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VR&E Plan Development Training

October 6th and 7th, 2020



U.S. Department
of Veterans Affairs

Outline

- Review of VR&E Consistency Study (Mr. Derek Brown, Compliance Specialist)
- Training Considerations (Mr. Dale Sagotsky and Ms. Tyechia Brown, Training Specialists)
- Multidisciplinary approach (Ms. Kris Kuehnle, Acting Assistant Director for Program and Policy and Ms. Allison Bernheimer, Policy Analyst)

Training Objectives

- Acquire knowledge of the consistency study results
- Awareness of Cease and Desist Letter on local policies
- Understanding of training recommendations as they relate to entry into suitable employment, serious employment handicap determinations and clear goals and objectives of rehabilitation plans
- Utilization of a multidisciplinary approach to plan development for high risk populations

VR&E Consistency Study

- In FY19, GAO recommended that VR&E assess the consistency of plans developed by Vocational Rehabilitation Counselors (VRC).
- The study was completed by VR&E Service in FY20:
 - 12 Regional Offices (RO) – Three ROs from each of the four Districts
 - 48 VRCs - Four VRCs from each of the 12 VR&E Offices
- VRCs were asked to review a mock case and complete the following:
 - Write an entitlement decision including the feasibility determination
 - Write a plan narrative
 - Develop a rehabilitation plan

VR&E Consistency Study

The case scenario was designed to be similar to daily case work so professional judgement was required and there was not a clear-cut answer.

- Anticipated results of the study were:
 - The Veteran would be found entitled
 - Achievement of the vocational goal would be currently reasonably feasible
 - An Individualized Written Rehabilitation Plan (IWRP) would be developed with training to include a master's degree

Results of the VR&E Consistency Study

- 100% of the 48 VRC participants made a positive entitlement decision.
 - 18.8% (9 of 48) included tables or checklists from previous versions of the 28-1902b pasted into the document in lieu of a narrative explanation of vocational impairments and/or Serious Employment Handicap.
- 97.9% (47 of 48) determined that the pursuit of a vocational goal is currently reasonably feasible.
- 27.8% (13 of 48) of the IWRPs indicated a goal of achieving entry-level employment.

Results of the VR&E Consistency Study

- 20.8% (10 of 48) of the IWRPs developed included a master's degree.
 - Different levels of experience as a VRC with VR&E appeared to impact if an objective for an MBA was part of the IWRP:
 - 25% of VRCs with 1-3 years of experience
 - 22.7% of VRCs with 4-9 years of experience
 - 7.1% of VRCs with 10+ years of experience
 - Geographical location/District appeared to have an impact on the development of an IWRP with an objective of MBA
 - 33.3% Continental District
 - 25% in the Southeast District
 - 8.3% in the Northeast and Pacific Districts
- 16.7% (8 of 48) of the IWRPs developed included a Lean Six Sigma certification.
 - 33.3% in the Northeast District
 - 16.7% in the Southeast
 - 8.3% in the Continental and Pacific Districts

Training Considerations

- Many VRCs are writing plans for entry-level employment
 - Suitable employment, not entry-level employment
 - 38 CFR 21.72(a)(2) explains that the services to be provided may include training the Veteran to the level generally recognized as necessary for entry into employment in a suitable occupation. It further explains that Veterans will be provided training in a degree, diploma or certificate necessary for entry into the planned vocational goal.
 - For example, if it is determined that the most appropriate vocational goal for a Veteran is Social Worker, the Veteran will be provided training for a master's degree in Social Work, which is regarded as necessary for employment in that occupation. However, if the most appropriate vocational goal is determined to be Case Aide or Case Worker, the Veteran will instead be provided training for a bachelor's degree in Social Work.

Training Considerations

- Note differences based on:
 - Geography
 - Tenure
 - Training credentials for sponsorship

Training Considerations

- Cease and Desist the Use of Local Policies and Local Forms Requiring Claimant Signatures (Effective August 28, 2019)
 - **§ 21.72 Rehabilitation to the point of employability.**
 - a2) Train the Veteran to the level generally recognized as necessary for entry into employment in a suitable occupational objective. Where a particular degree, diploma, or certificate is generally necessary for entry into the occupation, e.g., an MSW for social work, the veteran shall be trained to that level.

Training Considerations

- **§ 21.72 Rehabilitation to the point of employability.**

- (b) When duration of training may exceed general requirements —**

- (1) Employment handicap. If the amount of training necessary to qualify for employment in a particular occupation in a geographical area where a Veteran lives or will seek employment exceeds the amount generally needed for employment in that occupation, the Department of Veterans Affairs will provide, or arrange for the necessary additional training.
 - (2) Serious employment handicap. The Department of Veterans Affairs will assist a Veteran with a serious employment handicap to train to a higher level than is usually required to qualify in a particular occupation, when one of the following conditions exist:

Training Considerations

- ***One of the following conditions:***
 - (i) The Veteran is preparing for a type of work in which he or she will be at a definite disadvantage in competing with nondisabled persons for jobs or business, and the additional training will help to offset the competitive disadvantage;
 - (ii) The number of feasible occupations are restricted, and additional training will enhance the Veteran's employability in one of those occupations;
 - (iii) The number of employment opportunities within feasible occupations are restricted.

Training Considerations

- Additionally in the GAO study, documentation of Serious Employment Handicap was incorrect or inconsistent.
 - Checklists/table are no longer acceptable
 - A narrative explaining how the Service-Connected Disability contributes to the significant impairments must be used
 - Inconsistencies in selecting EH and SEH

Reference

- TMS Training – VR&E Serious Employment Handicap Training (VA 4490293)

Training Considerations

SECTION IV - SERIOUS EMPLOYMENT HANDICAP (SEH) DETERMINATION (CONTINUED) (References: 38 U.S.C. 3102, 3103 and 3106; 38 CFR 21.44 and 21.52)	
7C. DOES THE CLAIMANT HAVE A SERIOUS EMPLOYMENT HANDICAP?	
<input type="checkbox"/> YES, THE CLAIMANT MEETS THE CRITERIA FOR A SERIOUS EMPLOYMENT HANDICAP	SEH
<input type="checkbox"/> NO, THE CLAIMANT DOES NOT MEET THE CRITERIA FOR A SERIOUS EMPLOYMENT HANDICAP	EH
SECTION V - ENTITLEMENT DETERMINATION (Reference: 38 CFR 21.40)	
8. SELECT ONE OF THE ENTITLEMENT DECISIONS BELOW THAT SUMMARIZES THE CONCLUSION BASED ON THE EXPLANATIONS ABOVE:	
<input type="checkbox"/> ENTITLED: AUTOMATIC ENTITLEMENT TO CHAPTER 31 BENEFITS UNDER THE PROVISIONS OF	IDES
<input type="checkbox"/> ENTITLED: EMPLOYMENT HANDICAP (WITH 20% OR MORE SCD RATING)	EH
<input type="checkbox"/> ENTITLED: SERIOUS EMPLOYMENT HANDICAP (EXPIRED ETD)	SEH
<input type="checkbox"/> ENTITLED: SERIOUS EMPLOYMENT HANDICAP (WITH 10% OR MORE SCD RATING)	SEH
<input type="checkbox"/> NOT ENTITLED: NO EMPLOYMENT HANDICAP (WITH 20% OR MORE SCD RATING) PROCEED TO SECTION VI,	NO EH
<input type="checkbox"/> NOT ENTITLED: NO SERIOUS EMPLOYMENT HANDICAP (WITH 10% SCD RATING) PROCEED TO SECTION VI,	NO SEH
<input type="checkbox"/> NOT ENTITLED: NO SERIOUS EMPLOYMENT HANDICAP (WITH EXPIRED ETD) PROCEED TO SECTION VI,	NO SEH
DATE THE CLAIMANT WAS NOTIFIED IN WRITING OF THE ENTITLEMENT DECISION: Click or tap to enter a date.	
IF CLAIMANT IS DETERMINED "NOT ENTITLED," DOCUMENT RESOURCES PROVIDED AND RESULTS OF VOCATIONAL ASSESSMENT BELOW:	

Training Considerations

Examples of Goals

Type of Goal	Example of Poorly-Crafted Goals	Example of Well-Crafted Goals
Extended Evaluation Goal	To determine if the veteran is feasible	To determine if Mr. John Smith has the capacities (physical, mental, and other) to achieve employment in the occupational goal of XXXX (DOT code YYY).
Improve Rehabilitation Potential Goal	To improve rehab potential	To improve Mr. John Smith's reading comprehension to enable him to enter into an academic program in the occupational goal of XXXX (DOT code YYY).
Vocational Rehabilitation Goal	A Bachelor's degree in Psychology	Mr. John Smith's employment in the occupation of Probation/Parole Officer (DOT code 195).
Independent Living Goal	Improve quality of life and independent living	To decrease Mr. John Smith's dependence on others to perform his activities of daily living.

Training Considerations

Examples of Objectives for an IWRP/IEAP

	Intermediate Objective	Measurable Outcome
Example of Poorly-Crafted Objective	<ol style="list-style-type: none"> 1. Complete a teaching credential. 2. Seek medical care when necessary. 3. Buy the veteran a computer. 	<ol style="list-style-type: none"> 1. Credential will be completed. 2. 8861 will be issued as needed. 3. Computer will be purchased.
Examples of Well-Crafted Objectives	<ol style="list-style-type: none"> 1. Mr. John Smith will complete the teacher education program and all required state examination/licensure requirements resulting in the K-6 credential. 2. Mr. John Smith will work with VHA and his private medical professionals to maintain his health so as to maximize participation and success in the rehabilitation program. 3. Mr. John Smith will work with his case manager to document the need for and benefit from a personal computer system. 	<ol style="list-style-type: none"> 1. Mr. John Smith will provide grades at the conclusion of each term and results of examinations/licensure requirements, demonstrating that he has met all criteria for credentialing. 2. Mr. John Smith will keep all his appointments, take medication as prescribed, and follow medical treatments/regime. 3. Mr. John Smith will provide 1905m and Statement of Claim documenting recommendations and need for a personal computer.



High Risk Program Participants



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High Risk Populations

- Homeless or at risk for homelessness
- Substance Abuse issues
- Mental Health challenges
- Co-occurring Disorders

High Risk Populations

- Feasibility – Individual Extended Evaluation Plan (IEEP)
 - Can they participate?
 - Are disabilities stable?
- Support System
 - Who are they working with?
 - What supports do they have in their family/community?
- Prioritize Needs
 - Financial barriers
 - Geographic barriers
 - Transportation barriers



Plan Development





Plan Development

- Multidisciplinary Approach to Plan Development
- Multiple Objectives to meet the Goal
- Increased Communication/Collaboration with Providers
- Resources Available

Resources

Veteran Readiness and Employment Portal VR&E Resources

https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/55440000001050/content/554400000152782/VR&E%20Resource

Questions?

TMS – VR&E Plan Development Training (VA 4559731)

