

Independent Living Assistive Technology Policy and Procedure Manual

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CHAPTER 1

Definition of Assistive Technology

The Rehabilitation Act 34 CFR title 300.5 defines assistive technology as the systematic application of technologies, technology 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. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services. The term rehabilitation technology for the purposes of this Independent Living Program policy shall be referred to as assistive technology. It shall have the same meaning as rehabilitation technology as contained in federal regulations.

1.1 Assistive Technology (AT) Policy Definition

The federal definition of ¹assistive technology includes two parts. The first is the device which is 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 and that is used to address the specific functional limitation of the individual with a disability.

The second definition includes the service, which is any service that directly assists an individual with a disability (or family member or caregiver) in selecting, acquiring, or using an AT device.

1.2 Procedure/ AT Device Availability

Funding for Utah State Office of Rehabilitation (USOR) AT funding is processed on a first-come, first-served basis as funds are available. Funding requests for assistive technology, referred to as "Packets," are date stamped as they arrive at the USOR office and are funded in the order they are received. Once the funding requests exceed available funds, packets will be placed on a waiting list according to the order they were received and will be funded in accordance with that order once funds become available. The Center for Independent Living (CIL)/Independent Living (IL) coordinator is responsible for ensuring that the information in the packet request remains current and up to date, even though a consumer may be waiting for funding.

All AT purchases must be reasonable, necessary and least cost.

Due to limitations in program funding, some services and products will not be considered in the IL program. They are as follows:

¹ Assistive technology devices and services were first defined in federal law in the Individuals with Disabilities Education Act of 1990 (Public Law 101-476). These definitions remained unchanged until 2004 with the passage of the Individuals with Disabilities Education Improvement Act (Public Law 108-446) when an exemption to the definition of an assistive technology device was added to clarify a school system's responsibility to provide surgically implanted technology such as cochlear implants.

- A. Automobiles or van chassis, or repairs to vehicle chassis
- B. Structural housing modifications, including site prep work which includes excavation, removal of existing fixtures, or demolition of bathrooms.
- C. Roof extensions or porches that cover ramps and lifts
- D. Hot tubs, swimming pools, and devices used to access them
- E. Exercise equipment
- F. Consumable medical supplies and dental work
- G. Recreation and leisure equipment
- H. Guide dogs and service animals or training for persons seeking service animals
- I. Riding lawn mowers and other motorized yard or farming equipment
- J. Cell phones
- K. Ongoing expenses such as internet access charges, phone bills, office supplies, consumable computer accessories, etc.
- L. Eyeglasses or contact lenses
- M. Household Appliances/Furniture except for those items that meet the definition of AT
- N. Surgeries, implants (i.e., cochlear implants)
- O. Durable medical equipment and supplies that do not meet the definition of Assistive Technology
- P. Elevators or hoistway (vertical platform lifts (VPL) are allowed).
- Q. No AT will be purchased for any new or under-construction home except for those that are part of a community home-building program or project where another funding source is available such as a community development corporation or Neighborhood Housing Solutions.

For ramps and VPLs, cement pads and decking are allowed sufficient to make a landing pad, however, awnings and coverings are not allowed.

1.3 Non-standard Purchase

In some situations, it will be necessary to consider non- standard solutions for assistive technology. For the purposes of this manual, these items or services would include anything that is listed in Section 1.2 as “not covered” items. This may include services needed to ready a space for a vertical platform lift.

The USOR AT Fund cannot be used for structural repairs, home modifications or excavation of earth to prepare landing space for VPLs.

In the situation where an IL Coordinator wishes to have a “non covered” item considered for purchase, a full packet must be submitted, with particular attention given to comparable benefits and a complete justification on why the non-standard purchase should be considered. This justification must also include all solutions considered with a detailed description of why other proposed solutions are not viable. These cases will be considered by a committee and may be approved with a unanimous vote from the CIL Directors.

CHAPTER 2

Confidentiality and Consumer Information File Documentation

Documentation is a quintessential part of consumer service. An ongoing record of case service activities ensures continuity of care and tells the story of how assistive technology aids consumers in independent living. It is necessary for the CIL/IL Coordinator to document whether assistive technology is effectively meeting the needs of the IL consumer and to document any problems or concerns which may arise.

The CIL/IL Coordinator will collect documentation from the prospective consumer to determine eligibility for assistive technology needs. The need for assistive technology should be paramount for the consumer to gain or maintain independence in their chosen living environment.

2.1 Disclosure Policy

All information contained in the Consumer Information File (CIF) shall remain confidential and will only be disclosed with the consumer's written consent by a Release of Information form and in a manner consistent with the laws of the State of Utah and United States HIPAA law.

2.2 Security Policy

All consumer information shall be kept in a CIF which shall be in paper and/or electronic format depending on each center's policy and procedure manual.

2.3 Courier Policy

A consumer will not act as a courier of confidential and protected information pertaining to a consumer other than themselves.

2.4 Procedure/Consumer Information File

All CIF's will remain within the physical confines of the Centers for Independent Living primary and satellite offices, or in CIL Suite. These files shall be under the direct care and control of the IL Coordinator in charge of those files. Removal of the files from the CIL Office requires the approval of the Executive Director of the CIL or their designee and shall adhere to policies and procedures of the respective IL Center where the file originates.

IL AT request packets and other confidential information transferred to the Utah Department of Workforce Services State Office of Rehabilitation will be done by secure email or U.S. Postal mail.

CHAPTER 3

Application for IL Assistive Technology

Any IL Consumer in need of assistive technology services may submit a request through their local Independent Living Center. Applications for general IL services are handled according to each IL Center's policies and procedures.

Individuals completing and submitting an application for IL services will be informed of available services and activities at the CIL to include:

- The needs assessment process
- Description of services and the process for receiving those services
- Rights and responsibilities
- Grievance procedures and access to the Client Assistance Program.
- Confidentiality/disclosure of information
- Voter Registration

In order to receive funding from USOR IL/AT services, the consumer must meet a financial needs test and also develop a plan for independent living. The CIL/IL Coordinator must also document the need for AT and submit a packet to the USOR IL Coordinator.

3.1 Financial need

To receive paid USOR IL/AT services, an individual must meet income requirements. In the event the individual is a minor, the parent or guardian must also meet income requirements. Current income requirements for participation in the program are found in the Lower Living Standard Income Level which are updated annually and are based on a percentage of income over the federal poverty level. The federal standards are updated each January, and the adjusted figures will be applied each state fiscal year for the purposes of IL AT.

Federal Register V.86: 19 February 1, 2021 p 7733

Poverty Guidelines for 48 Contiguous States and DC

WIOA requires that for Adult and Youth programs the higher LLSIL or published federal level poverty line be used. USOR uses the Federal register.

The lower living standards can be found at:

<https://www.dol.gov/agencies/eta/llsil>

3.2 Verifying financial information reported by consumers

1. Upon application, the individual or family will be asked to complete the Confidential Report of Financial Circumstances Form. The applicant may be asked to provide documentation to support information provided on form IL-1a. Non-reimbursed disability related expenses will be considered in determining financial need. The IL Coordinator will use the information provided in from IL-1a to determine whether the consumer meets the financial needs test using the Determination of Financial Need Form.
2. Those with an income less than or equal to the income requirements will be determined to meet financial need for paid services.
3. If an adult applicant's income is from SSI they shall be considered eligible for paid services. However, if the applicant has additional income or income from a spouse, this income must be considered. The CIL/ IL Coordinator must ask for the SSI award letter to verify participation in the social security program, and include this information in their CIF.
4. For those individuals under eighteen, the parent's income as well as the income of the minor shall be the basis for determining financial need. If the minor or any of the minor's family receives SSI, it will not be considered when determining financial need.
5. For all applicants, alimony and child support, veteran's pensions, interest or dividend income, liquid assets, social security retirement, SSDI, worker's compensation, or other long term disability compensation other than SSI will be considered eligible income.
6. As with all decisions of the CIL IL Coordinator, discretion will be used in obtaining records and income verification. Tax forms, check stubs, retirement documents, and other forms of verification may be required. Financial documentation will be treated in accordance with Chapter 2 (Confidentiality) in this manual.
7. Mileage to and from disability related medical appointments, at the IRS standard mileage rate- <https://www.irs.gov/newsroom/irs-issues-standard-mileage-rates>
8. If the consumer is purchasing the vehicle chassis, they must provide proof of ability to pay, bank pre-approval or attestation from another party if they are the payee.

After examining the applicant's resources, those with an income greater than the income requirements (See Lower Living Standard Income Levels) will be denied paid IL AT services. The CIL IL Coordinator will inform the applicant in writing of this decision. If the applicant is not in agreement, this decision may be appealed in accordance with Chapter 11 (Rights and Remedies) of this manual. Individuals who have applied previously and been found financially ineligible, shall be encouraged to re-apply if their financial circumstances change.

3.3 Comparable benefits

Before any paid IL services are provided to an individual, the CIL /IL Coordinator will consider whether comparable services and benefits are available under any other program. The Coordinator will verify and document their search for comparable benefits on the Availability of Comparable Benefits Form.

Examples of Comparable Services or Benefits

1. Individual or Group Health Insurance
2. Health Maintenance Organizations
3. Medicaid
4. Medicaid Waivers
5. Medicare
6. Hospice
7. Workers Compensation Insurance
8. Community Mental Health
9. Liability or Accident Insurance, automobile or other
10. Veterans Administration
11. Vocational Rehabilitation
12. School Districts
13. Other State Health Programs

14. Other Comparable Services and Benefits include but are not necessarily limited to Subsistence and Disability Benefits. General Assistance (GA), Temporary Assistance for Needy Families (TANF), Survivor's Insurance (OASDI), Social Security Disability Insurance (SSDI), Supplemental Security Income (SSI), Church affiliated welfare programs, and Special Education/school systems, reduced transportation rates, and services from specific disability groups, i.e., Epilepsy Foundation, Muscular Dystrophy Association, United Cerebral Palsy Association, Easter Seals, etc.

Many consumers do not fully know what Medicare/Medicaid or other insurance benefits they are eligible for. When this occurs, the CIL/IL Coordinator can ask the consumer to sign a release of information and assist the consumer in looking up their benefit eligibility, which may involve phone calls to the participating entities. CIL/IL consumers may request insurance information as needed to make a determination on the availability of comparable benefits. A denial of coverage letter may be required upon USORs request.

3.4 Summary of Required Signatures

To be considered for USOR AT funds, there are a few signatures which will be required. There must be a written statement maintained in the CIF that documents that the person is eligible, which is to say that the consumer states or confirms that they have a significant disability. This statement may be separate from the intake form, but must be signed and dated by the IL staff member.

Independent Living Plan or Waiver. The consumer and the IL Coordinator must sign the ILP or a waiver of the ILP, should the consumer choose to waive that written plan document.

The consumer or their representative, must sign and date the Confidential Report of Financial Circumstances form.

Home modification and/or Vehicle modification agreements must be signed when applicable.

Chapter 4

Eligibility for Assistive Technology Funding

4.1 Criteria for Eligibility Policy

Eligibility requirements must be applied without regard to race, color, citizenship status, national origin, ancestry, gender, sexual orientation, gender identity, gender expression, transgender status, age, religion, creed, physical or mental disability, marital status, veteran status, political affiliation, or any other factor protected by law.

Additionally, no group of individuals can be excluded or found ineligible solely based on type of disability. With respect to age there must be no upper or lower age limits established which will, in and of itself, result in a finding of ineligibility for any individual who otherwise meets the basic eligibility requirements. (45 CFR 1329.4)

The eligibility determination must be documented in the CIF. Although Centers do not require medical documentation for IL services, a declaration by the consumer that they have a significant disability which is signed and dated by the IL Coordinator must be in the CIF.

In order to be eligible for paid AT services a consumer must:

- Have a significant physical or mental impairment which affects the ability of the individual to be independent or to maintain independence.
- Include a statement describing the relationship between the consumer's disability and the barriers making it difficult or impossible for the consumer to participate fully in his/her environment.
- Include a statement of how the provision of AT services are going to assist the individual to increase their independence by addressing functional limitations.
- Meet the financial needs test as described in Chapter Three (3).The eligibility determination may be maintained on the intake form or as a separate eligibility determination form.

4.2 Eligibility Determination

After application for IL services, the CIL Coordinator will make a decision as to the eligibility or ineligibility of the consumer for paid IL services and document this information in the CIF and in CIL Suite.

CHAPTER 5

Conducting a Good Assessment

A poor match between technology and a user usually leads to dissatisfaction and abandonment of the technology. It is necessary to thoroughly understand consumers' needs and barriers in order to find the correct assistive technology solution.

Independent Living Coordinators should use an assessment process known as "C.E.T.T." which explores the consumer needs, environment, tasks, and tools.

1. **CONSUMER.** When meeting with the consumer it is important to collect as much information as possible as to the goals of the consumer (whether they are environmental, educational, vocational, or simply to acquire independence). Then, the CIL Coordinator should ask questions designed to illuminate the challenges that the consumer desires to overcome. This includes consideration of the consumer's strengths and needs in the areas they experience the roadblocks to success. When permitted, it may be helpful to obtain information from the consumers' family, and care providers to gain a more complete view of the problem.
2. **ENVIRONMENT.** Once an understanding of the consumer's strengths, barriers, and intentions is achieved; it is then necessary to evaluate the environment to more fully understand their current situation and desired outcome. Environmental assessment needs to include any support available to the consumer.
3. **TASKS OR GOALS.** Ask questions like: what specific tasks does the consumer want to perform? How does the answer to this question relate to their skill set and the environments they need (or wish) to perform them in? How does the proposed assistive technology support independent living?
4. **TOOLS AND STRATEGIES.** In order to determine the best AT device, CIL Coordinators should arrange for a multi-disciplinary evaluation that can best evaluate the consumer's needs. This may include an occupational therapist, physical therapist, speech therapist, psychologist, mobility specialists, home accessibility specialist Utah Center for Assistive Technology, Utah Assistive Technology Program, School Assistive Technology Teams or other specialists in order to develop the most informed plan which incorporates the tools, strategies, and supporting services which hold promise to improve performance/productivity, increase participation, and/or increase independence.
5. **Trial of device.** If and when possible, the consumer should trial the device being requested to make sure it meets their needs and to demonstrate success. When an individual is able to trial the device in their own environment, and making sure it helps meet their independent living goal, the rate of device abandonment drops significantly. You may check with a vendor or assistive technology service agency to see if they have a device to trial.

Additional assessment, bids or evaluations may be required at the discretion of the USOR IL Coordinator to determine that assessments are conducted in such a way that recommendations will be deemed both necessary and reasonable with relation to the consumer's independent living goal.

Assessments from vendors must include exact specifications, part numbers, warranty information, timelines for delivery, and descriptions and photos of proposed work to be done; such that a person could reasonably look at the written assessment and determine the solution being proposed

CHAPTER 6

Independent Living Plan

6.1 Independent Living Plan

In order for a consumer to receive funding from the USOR assistive technology program, an Independent Living Plan (ILP) must be developed toward the goal of achieving greater independence through the provision of assistive technology services. The ILP must be signed by the IL Coordinator and the IL consumer. The documentation in the CIF must clearly show that the consumer participated in the development of the plan. All assistive technology services requiring USOR funding must be included as an ILP goal. Each Individual CIL may use their own ILP form but may use the USOR form Independent Living Plan ILP as an ILP option.

Every ILP with an AT goal must also include a financial goal for the care and maintenance of the proposed AT solution.

If for any reason a service on the ILP was not provided or was delayed, the ILP must be amended including new dates using the ILP Amendment Form. CIF notes should document the reason for the delay and identify any next steps.

A written plan is an excellent way to help the consumer set a course of action and stay focused, as well as review and document progress.

Goals are a critical and required part of IL services, The IL planning process must be truly meaningful to the individual. Consumers must see this process as their own plan for the future, not the CIL staff's plan. These should be achievable and realistic. Set time frames for when actions will be taken and when milestones should be reached. Include the IL services to be provided by the CIL, community activities facilitated by the CIL, and/or actions to be taken by the consumer.

CIL services should reflect one or more of the IL core services (information & referral, IL skills training, peer counseling/support, individual and systems advocacy, transition of youth to post-secondary goals, or institutional transition or diversion), and other IL services provided by the CIL, as appropriate.

Consumers should be encouraged to think beyond a service to the ultimate goal or significant life choice to be achieved.

Plans must be reviewed as often as necessary, but a review at least annually is required to see if services should be continued, modified, or discontinued.

It is a recommended practice for the consumer and the designated IL Coordinator to sign and date changes, updates, and reviews of the CIF and ILP.

6.2 ILP Required Signatures

The consumer and CIL/ IL Coordinator's signatures will be on the ILP as acknowledgment of participation and agreement.

Consumer initials will acknowledge participation and agreement on ILP amendments and reviews.

When the consumer is unavailable to initial ILP amendments, i.e., contact is by phone, CIL IL Coordinator may initialize and obtain the consumer's initials at the next visit. The CIL IL coordinator must document attempts to obtain the signature from the consumer, including email conversations, case notes and letters. Docusign is an acceptable signature.

6.3 Annual Review

The ILP will be reviewed as often as necessary, but at least annually. The consumer must be given an opportunity to review and, if necessary, jointly re-develop and agree to its terms.

- A. Consumers and/or their representatives shall meet and jointly review the ILP. An Annual Review Form or otherwise documented in CIL Suite will be used to document consumer satisfaction with purchased equipment and / or document progress on any goals still in progress
- B. An ILP amendment form shall be completed by the CIL IL Coordinator and the consumer if an additional goal is added or a goal is removed from the ILP.
- C. Acknowledgment of changes to the ILP shall be in accordance with the above policies.
- D. Copies of the ILP amendment changes shall be made available to the consumer and maintained in the CIF
- E. The CIL IL Coordinator shall initiate additional IL AT services in accordance with the ILP amendment.

CHAPTER 7

AT Packet

7.1 Elements and required order of an AT Packet;

- 1- Authorization worksheet
- 2- Available Comparable Benefits Form
- 3- Confidential Report of Financial Circumstances and Determination of Financial Need forms
- 4- ILP, ILP amendments and annual reviews with dates and signatures
- 5- IL Coordinator AT assessment
- 6- Justification for AT services
- 7- Vendor Assessments which include exact specifications, plans/layouts or pictures
- 8- UCAT or other AT assessment as needed or requested by USOR
- 9- A detailed Vendor Quote Sheet (if applicable)
- 10- Required bids, at least two (2) if the item is over \$5,000 and not on state contract
- 11- Installation Agreement (home/vehicle) if necessary
- 12- Verification of bank loan or attestation of funding as needed for vehicle chassis

7.2 Purchasing Packet Check-off Sheet

(For all packets regardless of amount)

1. Is the Worksheet, Authorization for Services, filled out completely?
 - a. Consumer name, address, and phone number: plus entire social security number, gender, race/ethnicity, date of birth, veterans status, living arrangements and vendor information.
 - b. Is the annual review up to date?
 - c. Correct vendor name and number when available
 - d. Correct contract number if applicable (starts with MA)
 - e. Service and materials, including specifications, model numbers, shipping and handling charges and TOTAL AMOUNT (note: If specifications are very detailed and take up a lot of space, create a separate document or vendor quote for this and just define the service and/or materials in a general way. Example: Porch lift, see attached specifications/quote)
 - f. Client base number of Coordinator (95-XX)
2. Is the Availability of Comparable Services form completed and signed by the IL Coordinator?
3. Is a copy of the Independent Living Plan (ILP) or amendment included?
 - a. Does the ILP or amendment have both IL Coordinator and consumer signature and date?
 - b. Is the initiation date and anticipated duration dates completed? Is the initiation date the same or shortly after the date of the plan (cannot be before the plan date)?
 - c. Is the anticipated duration of the plan or amendment listed on the top of the form?
 - d. Is there a financial management goal if the consumer is purchasing a vehicle?

- e. Are ILP amendments numbered?
 - f. Is a copy of the ILP Justification included?
 - g. Is the date of the justification on or shortly after the plan/amendment date? (can't be before and should be within 5 days of plan date)
 - h. Is the IL Coordinator's name on the justification (Typed or printed with initials or signature next to it)?
4. Is a copy of the Confidential Report of Financial Circumstances (front and back) included?
- a. Is the form fully completed?
 - b. Has the form been checked for accuracy and readability? Have changes been initialed?
 - c. Has the form been signed and dated by the consumer or consumer representative? (Is this signature the same as the signature on the plan? If not, why?)
 - d. Is a copy of the Determination of Financial Need form completed and included?
 - e. Is it checked, signed, and dated?
 - f. Is the date no older than one year?
 - g. If financial circumstances have not changed and the original financial information was given over one year, have you signed and dated on the back of the Determination form that the financial circumstances have not changed?
5. Is a copy of the assessment from the A.T. Coordinator and/or an appropriate professional included?
- a. Does the assessment address the consumer's disability, barriers and environment?
 - b. Does the assessment state clearly the results of the assessment, including options considered, equipment trial (if applicable), etc.?
 - c. Does the assessment include a vendor or possible vendors with their bids or quote sheet, vendor number, and contract number if applicable?
 - d. Does the assessment address consumer satisfaction with the proposed solution?
 - e. Is the AT assessment typed or printed, and initialed with the AT Coordinator's name?

(For packets needing quotes and/or bids, or extra documentation)

6. Is a copy of the Quotes for Small Purchase form and copies of two or more bids included (for amounts from \$5000 up (excluding contract equipment)?)
7. Do biddables (for packets \$5,000 and above excluding contract equipment) include complete and detailed specifications and drawings?
8. Is the Van Modification Agreement or the AT Home Installation Agreement completed and included in the packet if applicable? (Remember on vehicle equipment to include current vehicle registration, copy of consumer's driver's license if the consumer is the driver, justification that public transportation is not an acceptable option included in ILP Justification, and proof of ability to purchase the vehicle chassis when applicable? See the form and make sure all requirements are met and verified with consumer/representative signature.)

9. If a sole source (for equipment \$5,000 and above not on contract), is the information verifying this, including vendors contacted, and justification for being a sole source included in the packet?
10. Has any additional information that you think would be helpful in justifying this purchase, such as prescription copies, etc. been included?
11. If the request is unusual or is for someone recently on VR, is a copy of your case notes justifying the purchase from the IL AT fund included?

For Vehicle Modifications,

- 1- Please conduct the AT assessment with Bryce Clayton or other UCAT Specialist as needed.
- 2-The AT assessment will include the proposed type of modification and the estimated amount
- 3- Please send the completed packet, including all forms and signatures, verification of financing (as needed), and the AT assessment, with the estimated cost.
- 4- Once the packet is received, it will be date stamped and placed in the cue. The UCAT Specialist will be notified when the packet is ready to be funded. At this point, Bryce will identify a vehicle that is currently available on the market.
- 5- The UCAT Specialist will send a copy of the bid to the IL or AT Coordinator and also a copy of the bid to me.
- 6- Once the bid is received an authorization will be completed.

This process will help ensure that vehicles are currently available to purchase at the same time the bid is received and funding is available. This will mitigate the problem of vehicles being sold before the paperwork gets through the system.

Packet Process sent to USOR -

- 1- After the packet has been compiled by the Coordinator it needs to be sent to Sylvia Gines by email sbgines@utah.gov (preferred) or USPS, you may also CC Noreen when sending the email packet nroeca@utah.gov.
- 2- Packets will be entered on the USOR spreadsheet in the order received and uploaded in the USOR AWARE database.
- 3- Noreen will then look over them, authorize them, and then it will need approval of the items in the authorization. After approval the authorizations will be printed . The Authorizations will then be bundled by Vendor and sent to each Vendor and the IL Coordinator. If there are any concerns at this step they will need to be handled before any work or equipment is ordered / installed.

4- Vendors will contact the Consumer, order equipment / supplies for each authorization. deliver, install and then submit invoice and Consumer signature of items installed back to USOR / Sylvia Gines for payment processing.

5- After Consumers have received their equipment, vendors should submit the AT/IL receipt form along with an invoice within 14 business days to ensure timely payment processing for all.

6- All paper packets and Invoices are filed and kept for 5 years and then shredded.

CHAPTER 8

Purchasing Assistive Technology

Due to limitations in financial resources allocated to the Utah State Office of Rehabilitation Independent Living Program, paid services may not be provided immediately to all consumers found eligible for the program. All packets are processed in the order they are received and funded as monies are available. Any AT requests which are policy exceptions must be taken to a committee composed of the CIL Directors for a unanimous vote in order to be considered.

8.1 Authorization

All goods, services, and repairs must be pre authorized prior to or at the time of purchase. USOR cannot reimburse for goods or services which are purchased before approval in the form of a written authorization.

8.2 State Procurement Rules

Assistive technology, which is purchased from the IL AT fund, uses State funds and therefore must follow state purchasing rules.

Laws written by the State Legislature govern how money is spent by public entities, therefore all assistive technology purchases using state taxpayer dollars must be done in accordance with these rules (Utah Procurement Code §63G-6a-408).

8.2(a) Bids and Contracts

The first rule in state purchasing under Subsection 63G-6a-2105(1) is to determine if the item to be purchased is available on an existing state contract. Utah code states that purchases must be made using State Cooperative Contracts if the product/service meets the agency's needs.

Though there are state contracts for numerous items, the portfolio most frequently used for assistive technology is titled "Patient Wheelchair Lifts, Ramps Modifications and Accessories".

These "Best Value Contracts" have been pre-determined to the best value for lifts, ramps and vehicle modifications, which eliminates the requirement to obtain second bids for these items. It is important to check state contracts for each A.T. request to ensure the contract is active (not expired).

8.2(b) State Contracts can be found at:

www.purchasing.utah.gov or <https://statecontracts.utah.gov/Home/Search>

- select contracts to search

- type in keywords such as “lift” or wheelchair
- check - view details to make sure item is on contract

8.2(c) When is it okay not to use a state contract?

It is acceptable to purchase an item off contract when it can be well documented that:

- 1 - The vendor under state contract does not have the needed item
- 2 - The vendor under state contract cannot supply the needed item by a reasonable deadline
- 3 - State Purchasing grants an exception when a documented cost/benefit analysis shows there is not a cost savings to the state; similar product warranty service or maintenance agreement; personal factors such as proximity to consumer.

8.2(d) Getting Quotes and Bids

In the absence of a state contract, the following rules apply to all purchases:

A. Items \$5000 or Less

- When the item being purchased is under \$5,000 only one bid is needed.

B. Items Greater Than \$5,000

- When the item being purchased is \$5,000.01 and above it is necessary to get at least two comparable bids.

The bids must include minimum specifications and dates of delivery. Copies of quotes from proposed vendors are acceptable, as long as they include a complete description of the item as well as terms and conditions. A Quote for Small Purchases form may also be used.

The authorization will be made to the lowest bidder unless there is a thoroughly documented, clear and compelling reason to use a higher priced bidder. Examples may include: unique features in the service contract, availability of vendor to service AT, or delay in delivery. Quotes can be obtained from online sources, including Amazon or the manufacturer, and should document the availability of technical assistance, and estimated delivery times.

Every effort must be made to secure at least two bids for all purchases between \$5,000 and above. Efforts to obtain bids must be documented in writing, including copies of email messages to potential bidders. The email messages must include a complete description of the item and also demonstrate that the bidder is given a reasonable time to respond (10 days to 2 weeks). Handwritten notes of attempts to obtain bids will not be accepted. If the reasonable time to respond has elapsed, with no response it is acceptable to submit only one bid along with the documentation of efforts to obtain other bids. For optimal success, II Coordinators should use the Request a Quote tool on the state purchasing website as this is clear and acceptable documentation to obtain bids <https://statecontracts.utah.gov/Home/Search>

to use the Request a Quote tool:

1. Type in a keyword of something you're looking for like "wheelchair" and it will give you a whole list of vendor portfolios
2. Click on one vendor that you think may have what you need on the top right
3. After you click on the vendor you will see the "get a quote" button. You can type in what specifications you are looking for and submit it and it will send it to that vendor and "all" other similar vendors.

8.3(e) Best Value Contracts

Items over \$5,000 may be purchased from a Best Value Contract provider without obtaining a second bid.

Non-contracted items costing over \$4999.99 may be sent out for bid by state purchasing. The CIL IL Coordinator sends USOR IL Coordinator copies of evaluations performed and the recommended specifications for the item. These specifications need to be exact and complete. The USOR IL Coordinator will coordinate with State Purchasing to obtain necessary bids.

At any time a Vendor is utilizing a sub contractor for the installation of assistive technology, a detailed plan outlining the scope of work must be submitted, along with the sub contractor's license and liability insurance. Vendors assume all responsibility for work performed by subcontractors.

8.3 Consumer Satisfaction

CIL IL Coordinator must notify the USOR IL Coordinator when equipment is delivered and ensure that it is delivered according to the bid, and the consumer is satisfied. An equipment receipt must be signed and placed in the file.

8.4 Equipment Receipt

The original Equipment Receipt Form is signed by the CIL IL Coordinator, consumer/representative, and delivery is verified by the vendor when equipment is delivered, and consumer is satisfied. The consumer shall receive a copy of the equipment receipt.

8.5 Sole Source

When an item can be obtained from only one vendor (Sole Source), state this in the justification. If a device has been specifically prescribed by name, state this as well, and the type of professional who prescribed it. Include the vendor's name, address and phone number. A detailed justification that an item or service is the sole source must accompany the request including all attempts made to identify another vendor. The description needs to include names of the other potential vendors and efforts to obtain a bid from them.

8.5(a) Authorizing Prosthetic Appliances

Prosthetic appliances are handled as sole source requests.

Prosthetic appliances covered:

- Artificial limbs
- Custom-built leg and body brace

Authorizing custom-made prosthetic appliances.

- Obtain Prescription by qualified professional
- Obtain an Offer to Sell Letter from at least two qualified vendors.
- Follow the purchasing process by submitting a summary to USOR IL Coordinator with a copy of the prescription and offer to sell letters.
- The consumer may select the vendor which is most conducive to their personal and medical needs

8.6 Hearing Aids

Being able to hear and communicate is an important aspect of living independently as such, the USOR IL AT program can assist with the purchase of hearing aids. Hearing Aids are not on state contracts.

As in all State purchasing rules, two bids are required for items over \$5,000. There are no exceptions to this rule because there are numerous audiologists statewide to choose from.

IL Coordinators must verify and document the consumer's Medicare information to ensure that hearing aids are not a covered benefit. Some Medicare Advantage plans (Medicare Part C) cover hearing exams and hearing aids. Medicare Advantage plans often offer benefits not typically included with Original Medicare (Part A and Part B), such as routine hearing exams and hearing aids.

8.7 Vision Aids

Vision is an important part of living independently as such, the USOR IL AT program can assist with low vision services in coordination with the Division of Services for the Blind and Visually Impaired (DSBVI).

As in the case with hearing aids, IL Coordinators must verify benefit coverage prior to requesting assistance with vision aids. Although Medicare doesn't usually cover eyeglasses or contact lenses, Medicare Part B (Medical Insurance) may help pay for corrective lenses in certain situations. The IL Coordinator must document Medicare coverage policy when requesting vision aids. The IL Coordinator must also document attempts to utilize comparable benefits for low vision.

Comparable benefits for low vision include:

1. Friends for sight <https://www.friendsforsight.org/>
2. Zenni optical, which has low priced glasses that can run as low as \$7 and lenses also can run as low as \$7 depending on the prescription.

CHAPTER 9

Consumer Responsibility

9.1 Equipment Ownership

AT purchased with State IL funds remains property of the State IL program for three years from the date of the consumer's signature on the Equipment/Completion Receipt, with the exception of aluminum ramps which may be redistributed by CILs according to consumers' needs and eligibility.

9.2 Equipment/Completion Receipt

- An Equipment/Completion Receipt will be signed and dated by the consumer/representative upon receipt of equipment purchased by the IL AT Program. By signing the Equipment Receipt the consumer/representative agrees to the terms and conditions contained in that document.
- The IL Coordinator and/or AT Coordinator will facilitate the completion of the Equipment Receipt so that the form is completed within 30 days of the consumer's receipt of the equipment.
- USOR will perform an annual review of the Independent Living Plan (ILP) or plan amendment documenting the continued need for the use of this equipment by the consumer. If the consumer no longer requires this equipment, arrangements will be made to recover the equipment for use by other consumers. If the IL Coordinator is unable to locate the consumer in order to complete the annual review, a case note must be placed in the Consumer Service Record (CIF) documenting the circumstances. The CIF must remain open in the Utah State Office of Rehabilitation's (USOR) case management system at least three years from the consumer/representative's signature date on the Equipment Receipt.
- In the case of a consumer's death and equipment cannot be recovered, a case note must be placed in the Consumer Service Record (CIF) documenting the circumstances and the case can be closed.

9.4 Physical Transfer of Equipment

The removal and transfer of assistive equipment or devices purchased through the IL AT Program when the consumer changes residence will be determined on an individual basis by the appropriate individuals. AT equipment which is being transferred from one consumer to another requires a packet filled out for the consumer receiving the transferred equipment for the AT equipment.

9.5 Rental Property

State IL funds may be used to purchase AT for consumers residing in rental properties. If the AT requires installation, the consumer/representative must sign and date the Home Installation agreement along with their respective landlords. This form must be completed prior to the dispersion of State IL funds for the purchase of this AT. AT may be considered for rental properties, when the AT is portable and can follow the consumer as their residential needs change.

9.6 Repairs to Assistive Technology

Repairs to AT purchased with State IL funds are the sole responsibility of the consumer when it has been three years from the consumer/representative's signature date on the Equipment Receipt. Exceptions will be made based on availability of State IL funds and according to the consumer's financial eligibility. Prior to the three-year period, State IL funds may be used to repair AT if the built-in guarantee has expired and there is no other funding source available. This too will be based on availability of State IL funds.

The USOR AT fund cannot be used for routine maintenance or repairs on vehicle chassis, engines or other components not owned by USOR.

Consumers are responsible for purchasing their own batteries. A goal should be in the CIF stating that consumers will participate in the cost of repairs/maintenance

Chapter 10

Rights and Remedies/Review of Determinations

10.1 Authority: 29 USC '717, 34 CFR 364.51 and 34 CFR 364.58

10.2 Limitations of Review

This review process is limited to paid Independent Living/Assistive Technology services and is not intended to be applied to any other programs or services provided through or by Centers for Independent Living (CIL). If a consumer's needs/requests are funded through other programs not directly affiliated with the CIL, consumers must appeal decisions relative to those requests through the entity that provided the service. The focus of the review process will always be to meet the needs of the consumer within the rules governing the program, and will be consistent with the values that drive the IL Program.

10.3 Consumer Rights

Policy: At the time of application, development of the Independent Living Plan (ILP) and amendments to the ILP, and at closure, all applicants/consumers shall receive written information about the availability of a review of determinations made by the CIL IL Coordinator and of the availability of assistance from the Disability Law Center, Client Assistance Program (CAP).

During review proceedings it may be necessary to meet with the consumer to obtain additional information. The consumer shall be advised of his right to have a representative of his choosing, to include an advocate from the Disability Law Center, Client Assistance Program (CAP), present at all review proceedings.

Procedure: When dissatisfied with a determination made by the CIL or USOR, a consumer may schedule an informal meeting with the CIL IL Coordinator or the USOR Rehabilitation Specialist for the purpose of addressing their concerns. Documentation of the outcome of this meeting shall be entered into the consumer service record. If a consumer remains dissatisfied with the determination, the consumer may ask for a review of the determination. Additionally, a consumer may choose not to participate in the informal meeting and may request a review of the determination without attending a meeting.

10.4 Review of Determinations

Policy: All review procedures shall be considered informal unless otherwise mutually agreed upon in writing by both parties. A consumer must first utilize the appeal process established by the CIL before appealing any CIL decision.

Procedure

- A consumer who is dissatisfied with any determination made by the CIL IL Coordinator may submit an appeal to the CIL Executive Director. All appeals of administrative determinations to the CIL Executive Director shall be made in writing within 60 calendar days of the receipt of the determination unless a longer time period is otherwise provided for in the procedures established by the CIL. The Executive Director shall respond to the consumer in writing within 15 calendar days. The written response shall include the determination and the basis for the determination. A written copy of the decision/report shall be sent to the CIL IL Coordinator. This will exhaust the administrative remedies available within the CIL.
- If the determination being appealed was made by the Rehabilitation Specialist of USOR or the consumer wishes to appeal the decision made by the CIL Executive Director in 9.3A, the consumer may submit a written request for a review to the USOR Executive Director or his designee. All appeals of administrative determinations to the USOR Executive Director shall be made in writing within 60 days. The USOR Executive Director or his designee shall respond to the consumer with a final written determination within 15 calendar days. A copy of the final written determination will be sent to the CIL Executive Director.
- If the consumer is dissatisfied with the determination made by the USOR Executive Director, or his designee, the consumer may request a fair hearing.
- Fair Hearing
 - A Fair Hearing is designed to provide a process for a rehabilitation applicant/client and/or agency to submit additional evidence and information to an impartial hearing officer. The Director shall select an Impartial Hearing Officer to preside at the hearing. The officer shall be selected (1) on a random basis or (2) by agreement between the Director of the designated state unit and the individual with a disability or, in an appropriate case, the Director and a parent, a family member, a guardian, an advocate, or an authorized representative of such individual.
 - The impartial hearing officer shall be selected from among a pool of qualified persons identified jointly by USOR and the members of the State Rehabilitation Council.

Qualified persons must:

- a) not be an employee of the agency;
- b) not have been involved in previous decisions regarding the consumer/applicant;
- c) have background and experience in and knowledge of the delivery of independent living services; and
- d) have no personal or financial interest that would be in conflict with the individual's objectivity.

The Impartial Hearing Officers duties include:

- a) defining issues prior to the hearing;
- b) arranging an orderly presentation of evidence and information relevant to the appeal;

- c) ensuring the applicant/client or representative is afforded an opportunity to present evidence, information and witnesses, to be represented by counsel or other advocate, and to examine all witnesses and other relevant sources of information and evidence;
- d) render a decision consistent with the approved Utah State Plan, assuring compliance with federal law and regulations governing the paid Independent Living/Assistive Technology Services program; and
- e) providing a written report of the findings and grounds for the decision to the USOR Executive Director and the applicant/client and their representative within thirty (30) days of the completion of the hearing.

The Impartial Hearing Officer may permit or require any pleadings which will provide for the fair and efficient conduct of the fair hearing.

The divisional Support Services Coordinator will represent USOR during the Fair Hearing process. The CIL IL Coordinator/Executive Director may be asked to participate in the Fair Hearing and will be notified if they are to attend.

10.5 The Fair Hearing Process

Each Fair Hearing will follow, as a basic outline, the following steps to ensure a consistent process in this step of the Review:

- a) Pre-Fair Hearing Meeting: The Impartial Hearing Officer may, upon written notice to all parties, conduct a pre-hearing meeting to define issues, establish the details for the presentation of evidence and information, review the fair hearing process, and address any questions or concerns of the parties.
- b) Pleadings: The Impartial Hearing Officer may permit or require parties to file motions, other pleadings, affidavits, or other materials relevant to the action in order to provide for the fair and efficient conduct of the fair hearing. If requested, such pleadings could include such things as:
 - A statement regarding the purpose of the brief;
 - The issue under which the Fair Hearing is being held;
 - The position of the party presenting the brief;
 - Information the party plans to present;
 - A list of witnesses and a brief summary of their expected testimony; and
 - A statement of the desired outcome from the Fair Hearing.
- c) Evidence: The Utah Rules of Evidence are not applicable to USOR proceedings. The Impartial Hearing Officer shall make all evidentiary rulings based on (1) the reasonable reliability of the offered evidence; (2) fairness to the parties; and (3) usefulness to the Impartial Hearing Officer in reaching a decision. The Impartial hearing Officer has the sole responsibility to determine the applicability of the hearing rules and the admissibility of evidence.

- d) Fair Hearing: Conducted by the Fair Hearing Officer, it provides each party the opportunity to present evidence, information and witnesses in support of their position and desired outcome. The Fair Hearing will be conducted in the following order of protocol:
- 1) Opening comments and instruction of Hearing Officer;
 - 2) Presentation/Testimony of, and witnesses for Applicant/Consumer and/or their representative;
 - 3) Response/Presentation of, and witnesses for USOR and/or their representative;
 - 4) Final Response of Applicant/Consumer and/or their representative;
 - 5) Final Response of USOR and/or their representative; and
 - 6) Instruction and closing comments of Hearing Officer
- e) Post Hearing Brief: The Impartial Hearing Officer may, at his or her sole discretion, require the parties to submit post-hearing briefs to provide an opportunity for each party to present additional and final comments and information regarding the dispute and the desired outcome.
- f) Determination: Within 30 days of the completion of the Fair hearing, the Impartial hearing Officer shall provide the Executive Director of USOR and the parties to the hearing with a written report of the findings and grounds for his decision. A copy of the written report will be sent to the CIL Executive Director.
- g) Recording: Pre-hearing and Fair Hearing proceedings will be recorded using a court reporter. A transcript of the proceedings will be provided to the Impartial Hearing Officer and the parties to the hearing as soon as it is available from the reporter.

TIMELINE: The Fair Hearing will be conducted within 60 days of the receipt of the request if the disagreement has not been resolved, (time frame may be extended if both parties agree and a specific time extension is agreed upon) with a decision being rendered and provided to the Executive Director of USOR within 30 days of the Fair Hearing.

10.6 Default for Failure to Appear

If a consumer fails to appear within 30 minutes of the scheduled start time at either the pre-hearing meeting or the fair hearing without prior notification or explanation, the Impartial Hearing Officer, at his or her sole discretion, may decide, based on the individual circumstances of the case, to reschedule the case or dismiss based on the consumer's failure to appear. If a case is dismissed by a Hearing Officer for failure to appear or for any other reason, the applicant/consumer may not resubmit a request for a Fair Hearing on the same issue. In such cases the applicant/consumer would be expected to follow the appeals process that follows.

Unless the Executive Director of the Department of Workforce Services (DWS) initiates a review, the decision rendered by the Hearing Officer will be final. A copy of the Hearing Officer's decision will be utilized to provide USOR staff with the understanding of the decision and the reasoning behind that decision. If an applicant/consumer is dissatisfied with the decision of the hearing officer or the Executive Director of DWS, she/he may pursue action consistent with Utah Code 63G-4-401 through 405.

10.7 Options for Resolution of Determinations

Policy: The initiation of these procedures for review of determinations does not preclude continuing discussion and possible resolution of issues at earlier stages

10.8 Vendor Complaints

Policy: To ensure quality service from vendors, complaints against them will be noted, documented and corrective action taken at the lowest level possible.

Procedure

When a CIL IL Coordinator is made aware of a complaint against a vendor, the Coordinator will:

- 1) Make a note of the complaint in the Consumer Service Record.
- 2) Create and maintain a separate complaint file so that on-going problems with a specific vendor(s) can be documented.
- 3) Contact the vendor in an attempt to resolve the issue.
- 4) If the issue cannot be resolved, the CIL IL Coordinator will refer the complaint along with copies of any documentation to the USOR IL Coordinator.
- 5) If the complaint directly affects the well-being of the consumer, causes harm or has the potential to cause harm to the consumer in any way, the CIL IL Coordinator will immediately take action to remove the consumer from harm. This may include notification of any entity having power to assist the consumer and the discontinued use of the vendor

When the USOR IL Coordinator is made aware of a complaint against a vendor the IL Coordinator will:

- 1) Create and maintain a complaint file so that on-going problems with a specific vendor(s) can be documented.
- 2) Contact the vendor in an attempt to resolve the issue.

If the issue cannot be resolved, the USOR IL Coordinator will refer the complaint to the appropriate purchasing agent (USOE or State Purchasing) along with copies of any documentation.

- 1) The USOR IL Coordinator will follow-up on any referrals of complaints against vendors to ensure that the issue(s) is resolved.

- 2) The USOR IL Coordinator will file a formal complaint with the appropriate purchasing agent in the event the issue cannot be resolved in a reasonable time and request appropriate sanctions against the vendor.

If the complaint directly affects the well-being of the consumer, causes harm or has the potential to cause harm to the consumer in any way, the USOR IL Coordinato will immediately take action to remove the consumer from harm. This may include notification of any entity having power to assist the consumer and the discontinued use of the vendor.