

3300.5050 COMPARABLE BENEFITS AND SERVICES.

Subpart 1. **Use of comparable services and benefits.** Comparable services and benefits must be used if available to an eligible individual or a member of an eligible individual's family for all vocational rehabilitation services identified in the eligible individual's employment plan, except:

- A. assessment for determining eligibility and vocational rehabilitation needs;
- B. rehabilitation counseling and guidance;
- C. job related services;
- D. referral services;
- E. rehabilitation technology services;
- F. when a search for comparable benefits would interrupt or delay the provision of vocational rehabilitation services to any eligible individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional;
- G. the services listed in items A to F when provided as postemployment services necessary to assist eligible individuals to maintain, regain, or advance in employment;
- H. when a search for comparable benefits would interrupt or delay an immediate job placement; or
- I. when a search for comparable benefits would interrupt or delay the progress of the eligible individual toward achieving the employment outcome identified in the eligible individual's employment plan.

Subp. 2. **Individual responsibilities.** Except in the circumstances described in subpart 1, an eligible individual must, with the assistance of the agency, participate in the search for and use of comparable benefits as follows:

A. Before receiving training services in a postsecondary institution, prior to the start of each school year, an eligible individual must apply for gift aid or institutional aid to pay all or part of the costs of tuition, fees, books, supplies, tools and equipment, and living expenses; and

(1) annually provide evidence to the agency of the amount of gift aid or institutional aid available to the eligible individual; or

(2) annually provide evidence to the agency that the eligible individual is not eligible for gift aid or institutional aid.

B. If gift aid or institutional aid is not available to the eligible individual because the eligible individual is in default on repayment of a student loan or has an outstanding

PELL grant repayment, the agency must not participate financially in the purchase of postsecondary training services until the agency determines that a responsible repayment effort has been made. This determination must be made by the rehabilitation counselor in consultation with the eligible individual and the holder of the loan or the postsecondary institution that awarded the PELL grant, after considering such factors as the financial resources available to the eligible individual and the attempts that have been made to work out a satisfactory repayment agreement with the holder of the loan or the postsecondary institution that awarded the PELL grant. The requirement of a responsible repayment effort will be deemed to be satisfied if the eligible individual has made payments for six consecutive months.

C. Before receiving physical and mental restoration services or durable medical equipment, an eligible individual must file a claim or application with the eligible individual's health insurer, if any. If the eligible individual has no health insurance, or if the restoration services or durable medical equipment provided are not covered by the eligible individual's health insurance, the eligible individual must apply to a local human services agency for medical assistance under Minnesota Statutes, chapter 256B, or general assistance medical care under Minnesota Statutes, chapter 256D, if the agency determines that it is likely that the eligible individual may be eligible for medical assistance or general assistance medical care.

D. Before receiving any vocational rehabilitation service other than those listed in subpart 1, an eligible individual shall apply or provide evidence of having already applied for any comparable benefit that the agency determines may be available to the eligible individual. The agency must not purchase a service when the eligible individual refuses to make formal application for a comparable benefit to pay all or part of the cost of the service, or when the eligible individual refuses to accept a comparable benefit that is available to the eligible individual.

Statutory Authority: *MS s 116J.035; 268.021; 268A.03*

History: *18 SR 2248; 20 SR 168; 21 SR 1779; 30 SR 1129; 34 SR 901*

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