

## **Standards for facilities and service providers**

### **Synopsis of federal regulations**

Accessibility of facilities: Any facility in which vocational rehabilitation (VR) services are provided must be accessible to individuals receiving services and must comply with the requirements of the Architectural Barriers Act of 1968, the Uniform Accessibility Standards and their implementing regulations in 41 CFR Part 101, Subpart 101-19.6, the Americans with Disabilities Act of 1990, and section 504 of the Act.

#### Personnel standards:

1. **Qualified personnel.** Providers of VR services shall use qualified personnel, in accordance with any applicable national or state-approved or -recognized certification, licensing, or registration requirements, or, in the absence of these requirements, other comparable requirements (including state personnel requirements), that apply to the profession or discipline in which that category of personnel is providing vocational rehabilitation services.
2. **Affirmative action.** Providers of VR services shall take affirmative action to employ and advance in employment qualified individuals with disabilities.
3. **Special communication needs personnel.** Providers of VR services shall:
  - Include among their personnel, or obtain the services of, individuals able to communicate in the native languages of applicants and eligible individuals who have limited English speaking ability; and
  - Ensure that appropriate modes of communication for all applicants and eligible individuals are used.

Fraud, waste, and abuse: Providers of VR services shall have adequate and appropriate policies and procedures to prevent fraud, waste, and abuse.

*Reference: § 361.51*

### **Rehabilitation Services (RS) policy**

Counselors will purchase services for clients only from those community rehabilitation programs approved for use by RS. Approval requires compliance with applicable federal and state statutes and regulations.

Service providers have the following responsibilities:

1. Provide the services described in the written agreement.
2. Keep current any state or local licenses, certifications, registrations or permits required for service providers.
3. Provide service only as authorized in advance by RS and only in the amounts authorized.
4. Not discriminate against any person served because of race, age, color, sex, national origin, or disability, and to provide reasonable accommodations if necessary to permit the person to fully participate in the service.
5. Receive approval from the RS counselor and client before making any change in the goals, objectives or services being provided.
6. Tell the client about the Client Assistance Program (CAP) if there is a complaint or grievance about the services provided.

RS will use only those professional service providers who meet applicable state licensure or certification requirements.

1. A psychiatric diagnosis can be provided by a Licensed Physician, a Licensed Ph.D. Psychologist, a Licensed Clinical Social Worker and a Licensed Master's Level Psychologist working in a Mental Health Center. Beginning July 1, 2000, all Master's Level Mental Health providers can apply for a Clinical credential, allowing them to diagnose and treat mental disorders. A diagnosis made by any Mental Health professional with this clinical certification may be accepted. The list of accepted providers for psychotherapy is the same as the list of providers who can make psychiatric diagnoses with a few additions. Licensed Family Therapists can provide psychotherapy for RS consumers provided that the main obstacle to employment relates directly to a marriage or family conflict. Certified Drug and Alcohol Treatment Counselors can also provide substance addiction services. When accepting services from these providers, it is important to pay especially close attention that the scope of their treatment does not go beyond the expertise of the treatment provider.
2. Psychological evaluations should be accepted if provided by a Ph.D. or Master's Level Psychologist. Certified School Psychologists can provide psychological testing to document specific learning disabilities. Mental Health professionals other than Psychologists should not be accepted as qualified sources of psychological evaluations.
3. A general health appraisal must be performed or approved by a physician, registered physician assistant, certified school nurse, or advanced registered nurse practitioner who is certified by the Kansas State Board of Nursing to function in the expanded role of nurse clinician or nurse practitioner.
4. Individualized prescription and fitting of telecommunication, sensory and other technological aids and devices must be performed only by individuals licensed in accordance with state licensure laws or by appropriate certified professionals.