of Understanding

Background:

The Application /Agreement of Understanding has been updated as follows:

- Incorporating the NVRA Voter Registration Preference Form as a medium to document in writing that every applicant was extended the opportunity to register to vote;
- Additional language informing applicants of our need to access databases with information relevant to service provision needs and reporting requirements;
- Informing applicants of the risks associated with digital communications and social networking.

Until further notice, the paper application will need to be used with every new applicant and will need to be thoroughly completed with all signatures and appropriate boxes checked within the Voter Registration Preference section of the application. There is no need to re-do any application that was taken prior to the effective date of this directive.

Once the paper copy has been signed by all required individuals, the electronic BEAM case management version will need to be electronically dated and signed (via electronically dating).

The hard copy is to be retained in the official case record and it is preferred to have the completed document scanned and uploaded within the electronic case management system as a case note attachment to facilitate case reviews and audits.

The objective is to have the application incorporated within BEAM case management system, which will require development. Templates of the interim applications will be made available via the SharePoint site under Forms>BEAM Forms> beam_IL_application_agreement_revised.

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MEMORANDUM

To: All Staff Assigned Volume VIII
From: Vicky Miller – Chief of Policy *Vicky Miller*
Date: June 1, 2020
Re: Interim Policy and Procedure Directive #04-2020: Background Checks

Effective: Immediately

Background Checks

[revised 3/26/2021]

As part of the rehabilitation process it is sometimes useful to have detailed information about a client's criminal history. On occasion clients are not fully aware of all convictions and thus accurate information can be a helpful tool for vocational counseling, determination of appropriate services and/or employment goals. Background checks may be purchased from approved vendors to aid in the rehabilitation process.

- Under no circumstances will these background checks be given to employers or used in lieu of the employer's required screening process.
- VR sponsored background checks may not be conducted for participation in any CRP service.

Clients must provide written consent to obtaining a background check. Some DVRS approved vendors may supply their own consent forms for clients to sign as part of the referral process. If a vendor does not provide consent forms prior to requesting a background check, written consent using the [Consent for Release of Non-Medical Information](#) must be obtained. In addition, the client must sign the [Authorization Disclosure Form DVR-1030](#) which provides specific information regarding his/her rights under the Fair Credit Reporting Act. A copy of the forms must be attached to the Consent form and copies given to the client.

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MEMORANDUM

To: All Staff Assigned Volume VIII
From: Vicky Miller – Chief of Policy *Vicky Miller*
Date: July 1, 2021
Re: Interim Policy and Procedure Directive #04-2021: IL – SSI Waiver of Needs Test

Effective: July 15, 2021

IL – SSI Waiver of Needs Test

Cross reference Financial Need Volume VIII Section 3-8, Supervisor Approval 1-19

Background – SSI

Supplemental Security Income (SSI) is a needs-based program administered by Social Security. In addition to meeting disability requirements, recipients of SSI cannot have more than \$2000 of countable resources.

For more information on SSI regulations refer to a Benefits Counselor or <https://www.ssa.gov/ssi/text-resources-ussi.htm>

SSI and IL Financial Need

Many IL services are subject to financial need. The process of determining whether an individual meets the IL financial needs test typically includes gathering verification of income and other monthly resources as well as obtaining copies of bank statements and financial accounts.

The requirements to complete some aspects of the FNS verification process are waived if the individual meets the following specific conditions:

- The individual is an SSI recipient (not combined with SSDI)
- The individual has been determined a family of 1

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Verification of SSI must be documented and maintained in the case file. Additionally, the counselor must ensure that the individual is a family of one as defined in "Determination of Family Size" (Volume VIII Section 3-8-1).

If the individual meets these two criteria it is not necessary to obtain verification of bank statements or other financial accounts, and the client is considered to meet the financial needs test.

The FNS should be completed as described in the example on the following pages. Extenuating Circumstances shall be selected as the financial need category. The client is not required to sign the FNS, but supervisor approval must be obtained.

Reference the PD in section A and the justification in section H along with the following statement: "*Client name* will not be required to provide bank statements or statements from other financial accounts. *Client name* receives SSI and has been determined a family of one. As such, *client name* is considered to meet the IL financial needs test. Comparable benefits, when available, must be utilized and all rate limits as set forth by DVR/IL policy apply."



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Mandy Cohen, MD, MPH • Secretary

Chris Egan, MSW, LCSW • Senior Director

Kathie Trotter, MS, CRC, LCMHC, CPM • Division Director

Financial Needs Survey (IL)

Name: Testcase Four

Current Addresses:

Facility:

Street: 1234 Test

PO Box:

Do Not Use:

Zip: 28658

City: Newton

State: NC

County: Catawba

Last Updated: 08/22/2021

Mail Here?

Main Residence?

Ship Here?

Invalid?

Archive?

Archived Date:

Medical Insurance Coverage(check appropriate spaces):

Any Medical Insurance at Application?

Medicaid?

Medicare?

Public Insurance from Other Sources?

Not Yet Eligible for Private Insurance through Current Employer?

Private Medical Insurance through Own Employment?

Private Medical Insurance through Other Means?

Veteran's Benefits?

Other Medical Insurance Information:

A. MONTHLY RESOURCES

(A1) Net Monthly Income of All Applicable Family Members:

1. Name: Testcase Four Age: 20
 Relationship to Client: Self
 Income Documentation:

- Check Stub
- Wage Verification
- Source of Support
- Tax Return
- Other
- No Income

PD #04-2021 SSI

Wage
 Details:
 Freq of
 Pay:

Amount:

Total Net Monthly Wages: \$0.00

2. Pension:

Amount:

3. Compensation Payment:

Amount:

4. Commodities Sold:

Amount:

5. Other Income:

Amount:

Subtotal (A1) \$0.00

(A2) **Allowed Deductions**

Subtotal (A2) \$0.00

Total Monthly Resources (A1) - (A2) = (A) \$0.00

(A2). MONTHLY ALLOWED DEDUCTIONS - WORKSHEET

1. Medical Expenses
2. Disability-Related Equipment Expenses
3. Personal Assistant Expenses

4. Disability-Related Housing/Vehicle Expenses
5. Child Care Expenses
6. Post-Secondary Training Expenses
7. Legally Mandated Payment Expenses
8. Other Expenses

Total Allowed Deductions (A2) = \$0.00

B. ALLOWABLE NET MONTHLY INCOME

1	2	3	4	5	
\$1342.00	\$1815.00	\$2288.00	\$2760.00	\$3233.00	
6	7	8	Add 473.00 per family member above eight (8)		# 1
\$3706.00	\$4179.00	\$4652.00	Total (B):		\$1,342.00

C. EXCESS MONTHLY INCOME

A. Total Monthly Resources (A1-A2) - B. Allowable Net Monthly Income = \$0.00

Personal Assistance Funded by IL Program?

NOTE: Answering "Y" to this question will cause the Excess Monthly Income value to be halved.

D. AVAILABLE ASSETS

1. Cash	Less ANMI x 3	\$4,026.00	\$0.00
2. Real property	Less \$25,000		
	Total (D)		\$0.00

E. CONTRIBUTIONS

Total Contributions: \$0.00

F. EXCESS RESOURCES

Excess Monthly Income	(C)	\$0.00
X Appropriate Time Period		mos
Total Excess Resources	(C) x (3 or more months) =	(F1) \$0.00
Assets	(D)	\$0.00
Contributions	(E)	\$0.00

Total	(F1) + (D) + (E) =	(F)	\$0.00
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G. ESTIMATED COST OF REHABILITATION PROGRAM

Total Cost of Rehab	(G)	\$0.00
Excess Resources	(F)	\$0.00
	(G - F)	\$0.00
Estimated Agency Expenditure		\$0.00

H. EXTENUATING CIRCUMSTANCES - JUSTIFICATION

PD #04-2021 SSI

EXTENUATING CIRCUMSTANCES BENEFITS

I recommend the person desiring assistance and/or his family pay \$0.00 towards the estimated Agency costs of the rehabilitation program in the following manner:

[Client name] will not be required to provide bank statements or statements from other financial accounts. [Client name] receives SSI and has been determined a family of one. As such, [Client name] is considered to meet the IL financial needs test. Comparable benefits, when available, must be utilized and all rate limits as set forth by DVR IL policy apply

I. FINANCIAL NEED CATEGORY

Yes, This individual is eligible for extenuating circumstances (Section H)

I certify that the above information is a true statement of my financial situation, and I will notify my counselor of any changes in my financial situation. Providing false or inaccurate financial information could result in the termination of services.

Testcase Four

Client

09/30/2021

Date

Supervisor/UM

Date



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MEMORANDUM

To: All Staff Assigned Volume VIII
From: Vicky Miller – Chief of Policy *Vicky Miller*
Date: **October 18, 2021**
Re: **Interim Policy and Procedure Directive #05-2021: Using Approved Videoconferencing Technologies to Provide Services Remotely**

Effective: October 18, 2021

Background

The objective of this policy directive is to provide guidance for the provision of services using NC DVRS-approved secure remote technologies (videoconferencing) in response to the COVID-19 Nationwide Public Health Emergency that will allow the Division to continue to serve and minimize risks to the population served.

Using videoconferencing technologies to provide services remotely is not appropriate for every consumer and every situation; therefore, it is imperative for staff to exercise their professional judgement along with the policy guidance provided in this directive to decide on the appropriateness of a remote service intervention for their consumer.

Further, guidelines and procedures within this directive are to assure service providers are utilizing secure technologies and required procedures to be compliant with current regulations for consumer protection.

Part I: General Provisions:

- 1) Approved Videoconferencing Technologies for Division Staff Use for Serving Consumers Remotely** : Microsoft Teams; Google G Suite Meet; *Zoom.gov*

NOTE: Only agency-licensed subscription-level versions of the software as supplied by the Division will be permitted for this activity.

Approved Videoconferencing Technologies for Service Provider Use with HIPAA Business Associate Agreement (BAA) in Place with Videoconferencing Service Provider and DHHS BAA: Licensed subscription applications of the following: Cisco Webex Meetings/Webex Teams; GoToMeeting; Zoom for Healthcare; Google G Suite Hangouts Meet; Microsoft Teams.

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Unapproved Technologies for Remote Services Delivery: No public-facing, unlicensed or freeware remote communication products (audio and video) will be approved for use in serving consumers, including: Facebook Live; Twitch, TikTok, Slack, Skype (freeware).

- 2) **Use Restrictions:** NC DVRS-approved videoconferencing technologies can be used for confidential videoconference discussions and live review (display) of documents.
 - It is NOT permissible to:
 - record sessions with consumers;
 - upload, insert within chat, or store consumer-related documents within the application.
- 3) **Accessibility Requirements:** Staff and service providers shall reasonably accommodate the disability-specific needs of consumers to the greatest extent feasible when employing remote technologies to deliver services.
- 4) **Breaches:** Service Providers shall report security breaches or incidents while delivering services using remote technologies to the DHHS Privacy and Security Office <https://www.ncdhhs.gov/about/administrative-divisions-offices/office-privacy-security> within 24 hours of the incident. Staff shall report such an incident to the policy office dvr.m.policyoffice@dhhs.nc.gov within 24 hours. An example of a breach incident would be if an unauthorized individual accessed protected data during a closed videoconference session or through a practice commonly referred to “hijacking” where an uninvited unauthorized guest disrupts a videoconference session.
- 5) **Services outside the scope of this Directive:**
 - a. Medical telehealth or telepsychiatry appointments under the umbrella of a hospital, or healthcare provider network system, or service provider approved by NC Medicaid to provide such services.
 - b. CRP-related services under contract, including CRP-provided Pre-Employment Transition Services)
- 6) **Service Rates:** Service rates for purchased services using remote technologies will be based on the same payment methodologies used for comparable services provided in-person.
- 7) **Approved Services:** The following list of services can be provided using remote video conferencing methods by staff or by service providers approved by the policy office to provide services remotely. Only approved services can be provided remotely using videoconferencing technologies.

Exceptions or possible additions to this list must receive prior approval by the Chief of Policy.

- Assistive Technology/Consultation Services from NCATP—family of services
- Assistive Technology/Consultation Services -- (consultation, training)—family of services from other providers
- Benefits Counseling -- agency provided
- Benefits Counseling – purchased

- Community Inclusion Services
- Guidance and Counseling -- agency provided
- Employment Marketing Skills -- agency provided
- Job Club- agency provided
- Job Supports
- Pre-Employment Transition Services -- agency provided or purchased outside of contract
- Psychological Consultation
- Tutoring, academic support services
- Vocational Evaluation—agency provided or purchased

8) How to authorize services approved to be provided using remote technologies:

- When authorizing, specify that the service is to be provided remotely using approved remote technologies, including videoconferencing.
- Only authorize to service providers approved by the Division to provide services remotely as covered within the scope of this directive.

9) Serving minors and consumers with legal guardianship: Ensure permission is obtained by guardians prior to engaging minors or consumers with legal guardians using remote videoconferencing technologies and documented within the case.

Part II: Services Provided Directly by Agency Staff Using Approved Remote Technologies [Including NCATP]:

If staff need to engage consumers beyond traditional methods of phone, secure e-mail, and mail, through the use of videoconferencing, the consumer must be supported to understand this method and approach to service delivery and agree (consent) to receive services remotely. Remote service delivery is permissible only when using the approved technologies as specified within this directive. Staff are to follow the procedures for engagement and documentation as indicated.

Staff engaging consumers through Division-approved remote technologies must use a secure state network connection whenever possible or VPN (Virtual Personal Network) when working remotely. This ensures a secure network environment.

Consumer-related video conferencing sessions are not to be recorded, nor consumer-related documents stored within the application, as the privacy or protection of the stored information cannot be guaranteed. For example, it is okay to open and share (display) a consumer document (e.g., a resume or an IPE) while using the videoconferencing application; however, it is NOT okay to post a file to the chat feature of the application where it might be stored.

Approved Videoconferencing Technologies for Division Staff Use for Serving Consumers Remotely: Microsoft Teams; Google G Suite Meet; *Zoom.gov**

NOTE: Only agency-licensed subscription-level versions of the software as supplied by the Division will be permitted for this activity.

Procedures for Remote Service Delivery by Division Staff:

- **Consumer Notification:** Notify the consumer within an adequate timeframe to confirm an appointment where remote videoconferencing technology will be used. Include appropriate instructions on how to engage in videoconferencing, encouraging them to participate the best they can to enable their case to progress. Staff are to clearly identify themselves and their affiliation with the NC Division of Vocational Rehabilitation Services, commonly referred to as “VR.”
- When scheduling a videoconferencing appointment, staff are expected to notify consumers about the potential for privacy risks when using videoconferencing products. The following script shall be used and modified for comprehension as appropriate:

“Dear (consumer name),

NC Division of Vocational Rehabilitation (VR) has an alternative for providing services to you in light of the COVID-19 pandemic. In order to reach you and provide services, a videoconferencing solution can be used. Please be informed that there is a potential risk to your personal and protected health information when using remote technologies. However, the Division has taken measures to reduce these risks to the maximum extent possible. Would you like to proceed with a meeting with VR staff using videoconferencing? Yes or No”

- **Documentation:** The presentation of this statement, method of delivery, and response is to be documented in a case note.

Part III. Services Provided Remotely by Service Providers within the Scope of this Directive:

This section, along with applicable general provisions in Part I above apply to service providers:

Approved Videoconferencing Technologies for Service Provider Use with HIPAA Business Associate Agreement (BAA) in Place with Videoconferencing Service Provider and DHHS BAA: Licensed subscription applications of the following: Cisco Webex Meetings/Webex Teams; GoToMeeting; Zoom for Healthcare; Google G Suite Hangouts Meet; Microsoft Teams.

Accessibility Requirements: Service providers shall reasonably accommodate the disability-specific needs of consumers to the greatest extent feasible when employing technologies to provide services remotely.

Process for Approving Service Providers for Remote Service Delivery:

Existing approved NCDVRS service providers who currently provide in-person services above and are seeking approval to provide a remote version of the service must be approved to do so prior to providing such services to ensure that all protections are in place and the service provider has been advised of the required procedures:

- 1) Complete the “NCDVRS Application to Provide Remote Services” along with required attachments (NC DHHS Business Associate Addendum, etc.) and have the sponsoring VR office designee submit using Zixmail or other secure methods to the Assistant Regional Director for their initial review/endorsement and then to the policy office dvr.m.policyoffice@dhhs.nc.gov for review/approval.
- 2) Request will be reviewed and, if approved for the provision of specific service(s) using remote technologies/videoconferencing, a notification will go to the applicant service provider, Assistant Regional Director, and office designee who submitted the request.

The notification will include the expectations for engaging consumers via remote access and will specify the additional required documentation to be included along with provider invoices and reports.

- 3) Approval to provide remote services can be revoked by the Division at any time should there be concerns about service quality, effectiveness of the approach, security, or non-compliance with agency requirements.
- 4) Service providers who have not yet been approved as Division vendor will first need to be approved in BEAM for the specific VR service according to the Division’s vendor approval process currently in place. Once approved as a Division vendor with an activated vendor record in BEAM, this directive should be followed for the provider to be considered for remote service delivery. These processes can be initiated concurrently as appropriate.

Procedures for Remote Service Delivery by Service Providers

Once approved by the Division for delivery of one or more services using remote means, service providers shall use the following procedures:

- Notify the consumer within an adequate timeframe to confirm an appointment with appropriate instructions on how to receive services remotely, encouraging them to participate the best they can to enable their case to progress. Service providers and staff are to clearly identify themselves and their affiliation with the NC Division of Vocational Rehabilitation Services, commonly referred to as “VR.”
- Service providers are expected to notify consumers about the privacy risks to their information while using approved videoconferencing technologies. The following script shall be considered/modified for comprehension as appropriate:

“Dear (consumer name),

Our service provider group has the ability to provide an alternative way to provide services to you on behalf of the Division of Vocational Rehabilitation Service (VR) in light of the COVID-19 pandemic. In order to reach you and provide services, a videoconferencing solution can be used. Please be informed that there is a potential risk to your personal and protected health information when using

remote technologies. However, the Division has taken measures to reduce these risks to the maximum extent possible. Would you like me to proceed with providing you the services recommended by NC Division of Vocational Rehabilitation (VR)? Yes or No”

- The presentation of this statement, method of delivery, and response is to be documented in the resulting service provider’s report.



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MEMORANDUM

To: All Staff Assigned Volume VIII
From: Vicky Miller – Chief of Policy *Vicky Miller*
Date: **March 30, 2022**
Re: **Interim Policy and Procedure Directive #02-2022: In-Person Services and COVID-19**

Effective: April 1, 2022

The COVID-19 pandemic necessitated limited face to face interaction during the last two years to reduce transmission of the virus. Despite challenges in providing services remotely, DVRS staff have continued to assist individuals with disabilities with reaching their employment and independent living goals.

Governor Cooper, through Executive Orders, has adjusted mask mandates and other social distancing requirements through the course of the pandemic based on shifting COVID-19 metrics. At the present time the indoor mask mandate has been lifted, while social distancing and hand washing practices are still emphasized to reduce the transmission of COVID-19. As a result of the reduced restrictions, staff are encouraged to engage clients in face-to-face interactions when service delivery is optimized by in-person services and when specifically requested by clients. This includes seeing clients in VR and IL offices, schools, and other community settings, and in clients' homes.

Staff should be sensitive to clients' comfort level for receiving in-person services. Although masks are not required, staff are encouraged to wear masks when requested by clients during face-to-face visits. Clients must not be required to wear a mask as a condition for receiving in-person services from VR or IL.

Written consent to provide in-person services is no longer required. The client should agree with the method of service delivery, and Services should not be delayed, denied, or otherwise restricted by a client's preference to receive services in person versus remotely. Any questions about providing in-person services should be directed to the supervisor.

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KATHIE B. SMITH, MS, CRC, LCMHC, CPM • Director

MEMORANDUM

To: All Staff Assigned Volume VIII
From: Vicky Miller – Chief of Policy *Vicky Miller*
Date: September 6, 2024
Re: Interim Policy and Procedure Directive #02-2024: Money Follows the Person (MFP)

Effective: Immediately

Definition and Overview

Money Follows the Person (MFP) is a federally funded Medicaid demonstration project that assists individuals living in certain institutional settings (skilled nursing facility and ICF-IID) to transition back to their home in the community. Supports and services are provided through a comprehensive system of NC Medicaid community-based services inclusive of the \Community Alternative Program for Disabled Adults (CAP/DA), the Community Alternative Program for Children (CAP/C), the NC Innovations Waiver, the NC TBI Waiver and the Program for All-Inclusive Care (PACE). An array of services including in-home aids, rental assistance, and prioritization for affordable and accessible housing units are available through the waiver programs and family/caregiver/community supports are coordinated by a transition team.

Links:

CAP/DA: <https://medicaid.ncdhhs.gov/providers/programs-and-services/long-term-care/community-alternatives-program-disabled-adults-capda>

CAP/C: <https://medicaid.ncdhhs.gov/capc>

NC Innovations: <https://medicaid.ncdhhs.gov/providers/programs-and-services/behavioral-health-idd/nc-innovations-waiver>

NC TBI Waiver: <https://medicaid.ncdhhs.gov/behavioral-health-and-intellectual-developmental-disabilities-tailored-plan/traumatic-brain-injury-tbi-waiver>

NC DHHS has awarded Vaya Health the statewide contract to administer and provide transition services funded by MFP beginning September 16, 2024.

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Expanded funding for Transition Services will be available for MFP recipients as noted in the grid below. It is expected that in many cases the MFP funding will be sufficient for a successful transition.

Supplemental Services Funding Categories

Service	Per-Participant Limit	Annual Budget
One-time pantry stocking	\$1,000	\$120,000
Clothing Allowance	\$1,000	\$60,000
Residential Modifications	\$10,000	\$250,000
Pretransition visit	\$1,000	\$50,000
Behavior Support Plan	\$2,000	\$120,000
Community Based Assessments	\$1,000	\$50,000
Home or Apartment Set-Up	\$5,000	\$250,000
Housing application fee(s)	\$50	\$6,250
Housing Deposits	\$2,000	\$150,000
Utility Deposits	\$200	\$15,000
Utility & Rental Arrears	\$1,500	\$45,000
Records Acquisition	\$50	\$2,500
Holding fees to retain housing unit	\$4,000	\$148,000
Criminal Record Expungement	\$2,500	\$12,500
Personal Technology	\$800	\$32,000
TOTAL (All Participants)		\$1,311,250

Changes to current Policy/Procedures

Effective September 1, 2024, EIPD IL will no longer provide or be reimbursed for services funded by MFP. Therefore, IL will no longer provide services to individuals who are only MFP eligible.

- Status 00 will no longer be used to provide MFP funded services.
- FNS category *Comparable Benefits MFP* will no longer be applicable and will be removed
- Money Follows the Person (MFP) Participation Letter will no longer be used and will be removed from SharePoint.
- MFP Transition Service will be inactivated and no longer available in Encore.

MFP and IL Eligibility

MFP is a Medicaid program and therefore considered a comparable benefit that must be accessed and applied before IL funds. All policy requirements regarding IL eligibility, Priority of Services such as Deinstitutionalization (see Section 3-7 Priority of Services), and service provision need to be applied.

As we transition to Vaya's starting date of September 16 it may be necessary to staff your current MFP cases to determine appropriate ways to proceed. Please contact Julia Davis or the Policy Office for guidance.



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MEMORANDUM

To: All Staff Assigned Volume VIII
From: Vicky Miller – Chief of Policy *Vicky Miller*
Date: **December 13, 2024**
Re: **Interim Policy and Procedure Directive #03-2024: Guidance for Service Delivery – Impacts from Hurricane Helene – Expiration date extended**

Effective: October 23, 2024

The following guidance is issued to ensure there are no delays in service provision for those clients impacted by Hurricane Helene and to allow affected clients, and their families, to direct their financial resources toward storm-related needs.

This guidance pertains to clients impacted by Hurricane Helene.

This guidance will remain in effect until March 31, 2025. Any questions pertaining to the guidance noted below should be directed to the Policy Office.

Financial Needs Survey

The requirement to assess financial need as detailed in Volume I, Chapter 3, Section 10-1 and Volume VIII, Chapter 3, Section 8-1 is temporarily waived. The FNS should be completed in Encore in the following manner:

- Disability Income Verification screen – select N/A
- Family Income screen – Enter the client only using No Income as the verification type
- Allowed Deductions and Available Assets/Contribution screens can be skipped
- Excess Resource screen – Enter 3 into the Appropriate Time Period field
- Estimated Cost of Rehabilitation screen can be skipped
- Financial Need Category screen – Select Yes, needs test met. Add a case note to the case with the title “Hurricane Helene Relief Waiver” and include the following statement in the body of the note: “ *[Client name] has been significantly impacted by the devastation from Hurricane Helene. EIPD services are required to participate in the*

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rehab program. Assessing financial need and obtaining documentation would impact service delivery. EIPD leadership has approved waiving these requirements.”

If there are comparable benefits that must be applied to the cost of the rehab program (i.e. FAFSA, CAP funds) include details about applying these funds in the extenuating circumstances section.

Financial needs surveys completed as part of this directive should be completed for a period of no more than 3 months. Additional financials can be completed as individual client circumstances dictate.

Any emergency funds received from the impact of Hurricane Helene will be waived and not applied to the cost of the VR or IL rehabilitation program. However, if funds received are directly earmarked for services sponsored by the Division (i.e. home modifications) they should be considered a comparable benefit.

Verbal/Email Agreement for Client Signatures

The ability to obtain verbal or email agreement in lieu of a client’s physical signature is effective immediately. The agreement should be specific to a casework document, and not a general agreement from a client for all VR or IL documents.

Staff must document in a casenote when verbal or email agreement for a signature has been received by a client. If verbal (i.e. by phone) document the conversation with the client. If the agreement was obtained via email a copy of the email exchange should be uploaded to the case note. Upon completion of the documentation in a casenote the client’s signature on the casework document may be electronically signed and dated for the client in the case management system.

A hard copy or DocuSign signature is preferable whenever possible. Please make every effort to secure a signature via in person meeting, mail, fax or DocuSign before utilizing a verbal or email signature agreement.

60 day Eligibility Extensions

Federal Regulations require that the timeframe for determining eligibility may be extended when there are exceptional and uncontrollable circumstances beyond the control of the Division and the client agrees to the specific extension of time. Damage from Hurricane Helene meets the standard of uncontrollable circumstances. However, if a client cannot be contacted an extension is not permissible and the case must be closed status 08.

Staff are encouraged to track cases which must be closed to comply with these federal mandates. Outreach efforts, when conditions improve, should occur to encourage clients to reapply. All efforts should be made to use existing information to process quickly.

Transferring cases

Staff should consider transferring cases from affected counties to non-impacted counties to avoid disruption in service delivery or processing of authorizations. Prior to a transfer there must be agreement between the client, receiving counselor and transferring staff to avoid disruptions in service delivery. All transfers related to Hurricane recovery efforts should be routed through the help desk for assistance.

[Guidance Case Transfers.pdf](#)

The transfer of physical case files may not be possible during recovery efforts and is not required at this time. Collaboration between staff will be necessary to ensure that services are not delayed.



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MEMORANDUM

To: All Staff Assigned Volume VIII
From: Vicky Miller – Chief of Policy *Vicky Miller*
Date: December 13, 2024
Re: **Interim Policy and Procedure Directive #01-2025: Voter Registration**

Effective: January 1, 2025

Voter Registration Policy

Background:

The National Voter Registration Act (NVRA) of 1993 was enacted to enhance voting opportunities for citizens, including individuals with disabilities who have historically low voter registration rates. NVRA requires that voter registration and the opportunity to update voter registration is made available to applicants and clients receiving services from designated State Agencies.

EIPD staff are required to provide the same level of assistance in completing the Voter Registration Form as would be offered in the completion of other agency forms. It should be explained to the client that registering or declining to register to vote will not affect services provided by EIPD. Agency staff must not seek to influence a client's political preference or party affiliation and must refrain from displaying campaign bumper stickers, wearing campaign or party buttons, pins etc. while conducting voter registration business.

All forms associated with the Voter Registration requirement are housed in the National Voter Registration Act (NVRS) section of the casework forms tab on SharePoint. These include:

- Voter Registration Form – official form used to register to vote or update registration
- Agency Transmittal Form – used when submitting voter registration forms to the Board Of Elections
- NVRA Remote Transaction Sheet – used to document voter registration or updated registration when handed via mail with a client
- NVRA Voter Application Handling Log – running log used to track all actions related to voter registration

Each unit office and satellite office shall have a designated NVRA site coordinator who is responsible for the following key actions. A backup staff member shall be identified for leave coverage of the primary designee.

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- Maintain an adequate supply of Voter Registration Forms. These forms can be requested through the NC State Board of Elections website. It is imperative that all forms used by the Division are coded with the agency code “02W” at the top so that it can be tracked appropriately by the NC State Board of Elections.
- Completed, updated Voter Registration forms must be sent to the appropriate county Board of Elections **within five (5) workdays of completion**. The NC NVRA Agency Transmittal Form is to be used and source type 02W is to be designated.
- Maintain copies of the Transmittal Forms and Voter Registration Application Handling Log for audit purposes for 4 years.

Procedures:

VR/IL Program staff must make voter registration available to individuals age 18 or older, and preregistration for individuals who are age 16 or 17 when the following occur:

- Application for VR/IL services
- Client change of address
- Client change of name
- Implementation of Post-Closure services (IL only)
- When assisting a client, the official question to ask is **“If you are not registered to vote where you live now, would you like to apply to register to vote here today?”**

All individuals applying for VR or IL services must be given the North Carolina Voter Registration Application Form regardless of their decision to receive assistance with completing and transmitting their application to register to vote. They may complete the form with VR/IL assistance, or may choose to take the form to complete at a later time.

The Voter Registration Preference form is incorporated within the Application /Agreement of Understanding in the electronic case management system. . The appropriate option should be selected on the Voter Registration Preference Form based on the client’s decision:

- YES, I would like to apply to register/preregister to vote here today
- YES, I would like to apply to register/preregister to vote, but I will take a voter registration application home to complete at a later time
- NO, I am declining the opportunity to register/preregister to vote today
- I am ALREADY REGISTERED to vote at my current address
- I am ALREADY REGISTERED but I would like to update my voter registration information. I will complete a voter registration Application/Update form for this purpose

If the Spanish version of the Voter Registration Preference form is required, it is available on the NC State Board of Election website and is to be presented to the applicant and attached to the Application for services / Agreement of Understanding.

Remote Transactions:

Whenever a client indicates they have an address or name change and are interested in registering to vote or updating their address/name, or it is permitted to mail or securely e-mail a Voter Registration Form to vote to the individual. If the individual indicates interest and has

accepted to receive an application to vote remotely, the NVRA REMOTE TRANSACTION SHEET is completed to demonstrate compliance with this requirement.

Retention of records:

Copies of all mailed or faxed transmittals submitted to the county Boards of Elections shall be retained in the respective unit/satellite offices for a period of 4 years for auditing purposes. Additionally, each office is to maintain a Voter Registration Application Handling Log that records the client ID, dates application to vote are completed and transmitted to the appropriate county Board of Elections office. This document will be subject to audit.

Any completed NVRA Remote Transaction Sheets shall be retained in the case record. No copies of completed Voter Registration Application forms shall be retained.

Training Requirements:

Staff are to review this policy annually and be apprised of any procedural or policy changes as directed by statute or State Board of Elections.

Posters:

Posters as provided by the NC Board of Elections indicating that applicants may apply to register to vote at the office are to be displayed in the office lobby of all offices where individuals apply for services.

Resources:

NC State Board of Elections:

Website: <http://www.ncsbe.gov/Voter-Registration/NVRA>

Phone: 1-866-522-4723

[52 U.S.C. § 20501 - 52 U.S.C. § 20511; NCGS §163-82.20]



MEMORANDUM

To: All Staff Assigned Volume VIII
From: Vicky Miller – Chief of Policy *Vicky Miller*
Date: **March 21, 2025**
Re: **Interim Policy and Procedure Directive #02-2025: FNS Allowable Net Monthly Income Table**

Effective: March 14, 2025

Increase in Allowed Net Monthly Income Amounts on Financial Needs Survey

Due to changes in federal poverty guidelines the following increases to Allowed Net Monthly Income will go into effect on March 14, 2025

Family Size	Poverty Guideline (125% annual income)
1	\$1,630.21
2	\$2,203.13
3	\$2,776.04
4	\$3,348.96
5	\$3,921.88
6	\$4,494.79
7	\$5,067.71
8	\$5,640.63
each additional	\$572.91

The paper-based form, available on the EIPD SharePoint Intranet site, and the electronic form, in ENCORE, have been updated accordingly. Those using the paper-based form in the field should verify that they have the latest version of the form. The following will appear at the top of the current paper-based form:

Financial Needs Survey Worksheet (effective 03/14/2025)

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