

208.00 Comparable Benefits and Services Policy

December 1997 (amended July 2003)

See corresponding procedure: 208.00P Comparable Benefits Procedure

Table of Contents

- Description
- Policy
 - Exceptions
- Student Loan Default
- Counselor Responsibility
- Consumer Responsibility
- Reference

Description

Comparable benefits and services are those appropriate services or financial assistance from a source other than ACCES-VR that will meet, in whole or in part, the cost of vocational rehabilitation services to be provided under an Individualized Plan for Employment (IPE).

Policy

1. Comparable benefits and services must be:
 - A. provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;
 - B. available to the individual at the time needed to achieve the intermediate objectives in the IPE; and
 - C. commensurate to the services that the individual would otherwise receive from ACCES-VR. The service or benefit from another source must be similar in scope and quality to the service or benefit offered by ACCES-VR to be considered "commensurate".
2. ACCES-VR must make maximum efforts to determine whether comparable benefits and services are available to an individual prior to paying for all vocational rehabilitation services, excluding only those services and circumstances listed in "Exceptions" in this policy. ACCES-VR staff and consumers must continuously and aggressively seek comparable benefits and services in order to maximize the vocational rehabilitation resources available to individuals with disabilities. If an individual refuses to apply for or accept available comparable benefits, ACCES-VR funds may not be substituted.
3. ACCES-VR staff must first consider whether a service is currently available or obtainable through another program for which the individual may be eligible.
 - A. If benefits or services are available, they must be used prior to using ACCES-VR funds or services.

- B. If services or benefits are not currently available or if an individual must initiate a new application to another program, ACCES-VR funds cannot be used in the interim unless waiting for benefits, in the judgment of ACCES-VR staff in consultation with the individual with a disability, would prevent the individual from achieving the intermediate objectives of the IPE.
4. Exceptions:
- Comparable benefits do not have to be considered:
- A. when providing:
 - i. assessment services to determine eligibility and vocational rehabilitation needs;
 - ii. counseling, guidance, referral and placement services;
 - iii. vocational and other training services. However maximum efforts must be made to obtain grant aid for training programs at institutions of higher education, including colleges, universities, business and trade schools; and
 - iv. rehabilitation technology.
 - B. if the determination of the availability of comparable services and benefits would delay services to an individual who is at extreme medical risk, as determined by an appropriate licensed medical professional; or
 - C. if an immediate job placement would be lost due to a delay in the provision of such comparable benefits.

Student Loan Default

If a consumer is in default of a student loan, financial aid including Pell and TAP will not be available to the consumer. ACCES-VR is prohibited from paying for any training or related services at a post-secondary program which is eligible for TAP and/or Pell (including, but not limited to, colleges and business and trade schools) for an individual who owes a refund on a grant or is in default of a student loan, unless the individual makes maximum effort to resolve the default. Maximum effort means that the consumer has worked out a satisfactory repayment plan with the Higher Education Services Corporation, lending institution or grantor and has re-established eligibility for financial aid.

Counselor Responsibility

In making maximum effort to secure comparable benefits prior to using vocational rehabilitation funds, counselors must:

1. acquire at least general knowledge about the nature of services available from other sources, their eligibility criteria, and the application and appeals process;
2. explore with the consumer all possible sources of comparable benefits and assess, through discussion with the consumer, the appropriateness of pursuing specific benefits or services and the availability of such benefits;
3. document in the case record the consumer's application for benefits or the reasons ACCES-VR funds are being used in place of benefits; and
4. monitor the application of benefits and assist the consumer, if necessary.

Consumer Responsibility

Consumers must also exercise initiative in exploring the availability of and in securing the comparable benefits available to them. To do this, they must:

1. apply in a timely manner for all comparable benefits and services which are appropriate, with counselor assistance, if needed;
2. accept and use comparable benefits and services when available; and
3. inform the ACCES-VR counselor of the status of any application and the receipt or denial of any comparable benefit.

Advocacy programs, such as Independent Living Centers and Client Assistance Programs, may be able to assist consumers further in securing benefits and resolving loan defaults.

Reference:

Rehabilitation Act:

- Section 101 (a)(8), 103(a)(3)

Federal Regulations:

- 34CFR§361.(5)(b)(9), §361.53

State Regulations:

- 8NYCRR 247.13

Policy:

- 206.00 Individualized Plan for Employment

Questions & Answers:

- Comparable Benefits and Services Q&A