

Chapter 1.2. - LIABILITY

1. Injury or Property Damage Insurance Coverage and Claims Submission

A. DARS Liability Insurance and Legal Representation

[REVISED: TBD]

1. DARS is self-insured for liability through the Virginia Department of the Treasury, Division of Risk Management. This coverage specifically is for instances in which the Division of Rehabilitative Services' (DRS) client, including VR clients and potentially eligible students with disabilities:
 - a. alleges that DRS or DARS caused injury to the consumer or damaged the consumer's property,
 - b. seeks a liability-related legal action against DRS or DARS, or
 - c. injures another person or does property damage to an employer during a situational assessment or unpaid work experience.
2. DRS has a "Specialty Health" policy through K&K Insurance to provide ~~health coverage for a DRS client injured, including VR clients and potentially eligible students with disabilities while participating in a DRS training program (including situational assessment and unpaid work experience)~~ a monetary benefit in the event of accident medical expenses, death, or dismemberment for DRS clients participating in on the job training, unpaid work experiences, work adjustment training, in-house situational assessments, and External Training Options (WWRC).
3. DARS is represented in disputes, claims, and controversies by the Department of Risk Management and the Virginia Office of the Attorney General (per § 2.2-1837 of the Code of Virginia). Therefore, DARS shall not use federal funds or state general funds when the Division of Risk Management has legal jurisdiction to investigate and settle the claim.

Chapter 1.3. - CASEFILE

1. Case Record Contents

A. Establishing Customer Case

[Revised: TBD]

A case record (AWARE, electronic forms and e-mails, and paper information) shall be established at time of application for each applicant who meets applicant criteria (for applicant criteria, see [Chapter 2.1, APPLICATION, Policy 5](#) and 2016 [Federal Regulation 34 CFR § 361.47](#)). For returning former clients, establish a new paper folder and keep the closed case folder (if it hasn't already been destroyed; [see Chapter 11, CLOSURE, Policy 2 A.2.](#)) with the new one. For documentation requirements, see [Policy 1: Section A3](#) of this chapter. The case file shall contain the following documentation, as appropriate:

1. Documentation supporting the eligibility determination, or ineligibility determination, - or closing the case for another reason;
2. Documentation supporting a determination of significant disability (SD) or most significant disability (MSD),
3. Documentation supporting the need for Trial Work Experience or Extended Evaluation to determine eligibility, and the TWE or EE plan, and results of the periodic review,
4. IPE and any amendments
5. Documentation describing [the](#) extent to which the client exercised informed choice in selecting eligibility assessment services; and - selecting the IPE employment goal, VR services, [and](#) providers and methods to procure the services, employment, [and](#) service settings; and justification if the setting is not integrated with non-disabled individuals
6. For a competitive employment outcome, verification - that the client is compensated at or above the minimum wage and that wage and benefits are not less than ~~that~~ [those](#) customarily paid by the employer for the same or similar - work performed by non-disabled individuals
7. For an employment outcome in an extended employment setting in an ESO or under Section 14c of the Fair Labor Standards Act, documentation of the annual reviews and - either the client's [s](#) input into the reviews or client acknowledgement [e](#)ment that the reviews were conducted

8. Documentation concerning any action or decision resulting from a request for informal administrative review, formal mediation, or hearing (including administrative review of a hearing decision)
9. Client request~~s~~s to amend or challenge the case record if the record is not amended
10. Documentation of information and referral services~~-~~ provided if the case is in Delayed status under Order of Selection
11. For Closed- Rehabilitated, status, documentation that the provisions for successful case closure are satisfied
12. If applicable for clients 18 years of age and older, copies of a guardianship order or Power ~~of~~of Attorney in effect.
13. Documentation not required to be contained in the case file pursuant to policy should not be retained to mitigate risk due to data breaches and potential exposure of client data. For example, sensitive information, such as copies of Social Security cards, should not be retained except as required under Chapter 2.1, APPLICATION, Policy 1, Section A2.

Chapter 8.02. - REHABILITATION TECHNOLOGY

1. Rehabilitation Technology

[REVISED: TBD]

1. Chapter 8.02 applies to rehabilitation technology other than:

Corrective lenses and eyeglasses, see Chapter 8.14, PHYS RES, Policy 2.

Driving instruction on modified vehicle, see Chapter 8.21, VEHICLE MOD, Policy 5.

Durable medical equipment and wheelchairs; see Chapter 8.14, PHYS RES, Policy 2

Hearing aids, see Chapter 8.14, PHYS RES, Policy 1.

Home modification; see Chapter 8.06, HOME MOD, Policy 1.

Occupational therapy, see Chapter 8.14, PHYS RES, Policy 1.

Physical therapy, see Chapter 8.14, PHYS RES, Policy 1.

Prosthetic and orthotic appliances see Chapter 8.14, PHYS RES, Policy 1.

Telecommunication, sensory and other technological aids and devices, see Chapter 8.14, PHYS RES, Policy 1.

Vehicle modification, see Chapter 8.21, VEHICLE MOD, Policy 5.

2. Rehabilitation technology definition.

Rehabilitation technology means (per 2014 Public Law 113-128, Title IV, Section 404, Sec 7 and 2016 Federal Regulation 34 CFR § 361.5 (c)(45)) the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. Rehabilitation technology (per federal Technical Assistance Circular RSA-TAC-91-01 issued November 16, 1990) includes rehabilitation engineering, assistive technology devices, and assistive technology services available to substitute for functions lost through disability, or to supplement/enhance existing functions to expand employment and independent living opportunities, or to impact the environment through changes, such as job re-design or work site modifications.

3. Rehabilitation engineering definition.

Rehabilitation engineering means (per 2016 Federal Regulation 34 CFR § 361.5 (c)(44)) the systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by individuals with disabilities in functional areas such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community. Rehabilitation engineering is often provided in collaboration with other rehabilitation service providers, such as physical therapists and occupational therapists.

4. Assistive technology device definition.

Assistive technology device means (per 2014 Public Law 113-128, Title IV, Section 404, Sec 7 and 29 U.S.C. 3002 and 2016 Federal Regulation 34 CFR § 361.5 (c) (6)) any item, piece of equipment, or product system - whether acquired commercially off the shelf, modified, or customized - that is used to increase, maintain, or improve the functional capabilities of an individual with a disability.

5. Assistive technology service definition.

Assistive technology service means (per 2014 Public Law 113-128, Title IV, Section 404, Sec 7 and 29 U.S.C. 3002 and 2016 Federal Regulation 34 CFR § 361.5 (c)(6)) any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device, including:

- a. Evaluation of the needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in his or her customary environment,
- b. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities,
- c. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating assistive technology devices,
- d. Coordinating and using necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs,
- e. Training or technical assistance for an individual with a disability or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual, and

- f. Training or technical assistance for professionals (including individuals providing education and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.
- g. Expanding the availability of access to technology, including electronic and information technology, to individuals with disabilities.

6. Case status.

The counselor may provide rehabilitation technology under a Trial Work Experiences Plan, an Extended Evaluation Plan, or an Individualized Plan for Employment (IPE).

7. Needs assessment.

Before the counselor includes rehabilitation technology on the service plan, the case record shall (per 2016 [Federal Regulation 34 CFR § 361.42](#) (d) (1) and 2016 [Federal Regulation 34 CFR § 361.45](#) (b) (1) and 2016 [Federal Regulation 34 CFR § 361.48](#) (a)) document all requirements in Chapter 6.07, AT ASSESSMENT, Policies 1 and 2 have been met.

8. Borrowing before buying.

When appropriate, feasible, readily available, and more cost-effective to DRS than purchasing, the counselor shall provide on a “borrow-free-of-charge” or pay to rent any assistive technology device needed for an assessment service or before Service status.

9. Service and warranty contracts.

The counselor may authorize a service maintenance contract and an extended warranty contract.

10. Client training on use and care.

The counselor may (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(8)) authorize client training on the use and care of assistive technology devices ~~s use-and-care~~ recommended in the Rehabilitation Technology Assessment Report. If authorized, the client shall complete the training.

11. Client use.

Assistive technology devices are (per [State Regulation 22 VAC 30-20-120](#)) for the exclusive use of the client for whom they are purchased. For some job placements and vocational training situations (such as modified equipment used ~~in~~ during work shifts, employer or training vendor shares the purchase cost, etc.), the client, counselor, and employer/trainer may agree that others may share the goods that are purchased for

client use. The client shall properly use and maintain the assistive technology device and protect it from theft or damage. The client shall not dispose of, sell, lend, give away, or borrow against the item while it is needed for VR or employment. The client shall inform the counselor right away if the client stops using it.

12. Ownership and annual inventory.

- a. The assistive technology device shall become the client's personal property upon receipt if it is:
 - i. Prescribed, or
 - ii. Personalized and therefore not appropriate for reassignment to another client (sip and puff device, etc.), or
 - iii. Depleted (not depreciated) with normal use, or
 - iv. DRS paid less than \$5,000 for it.
- b. DARS shall retain title/ownership to all other assistive technology devices, and the client shall sign the Title of Agreement RS-14 before taking possession, and staff shall take annual inventory (see [Chapter 14.1, PURCHASING, Policy 7](#)). If the client stops using the device while DRS retains title, the counselor may ask the client to voluntarily return it and reassign it to another client. The client shall fully cooperate with DARS staff assigned to take inventory of goods listed on the Title of Agreement RS-14 form.
- c. DRS does not repossess assistive technology devices from a client, unless obtained by collusion, fraud, or illegal means.

13. Comparable benefits.

Rehabilitation technology is exempt (per Federal Regulation 34 CFR § 361.53) from a search for comparable benefits.

~~Although rehabilitation technology is exempt (per 2016 Federal Regulation 34 CFR § 361.53) from a search for comparable benefits, the counselor shall (per federal Technical Assistance Circular RSA-TAC-91-01 issued November 16, 1990; federal policy directive RSA-PD-91-03 issued November 16, 1990) use a readily available comparable benefit.~~

However, vocational rehabilitation services are not intended to replace obligations other entities may have under the law. ~~a.~~ Employers having more than 15 full-time employees are generally financially responsible under federal law (P.L. 101-336 Americans with Disabilities Act of 1990) for reasonable job- and work site- accommodation and rehabilitation technology for their employees, including VR clients who are employed, such as clients with Supported

Employment job placement or clients in on-the-job training (OJT). However, if the employer is unwilling or financially unable to comply, or is not subject to ADA, the counselor may (per federal Technical Assistance Circular RSA-TAC-98-04 issued September 29, 1998) provide it during the 90-day employment period without requiring the employer to meet the ADA test for “undue hardship” or “undue burden.” After VR case closure, the responsibility ~~to for provide~~ providing rehabilitation technology lies elsewhere (~~such as e.g.,~~ with the employer or individual). Refer ADA employer obligation questions or alleged violations to the DARS Policy and Planning Division, ~~or the~~ U.S. Department of Justice, ~~or the~~ U.S. Equal Employment Opportunity Commission.

b. Public secondary (junior and senior high) schools have a legal obligation under federal law (P.L. 105-17 Individuals with Disabilities Education Act) to provide rehabilitation technology necessary for the student to benefit from the Individualized Education Program (IEP). When needed only for the school IEP ~~only~~, the counselor shall not authorize the purchase. When needed for VR only (such as eligibility and VR service needs assessment, or training that is not part of the high school curriculum, etc.), the counselor may authorize the purchase. When needed for both the IEP and to achieve the IPE employment goal, the counselor shall (per 2016 Federal Regulation 34 CFR § 361.53) document in the client casefile an attempt to negotiate co-funding with the school.

14. Fee-based.

- a. Rehabilitation technology goods, service maintenance contract, and extended warranty contract shall (per 2016 [Federal Regulation 34 CFR § 361.54](#) (b)(2)) be subject to consumer financial participation policy and Client Financial Statement (RS-13 form) results (see Chapter 14.3 FINANCIAL, Policy 1), including (per 2016 [Federal Regulation 34 CFR § 361.54](#) (b)(3)) when needed to access a VR assessment service.
- b. Non-assessment rehabilitation technology services shall be exempt from consumer financial participation when provided by DRS staff (such as assistive technology specialist, rehabilitation engineer, etc.) and shall (per 2016 [Federal Regulation 34 CFR § 361.54](#) (b)(3)) be subject to consumer financial participation when provided by someone else.

15. Encumbering funds.

See [Chapter 14.1, PURCHASING, Policy 1](#). For S/I Code and fee schedule, see [DARS Services Reference Manual, Other Services, Rehabilitation Engineering category](#).

16. Lowest cost.

For policies on lowest cost, add-ons, and upgrades, see [Chapter 14.1, PURCHASING, Policy 6](#).

17. Repair.

See [Chapter 8.08, REPAIRS, Policy 1.](#)

Chapter 8.13 Personal Assistance Services

1. Personal Assistance Services (PAS)

A. Eligibility for Personal Assistance Services (PAS)

[REVISED: TBD]

1. Definition.

Personal assistance services (PAS) means (per Public Law 114-18 and 2016 Federal Regulation 34 CFR § 361.5 (c)(39)) a range of services provided by one or more persons, designed to assist a VR client perform daily living activities (on or off the job site), that the individual would typically perform without assistance if the individual did not have a disability. Such services shall be designed to increase client's control in life and ability to perform everyday activities on or off the job. Everyday activities are tasks such as: ~~tasks~~ bathing~~;~~ dressing~~;~~ toileting~~;~~ transferring~~;~~ eating/feeding~~;~~ preparing meals~~;~~ housekeeping~~;~~ doing laundry~~;~~ managing money~~;~~ driving or transportation~~;~~ shopping~~;~~ using the phone~~;~~ maintaining the home~~;~~ functioning and learning in the VR school training classroom and doing homework at home~~;~~ and functioning and working in the workplace.

2. PAS program options.

Under the consumer-directed VR PAS option, the client directs the PAS and employs the personal attendant(s). The client (or custodial parent or legal guardian) must have the capacity and willingness to perform the tasks associated with directing their PAS and hiring and managing their personal attendant. Under the agency-managed VR PAS option, the client and counselor select a vendor (such as a commercial home health care agency) that directs the PAS and employs the personal attendant(s). Attendant hours and activities may be more restricted than under the consumer-directed VR PAS option. Agency-managed VR PAS may be the more appropriate option when the client needs PAS services for a short time and requires extensive PAS orientation training, or needs medical services such as skilled nursing care, or needs PAS for the eligibility determination process and setting up the consumer-directed option would delay the eligibility determination decision, etc.

3. Not a stand-alone service.

PAS shall (per 2016 Federal Regulation 34 CFR § 361.5 (c) (39)) be provided only while the client is receiving other vocational rehabilitation services; at a minimum, DRS requires vocational counseling and guidance. PAS may (per 2016 Federal Regulation 34 CFR § 361.42 (d) (1) and 2016 Federal Regulation 34 CFR § 361.45 (b) (1) and 2016 Federal Regulation 34 CFR § 361.48 (a)) be provided in Application status and higher when needed to determine eligibility,

assign Order of Selection priority category, develop the Individualized Plan for Employment (IPE), or achieve the IPE employment goal.

4. PAS application and needs assessment.

Before providing PAS, the case record shall document all PAS application and assessment requirements in Chapter 6.02, PAS ASSESSMENT, Policy 2 have been met. PAS shall not be used to provide supervision or companionship to a client who has the physical ability to perform routine activities of daily living for himself or herself.

5. OOS.

For PAS in Delayed status, see Chapter 2.2, ORDER, Policy 2.

6. PAS as PES.

PAS may be provided for up to 12 months as a post-employment service (PES). Every 90 days, the counselor shall verify and document the client employment status and continued need for PAS hours and share the results with the VR PAS Coordinator.

7. Maximum hours.

The maximum PAS hours shall be determined case-by-case based on the required PAS Assessment (see Chapter 6.02, PAS ASSESSMENT, Policy 2) and annual PAS screening (see Chapter 6.02, PAS ASSESSMENT, Policy 3).

8. Consumer financial participation.

PAS shall (per 2016 Federal Regulation 34 CFR § 361.54) be exempt from consumer financial participation. However, under the agency-managed PAS option, if the home health care agency fee exceeds the DRS maximum hourly rate, the client shall (per 2016 Federal Regulation 34 CFR § 361.54 (b)(2)) pay the difference, regardless of the Client Financial Statement (RS-13 form) results and the counselor must add a statement on the Authorization instructing the vendor to bill the client for the cost over the authorized amount. ~~The consumer-directed VR PAS maximum hourly rate is published in the DRS Services Reference Manual, Nursing, Attendant Care and Personal Assistance Services category.~~ The maximum hourly rate for agency-managed VR PAS shall be the same as the ~~consumer-directed VR PAS option~~ Virginia Medicaid rate for agency-directed PAS.

9. Payment.

For payment processing, See Policy 3: Section A of this chapter.

10. PAS attendant list.

DARS has no responsibility for a registry of personal attendants maintained by other entities.

11. Services interrupted.

If the client must interrupt the Trial Work Experiences Plan, Extended Evaluation Plan, or Individualized Plan for Employment (IPE) due to client (not others) illness or emergency, the counselor may continue to authorize PAS for a maximum of four (4) weeks and must document justification in an AWARE case note and notify the VR PAS Coordinator when VR services are interrupted and later reinstated. The counselor may exceed four (4) weeks only when the counselor documents: i) expectation that the client will resume VR, ~~and~~ ii) supervisor written pre-approval, and iii) counselor consultation with the VR PAS Coordinator.

12. Comparable benefits.

DRS shall use comparable benefits before using VR dollars and may authorize additional PAS needed for client vocational rehabilitation. Having a co-pay or consumer financial participation for a comparable benefit does not constitute unavailability of, or ineligibility for, the comparable benefit. If the client has DARS state-funded PAS, the VR PAS shall be coordinated with it and shall not replace it. If the client is on a waiting list for the comparable benefit, the counselor may provide VR PAS until the comparable benefit becomes available, and must document the client's eligibility for the comparable benefit, the client's ranking of placement on the waiting list, and the anticipated date of availability. Some comparable benefits include, but are not limited to: Medicaid-Waivers~~;~~ Medicare~~;~~ companion/chore/home care services from the Department of Social Services/local department of social services, ~~or~~ Health Department~~,~~ or Area Agency on Aging~~;~~ Veterans Disability Benefits~~;~~ payment by the Department of Education for PAS which could be included in an Individualized Education Plan (IEP)~~;~~ and employer reasonable accommodation with job tasks but not personal care services.

13. Client responsibilities.

The client shall comply with client responsibilities as defined in the DARS PAS Policy Manual.

14. Encumbering funds.

~~A c~~Client-initiated contract for PAS before the counselor authorizes the vendor in writing to provide the service (per 2016 Federal Regulation 34 CFR § 361.50 (e)) does not obligate DRS to pay for PAS.

Chapter 8.21. - VEHICLE, AIRCRAFT, BOAT

5. Vehicle Modification

A. Vehicle Modification

[Revised: TBD]

1. Class I definition.

Class I vehicle modification is a non-structural modification such as hand controls, left-foot accelerator, steering devices, built-up pedals or pedal extensions, turn signal and gear shift extensions, wheelchair restraint, wheelchair lifts, 6-way power seat bases, wheelchair carriers and trunk loaders, etc.

2. Class II definition.

Class II vehicle modification is a structural or high-tech modification such as lowered floors, raised roofs, raised doors, widened doors, reduced or zero effort steering, high tech driving equipment (electronic or sensitized steering and gas brake systems), etc.

3. Case status.

The counselor may provide vehicle modification under a Trial Work Experiences Plan or Individualized Plan for Employment (IPE) if required for the client to achieve their employment goal. Consultation and approval of both supervisor and district director ~~approval~~ are required when authorizing vehicle modification under a Trial Work Experience Plan or IPE (See Policy 5B of this Chapter). Approval must be documented in the form of an actual service note in the case record. The counselor shall not provide vehicle modification as a Post Employment Service (per 2016 Federal Regulation 34 CFR § 361.5 (c)(42)) because it is a complex and comprehensive service. Before providing vehicle modification, the case record shall document all vehicle modification assessment requirements in Chapter 6.05, VEHICLE MOD ASSESSMENT, have been met (See Section 4 below).

4. Needs assessment and vehicle and driver criteria.

Before the counselor includes vehicle modification on the service plan, the case record shall (per 2016 Federal Regulation 34 CFR § 361.42 (d) (1) and 2016 Federal Regulation 34 CFR § 361.45 (b) (1) and 2016 Federal Regulation 34 CFR § 361.48 (a)) document all requirements in Chapter 6.05, VEHICLE MOD ASSESSMENT, Policy 1 and Chapter 6.05, VEHICLE MOD ASSESSMENT, Policy 2 have been met, including prospective driver and vehicle criteria. When the client or prospective driver is purchasing a vehicle, the driver evaluator and modification vendors are resources to ensure it is suitable for the prescribed modification.

5. Youth.

~~Age 22 or younger.~~ A client age 22 or younger is a candidate for Vehicle Modification Assessment and Modification if:

- a. Supervisor and district director pre-approval is obtained, as documented in an actual service note in the case record;
- b. The service is vocationally necessary to achieve the employment goal in the client's IPE; and
- c. (i) Client is not enrolled in a public secondary (junior and senior high) school (which is a comparable benefit and has a legal mandate to provide school-related transportation services for this population); or (ii) Client is enrolled in a public secondary school, and the transportation is vocationally necessary, and the school is not mandated to provide the transportation (such as transportation to an after school job, to a VR service, etc).

6. Modifications over once a lifetime.

The district director must approve any vehicle modifications beyond the first occurrence. Modifications must be necessary for the client to achieve their IPE employment goal. For example, a client has been unable to drive and received DRS passenger modifications, the medical condition has recently stabilized, ~~and~~ a new driver evaluation recommends driver modifications, and the counselor justifies why remaining a passenger is an impediment to employment. The case record shall document all vehicle modification assessment requirements in Chapter 6.05, VEHICLE MOD ASSESSMENT, have been met.

7. Driver or passenger modification.

The counselor may authorize either driver or passenger modification, but not both.

8. Vehicle insurance.

The vehicle owner, not DRS, shall (per Federal Register, Vol. 66, No. 11, Issued January 17, 2001, Page 4421) be responsible for insuring the vehicle and modifications and for paying insurance premiums (see Chapter 8.21, VEHICLE, Policy 2), including clients exempt from consumer financial participation and regardless of the Client Financial Statement (RS-13 form) results.

9. Modification costs only.

Counselor authorization shall not exceed the cost of prescribed modifications, or the current market value/depreciated value of prescribed modifications on a modified vehicle. In addition, DRS staff shall not authorize purchase or installation of standard or optional equipment traditionally available through a car dealer at purchase (such as automatic transmission, power steering and brakes, cruise control, radio, MP3 or compact disk player, clock, air conditioning, anti-lock brake system, air bags).

10. Service and warranty contracts.

The counselor may authorize a service contract and extended warranty on the modification.

11. Change order.

The counselor may authorize a change order only when needed to correct a DARS error.

12. Retrofitting.

The counselor may authorize retrofitting of the DRS modification only when i) the vendor followed DRS work specifications that were incorrect, or ii) DRS accepts the modifications at inspection and later requests adjustments. Retrofitting is subject to additional inspection by the WWRC driver evaluator or DRS rehabilitation engineer in consultation with the driver evaluator.

13. Repair.

For modification repair, see Chapter 8.08, REPAIRS, Policy 1. For vehicle repair, See Policy 3 of this chapter.

14. Driving instruction.

The counselor may (per 2016 Federal Regulation 34 CFR § 361.5 (c)(8)) authorize driving instruction recommended for the client and prospective driver. The counselor, driver evaluator, and trainees shall coordinate authorized driving instruction.

15. Ownership.

DARS shall not retain title or ownership of the vehicle modification, even if DRS is paying part or all of the cost.

16. Restoration to original state.

DRS staff shall not authorize services to restore the modified vehicle to the previous decor, state, or condition, even if the client no longer needs the modifications or the owner wishes to sell the vehicle. The client, including clients exempt from consumer financial participation and regardless of the Client Financial Statement (RS-13 form) results, is (per Federal Register, Vol. 66, No. 11, Issued January 17, 2001, Page 4421) financially responsible for restoring the vehicle back to its original state if necessary.

17. Comparable benefits.

Vehicle modification is exempt (per Federal Regulation 34 CFR § 361.53) from a search for comparable benefits. However, if readily available comparable benefits are known without a search (e.g., Veteran Disability Benefits) they shall be used (per § 51.5-173 of the Code of Virginia; 34 CFR 361.53(c)).

~~Although vehicle modification is exempt (per 2016 Federal Regulation 34 CFR § 361.53) from a search for comparable benefits, the counselor must use comparable benefits that are readily available (per § 51.5-173 of the Code of Virginia; 34 CFR 361.53(c)) Veteran Disability Benefits are a comparable benefit for vehicle hand controls.~~

18. Fee-based.

Vehicle modification, service maintenance contract, and extended warranty contract shall (per [Federal Regulation 34 CFR § 361.54](#)) be subject to consumer financial participation policy and Client Financial Statement (RS-13 form) results (see [Chapter 14.3, FINANCIAL, Policy 1](#)), including when provided under Trial Work Experiences Plan. Change order or retrofitting costs due to DRS error ~~is~~ **are** exempt from the RS-13 results.

19. Encumbering funds.

Services shall be subject to DRS established purchasing policies and procedures. For encumbering funds, see [Chapter 14.1, PURCHASING, Policy 1](#). Prescription and quotation/contract for modification shall not financially obligate DRS to pay part or all of the modification cost.

20. Driver's License.

See [Chapter 8.21, VEHICLE, Policy 1](#).

21. Vehicle purchase.

See [Chapter 8.21, VEHICLE, Policy 4](#).

22. Lowest cost.

For policies on lowest cost alternatives to modification, and modification add-ons and upgrades, see [Chapter 14.1, PURCHASING, Policy 6](#).

23. Client debts.

For policy on consumer debts, mechanics liens on modifications, etc. see [Chapter 14.1, PURCHASING, Policy 8](#).