Script for Rehabilitation Plan Development, Part 1

**Slide #1**

Welcome to Rehabilitation Plan Development, I am Allison Bernheimer, Senior Policy Analyst. Before we begin the training, I want to let you know this will be a 2-part microlearning. This first training will focus on plan development. The second part will focus on plan redevelopment.

All of the information we are going to review today is located in M28C, Part IV, Section C, Chapter 2.

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The Learning Objectives for today’s training are listed here which we will review as part of the training. Today we are going to discuss the purpose and scope of a plan, how to select a training facility, identifying high program cost thresholds, applying in-state tuition, and handling situations involving concurrent receipt of benefits.

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As you know the foundation of a successful rehabilitation program is a well-developed plan of action. As outlined on the slide there are several regulations that guide us in rehabilitation plan development. 38 CFR 21.80 requires the development of a rehabilitation plan for any claimant who is found entitled to and receiving Chapter 31 benefits. Furthermore, the rehabilitation plan must be based on the results of a comprehensive evaluation including the required determinations and assessment factors outlined in 38 CFR 21.50. You will want to keep in mind the claimant’s interests, aptitudes, and abilities as well as his or her limitations and restrictions when developing the rehabilitation plan. The most important factor to consider when developing the rehabilitation plan is determining what the claimant **needs** to obtain and maintain suitable employment and/or maximize independence in daily living. As outlined in section 2.01 of the chapter, if you click on the hyperlink to any of the regulations, it will open the Code of Federal Regulations so you may review the particular regulation in more detail. I would suggest spending some time familiarizing yourself with the regulations if you haven’t already done so.

Next, 38 U.S.C. 3107, requires that counseling services are included in every rehabilitation plan. This means you are required by law to have a counseling objective in every rehabilitation plan that you develop. The laws that govern our program are also available in the manual, if you click the hyperlink for the particular law, it will open to the US Code so you may review the law in more detail. Furthermore, 38 CFR 21.100(b) provides us with the types of counseling services that may be included in the rehabilitation plan.

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Now, let’s look at the selection of a training facility. In determining the appropriate training facility for each claimant, the VRC must consider some of the following factors. Are there courses of education or training already approved for Chapter 30 and/or Chapter 33 that would meet the claimant’s needs. Remember to the maximum extent possible, we must use courses of education or training that are already approved for Chapter 30 and/or Chapter 33. If you are uncertain whether courses of education or training are already approved for use under Chapter 30 and or Chapter 33, you must verify in the Web Enabled Approval Management System, also known as WEAMS, if the facility is approved and also if the specific courses of education or training at the facility are approved. If the courses of education or training cannot be identified to meet the claimant’s needs, then you must refer to M28C, Part IV, Section C, Chapter 1 to review the policy and procedures for requesting approval and use of a Chapter 31 only facility that may meet the claimant’s specific needs. The VRC must take into consideration the claimant’s preference when selecting the training facility, however, the VRC must also consider the cost of education and training as well. When it comes to selecting a facility, if more than one facility has been identified, but there is a significant cost difference, the VRC is required to document the justification for choosing the higher-cost facility. This must be completed prior to developing the rehabilitation plan. Section 2.03.a of the chapter provides a list of questions that must be answered to justify the decision to approve the high-cost facility, this information should be included when seeking the proper level of concurrence. One final thing to note about the selection of a training facility in accordance with 38 CFR 21.294, the VRC has the final responsibility for the selection of the facility.

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The next step in plan development is the consideration of High Program costs. You will want to be mindful that if the estimated program costs exceed the VRC’s approval threshold, you will need to obtain the proper level of concurrence. To ensure approval of a higher-cost facility the VRC must justify the decision by addressing all of the questions outlined in section 2.03.a of the chapter and the decision must also be documented on VA form 28-1902n, Counseling Narrative Supplemental Sheet. The appropriate concurrence must be obtained prior to the rehabilitation plan being signed by the VRC or the claimant. When trying to determine the program cost this encompasses the total tuition, fees, books, and supplies for the calendar year, however, this does not include subsistence allowance. The program costs must be reviewed during the annual review of the plan to ensure the program costs are still within the appropriate level of approval. While in section 2.03.b of the chapter, if you click the hyperlink for M28C, Part V, Section B, Chapter 1, you will be able to locate the program costs approval levels to ensure you are staying within the appropriate cost approval level.

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Now let’s talk about In-State Tuition and how this applies to claimant’s participating in VR&E. The intent of the law is to protect claimants that have not resided in the state or U.S. Territory long enough to meet the state’s or territory’s residency requirements by requiring the Institution of Higher Learning to charge in-state tuition and fee rates. The claimant must live in the state to receive the in-state tuition and fees rate, in accordance with [**38 U.S.C. 3679(c)(1)**](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title38-section3679&num=0&edition=prelim). This means when a claimant lives in one state and attends an IHL in another, the IHL may charge out-of-state tuition and fees rates. The expectation is that as soon as the claimant can establish residency, he or she will do so. It is also important to note that the claimant must follow the Institution of Higher Learning requirements should they have any to meet the standard for in-state tuition and fees rates.

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The last topic in this training is concurrent receipt of benefits. Based on 38 U.S.C. 3681 and 38 CFR 21.4022, a claimant who is eligible for education or training benefits under more than one VA education benefit cannot use them at the same time. Most commonly, you may meet with a claimant who is using Chapter 33 benefits and who is also eligible and found entitled to Chapter 31. The claimant must decide which benefit he or she wants to use. A claimant may not switch benefits in the middle of a semester or term or once a claimant is certified. The claimant must wait until the next semester or term. You will want to refer to section 2.03.d of the chapter for additional information on the concurrent receipt of benefits.

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This concludes the training on part 1 of Rehabilitation Plan Development and Redevelopment, thank you for your time and attention.