

### Introduction

Comparable services and benefits refer to any services and benefits, including accommodations and auxiliary aids and services, that are available to a participant from a program other than VR to meet, in whole or in part, the cost of VR services.

### Examples of Comparable Benefits

Comparable benefits can be available from a variety of sources including federal, state and local programs such as Medicaid, Veteran's benefits, Tuition Assistance Program, reduced fare for public transportation, para-transit; employer programs such as tuition assistance, transportation, training and health insurance benefits; and health insurance from family or another source.

### Purpose of Comparable Benefits and Services

Before NYSCB provides VR services that are subject to a consideration of comparable benefits the VR counselor must determine whether comparable services or benefits are available to meet the cost of the VR services.

### Policy

It is the policy of NYSCB to

1. determine whether comparable services or benefits are available to cover full or partial cost of selected VR services except where such consideration would
  - a. interrupt or delay progress of a participant toward their goal,
  - b. interrupt or delay an immediate job placement, or
  - c. interrupt or delay the provision of services to a participant at extreme medical risk.
2. use comparable services and benefits when available within a reasonable period. If the comparable services or benefits are not available within a reasonable period of time, NYSCB will provide those services until those comparable services or benefits become available.

## Extreme Medical Risk

Extreme medical risk means a probability of substantially increasing functional impairment or death if medical services, including mental health services, are not provided expeditiously based on medical evidence provided by an appropriate qualified medical professional.

## Services Which Are Exempt from Consideration of Comparable Benefits

The following services are exempt from consideration of comparable services and benefits during the provision of VR and post-employment services:

1. Assessment for determining eligibility
2. Assessment for determining VR needs
3. counseling and guidance including information and support services to assist Participants in exercising informed choice
4. Referral and other services to secure needed services from other agencies, including other components of the statewide workforce development system, if those services are not available through the VR program
5. Job-related services, including job search and placement assistance, job retention, follow-up and follow-along services
6. Rehabilitation technology including telecommunications, sensory and other technological aids and devices (except when covered by Medicaid, Medicare or private health insurance)

## When to Initiate an Exploration of Comparable Services and Benefits

The VR counselor should begin exploring available comparable services and benefits with the applicant during intake. The exploration of comparable services and benefits is a fluid process occurring continuously throughout the VR process.

## VR Counselor 's Responsibility

To determine available comparable services and benefits, the VR counselor will

1. gather information on the eligibility criteria and services available from comparable service or benefit sources, and
2. assess the appropriateness and availability of specific comparable services or benefits with the participant

To maximize the use of comparable services and benefits, VR counselors, when appropriate, may

1. assist the participant in preparing referral information,
2. initiate contact with comparable service and benefit sources,
3. arrange appointments for the participant, if they require assistance,
4. accompany the participant to apply for comparable services and benefits, and
5. follow-up on contacts.

Note: Although these activities may be performed by the VR counselor, the participant should be encouraged to accept responsibility for as many actions as possible.

### Participant's Role

Participants are required to apply for and use comparable services and benefits when such services are adequate for the achievement of their vocational goal.

### Rule

NYSCB cannot provide selected services using VR funds for a participant who

1. refuses to apply for comparable services or benefits for which they may be eligible, or
2. refuses to accept a comparable service or benefit which is available and adequate to meet the objectives of the IPE.

### Case Record Documentation Requirements

Documentation of comparable services and benefits in the case record will include

1. documentation of the initial discussion of comparable services and benefits,
2. documentation of the participant's eligibility/ineligibility for the comparable services and benefits explored, and
3. written justification for not utilizing a potential comparable service or benefit.

Examples of such justification may be that the comparable service or benefit:

- a. Cannot accommodate the physical or mental impairments of the participant
- b. Would cause an interruption in the flow of services as planned in the IPE that would jeopardize the achievement of the vocational goal
- c. Is inaccessible due to its location

### Comparable Benefits for Post-Secondary Education

Maximum effort must be made to secure grant assistance for participants attending institutions of higher education. Eligibility for the Pell Grant, TAP award, and other appropriate programs must be fully explored prior to expenditure of VR funds for post-secondary costs. Awards or scholarships based on merit are not considered comparable benefits.

VR counselors should inform participants that they cannot be denied equal consideration for scholarships or endowment programs because they receive NYSCB funding.

To avoid unnecessary authorization of funds, VR counselors are encouraged to find out the exact amount of a grant award prior to creating an authorization.

When necessary to prevent delay of service, an authorization for the full cost of the service can be created. However, the award amount must be deducted from the authorization prior to payment.

### Role of VR Agencies and First Dollar Conflicts

While VR agencies have historically functioned as the primary service delivery network for individuals with disabilities, they are also required, under the comparable service and benefit provisions of the VR regulations to seek out resources of other programs, such as Medicaid, prior to expenditure of funds. However, many of these other government programs are required to exhaust all other sources of payment prior to providing benefits. Where there is a disagreement about which agency should pay for a service, the use of VR funds will be determined on a case-by-case basis.

### Cooperative Arrangements

Cooperative working arrangements can help streamline the application or eligibility

determination process for comparable services and benefits. NYSCB has cooperative working arrangements with the following agencies, where there is some defined overlap in terms of responsibilities and service objectives:

1. Medicaid
2. ACCES-VR Reader's Aid Program (See Section 9.13, Readers Services, for additional information.)
3. Public Institutions of Higher Education (See Section 10.01, College Training, for additional information.)

### Eligibility for Medicaid, Medicare or Private Health Insurance

Individuals who receive Supplemental Security Income (SSI) or temporary assistance are usually eligible for Medicaid benefits. Individuals who have received Social Security Disability Insurance (SSDI) for more than two years or who are over age 65 are eligible for Medicare benefits. Under certain conditions, persons who are disabled before age 22 can receive Medicare benefits.

Some individuals qualify for both Medicaid and Medicare. The VR counselor should determine if an individual has Medicare, Medicaid or other third-party health insurance benefits at the time of the initial interview or when planning specific services. The individual should provide a copy of their Medicaid, Medicare, or private health insurance card to verify that benefits are available.

### Plan to Achieve Self-Support (PASS)

The Plan to Achieve Self-Support (PASS) is an income and resource exclusion program available under the SSI program.

PASS plans are not to be used routinely as a comparable benefit, especially since these resources will not usually be available at the time needed to meet the rehabilitation objectives in the IPE. However, the resources created by PASS plans can be very valuable in purchasing those goods or services that are not covered by the VR program but contribute to the rehabilitation outcome. The VR counselor can assist a participant with obtaining more information about PASS plans.