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To: ACCES-VR Vendors
From: Ray Pierce *RP*
Subject: Updated COVID-19 Guidance for Service Delivery
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The New York State Education Department (NYSED) Office for Adult Career and Continuing Education – Vocational Rehabilitation (ACCES-VR) is providing this updated memorandum as guidance to ACCES-VR vendors regarding the delivery of services during the novel coronavirus (COVID-19) outbreak. This Memorandum supersedes the prior guidance, dated April 10, 2020. Please Disregard All Prior Memorandum.

- ACCES-VR has temporarily waived requirements for on-site and/or in-person provision of services and is allowing for the provision of services remotely. This temporary waiver will remain in effect until it is rescinded by ACCES-VR. **This temporary waiver does not alter vendor responsibility to maintain confidentiality of a participant’s personal information and their records. Your obligations as it pertains to data security and privacy, including but not limited to those under the Family Educational Rights and Privacy Act (FERPA) and Education Law §2d, have not changed.**
- **Note:** Due to the nature of some services (see below), they are not conducive to remote provision.
 - Remote services may be provided via video, telephone and email. The leadership at each vendor agency will need to decide if means of communication (e.g., video, internet video/conferencing) are viable and acceptable.
- Group services may be provided remotely, when possible, and/or individually via remote means.
- All vendors providing remote services **must** ensure they comply with program accessibility requirements in Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. The vendor **must** work with the participant to identify their specific learning styles and needs. Services delivered remotely then **must** integrate

these specific learning styles to meet the needs of ACCES-VR participants to facilitate the successful participation in vocational rehabilitation services.

- All vendors need to ensure they communicate with the participants that they serve in their native language when these individuals have limited English proficiency and use appropriate modes of communication to meet the needs of each individual.
- At **any time** during the delivery of a remote service, a participant may choose to change from remote provision of services to services delivered in-person. Vendors **must** have the capacity to make this change and deliver the service in the modality requested by the participant.

The situation with COVID-19 infections continues to rapidly evolve. It is critical that vendors remain apprised of, and follow, current guidance by regularly visiting the following sites:

- Centers for Disease Control (CDC):
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- New York State Department of Health (NYSDOH):
<https://www.health.ny.gov/diseases/communicable/coronavirus/>

Core Rehabilitation Services 2.0 (CRS 2.0)

- ACCES-VR District Offices may reauthorize all CRS 2.0 service codes, **except Supported Employment Intake (571X) and Direct Placement Intake (921X)**, when the vocational rehabilitation counselor has deemed it essential to meet the participant's individual vocational rehabilitation service needs.
- Supported Employment: Consistent with the above directives, ACCES-VR temporarily suspended the requirement of on-site, face-to-face services. All supported employment services may be provided remotely as identified earlier in this memorandum.
- Supported Employment Intensive: When a participant in supported employment intensive services loses their job (regardless of timeframes), if it is appropriate the ACCES-VR District Office may again authorize the following services:
 - Supported Employment Pre-Employment Assessment/Job Development Service (572X)
 - Supported Employment Job Placement-Day 5 (573X)
 - Supported Employment Job Placement Day 45 (574X)

If the VRC has determined that the participant needs additional assistance to obtain a job, the VRC may authorize the following assessment and/or job preparation services:

- Career Exploration Assessment (120X) after 572X has been vouchered
- Work Readiness 1, 2, 3 (125X, 126X, 625X, 630X)
- Self-Advocacy for Employment (123X)

- Benefits Advisement (175X)

The final decision to authorize additional services rests with the District Office Management team.

- Supported Employment Adult Extended (578X) and Youth Extended (582X): When a participant in supported employment adult extended or youth extended loses their job and requires re-stabilization, the vendor must utilize short-term re-intervention supports for any number of hours or weeks up to 60 hours or 12 weeks as described in the Supported Employment Guidelines. For individuals receiving 578X, the vendor must contact District Office Management or their designee to discuss the individual's situation that requires re-intervention (e.g. individual has lost their job) and review the short-term re-intervention services to be provided.
- If the ACCES-VR District Office has determined that the required short-term re-intervention supports under extended services are not sufficient, then the following milestones may be authorized again:
 - Supported Employment Pre-Employment Assessment/Job Development Service (572X)
 - Supported Employment Job Placement-Day 5 (573X)
 - Supported Employment Job Placement Day 45 (574X)
 - Supported Employment Job Retention (575X) **Note:** As a reminder, 1310.00 Supported Employment Policy and the 2019 CRS 2.0 Program Guide **require** that 575X is only authorized **after** there is agreement on stabilization and the stabilization date, by **all** of the following: Participant, VRC, vendor, and employer when applicable. Vendors and VRCs **must** maintain documentation of the agreement of all parties to stabilization. In some cases, during the 90 days of stabilization there may be a break in time on the job (i.e. furlough). Vendors and ACCES-VR will need to assess how such breaks impact stabilization.
 - For Supported Employment Adult Extended participants, their case is closed with ACCES-VR. In order to authorize the milestone payments again, the Vocational Rehabilitation Counselor would need to reopen the ACCES-VR case and will need the assistance of the vendor to gather updated participant information.
 - Extended Rosters submitted for the first quarter of 2020 without updated Extended Service Plan dates will be processed. Vendors will need to update their Extended Service Plans by the end of the second quarter, June 30, 2020.
 - In addition, any corrections to the Extended Roster requested by ACCES-VR, may be submitted electronically for processing. The vendor will also follow-up by sending the Extended Roster with an original signature by mail.
- Other CRS 2.0 Services: All other CRS 2.0 services, except the ones identified as exceptions, may be provided remotely as identified earlier in this memorandum. For individuals in a paid internship (958X) who are approved to work remotely by the internship site/business, this is an allowable service. In addition, assessments are allowable under the following circumstances:

- *Standardized Testing and Specialized Evaluation (100X)*: These evaluations may only be performed remotely when the vendor provides the Vocational Rehabilitation Counselor with a copy of the section of the standardized assessment’s administration manual that states remote administration is allowable.
- *Diagnostic Vocational Evaluation (DVE)/Community-Based Situational Assessment (110X)*: The provision of quality services is expected whether the service is delivered in-person or remotely. Vendors that provide 110X remotely **must**:
 - Provide the same service as the one that has been provided in-person.

Note: Vendors **must** still provide the total evaluation/assessment as they had been providing in-person. If any portion of the evaluation/assessment is unable to be provided remotely (e.g., standardized testing not approved for remote administration) then this service **cannot** be provided.

 - Ensure that the individual’s disability is taken into consideration and that the appropriate level of support is provided to participate in a virtual assessment.
 - Submit reports to ACCES-VR with the same level of detail and quality as had been written when the service was provided in-person.
- *Community-Based Workplace Assessments (112X)*: As a reminder, per the 2019 CRS 2.0 Program Guide: “The sites for this process are actual employer sites and integrated community sites, not agency/facility based.”
- Exceptions: The following services require in-person provision and vendors may choose not to provide these services temporarily while this waiver is in effect:
 - Mobility Services (M)
 - All Driver Rehabilitation Services
 - All Transportation Services
- Documentation: Vendors still must maintain required documentation for the provision of the service, including the individual’s sign-in (if required), when the service is provided remotely. The vendor may either mail a document that includes the date, time and duration of the service for the individual’s signature or, while this temporary waiver is in effect, request confirmation of this information via email as documentation in lieu of a physical signature.

Pre-Employment Transition Services (Pre-ETS) Contract-Potentially Eligible Students:

- All Pre-ETS for potentially eligible students may be provided remotely, consistent with the description earlier in this memorandum.
- Documentation: Vendors still must maintain required documentation for the provision of the service, including the individual’s sign-in, when the service is provided remotely. The vendor may either mail a document that includes the date, time and duration of the service for the individual’s signature or, while this temporary waiver is in effect, request

confirmation of this information via email as documentation in lieu of a physical signature.

Interpreters

- Vendors providing video remote interpreting (VRI) are still required to maintain billing standards including obtaining the signature of the participant. The vendor may either mail the timesheet to the participant for signature or, while this temporary waiver is in effect, request an email from the participant confirming the date, time and duration of the service in lieu of a physical signature.
- Vendors may use other video communication platforms that are approved by their agency's leadership.

Career Schools

- Schools that have been approved by BPSS to offer coursework online will notify the ACCES-VR Regional Coordinator that supervises the geographic areas where services will be provided.
- Schools are expected to adhere to all aspects of the BPSS approval process, including requirements to obtain signed addendums to the enrollment agreements. ACCES-VR sponsored students may also choose to put their program on pause until in-person classes resume.
- ACCES-VR will require copies of signed enrollment agreement addendums in order to process payment for training and services delivered.
- Documentation: Schools still must maintain required documentation for the provision of the service, including the individual's sign-in (if required), when the service is provided remotely. The vendor may either mail a document that includes the date, time and duration of the service for the individual's signature or, while this temporary waiver is in effect, request confirmation of this information via email as documentation in lieu of a physical signature.

Rates for Services and Vendor Performance

During the temporary waiver period, the current rates of ACCES-VR services remain in effect. Vendors delivering services remotely are expected to continue to provide quality services that meet ACCES-VR requirements and the vendor's contractual obligations.

If at any time a vendor decides to close their operations due to COVID-19, the District Office Manager of the impacted District Office must be notified. In addition, vendors must make every effort to notify all ACCES-VR participants of closure plans at least 48 hours in advance.

When assessing vendor performance, ACCES-VR will take into account the impact of COVID-19 and this temporary waiver.

Vendor Payments

Vendors may use secure email to submit vouchers, reports and other required billing documentation to the District Office(s). In lieu of a handwritten signature, please include the following attestation text in the body of your secure email:

I hereby certify that the data submitted on the attached document is true and correct and supported by the service provider's internal records.

Please retain the original, signed documentation for submission to the District Office(s) when normal office functions resume, if requested.

Vendor Re-opening

Vendors seeking guidance on how to safely re-open their business should refer to the NY Forward website at <https://forward.ny.gov/>.

ACCES-VR District Offices

At this time, staff at ACCES-VR District Offices are working remotely and may come into the office on staggered schedules. While Vocational Rehabilitation Counselors are not physically in the office every day of the week, they do have the ability to communicate with participants and vendors via phone calls, email and video.

Questions

Vendors may continue to direct their questions, and the questions of their participants, to their local ACCES-VR District Office. Vendor questions may also be directed to CRS2@nysed.gov, Pre-ETS@nysed.gov, Interpsvcs@nysed.gov, or ACCESCollege@nysed.gov.

During this unprecedented time period, please know that ACCES-VR values all of our vendors, the services you provide and your efforts to ensure the safety of individuals with disabilities.