The Ticket to Work Act intended to enhance ticket holder choice by improving the options available for rehabilitation services. Automatic assignment to SVRAs seems to run contrary to this notion of consumer choice in that many recipients have no idea that their Tickets are being assigned upon their signing an IPE with an SVRA. Further, a report issued by the Ticket to Work and Work Incentives Advisory Panel cited the RSA letter, noted above, stating that an SVRA that follows the SSA guidance (Transmittal #17) without fully informing the client of the implications of the IPE signature would violate the informed choice provisions of the Rehabilitation Act.

The Panel agrees with RSA that automatic and uninformed assignment is contrary to the fundamental principles of both pieces of legislation. Ticket assignment should be completely separate from the development of an IPE with an SVRA, and an recipient’s assent to one program should not be considered consent for participating in the other. A primary goal of the Ticket Act was to provide recipients with real choices among employment and vocational rehabilitation service providers. An equally important goal was to expand the pool of providers far beyond SVRAs. A recipient who is not informed of what is happening to her ticket is being denied choice, and, furthermore, non-VR ENs are being denied an opportunity to effectively compete to provide services to the recipient. This effectively eliminates the competition among providers that was anticipated by the Ticket Act. (Panel report, page 19)

The Indiana PABSS advocates felt that these developments were potentially harmful to ticket holders and actively removed client choice (the hallmark of the Ticket to Work Act) from the EN selection process. The recipient who sought services from an SVRA effectively lost the ability to choose rehabilitation providers which was specifically allowed by the Act. The fact that the recipient has potentially “assigned” her ticket without knowledge and information necessary to make that choice is contrary to both the intent and clear meaning of the Ticket Act. The ability of a ticket holder to “unassign” a ticket does not remediate this harm and only forces the client to take actions that she needn’t have taken if the automatic assignment had not occurred.

Further, the recipient may not even be aware that she is assigning and using a ticket causes extreme harm. Not only for the fact that she is unaware of her status, but her rights under the Ticket Act have been violated and the ability to use her ticket in the future is being compromised. For example, an SVRA is required to provide rehabilitation services to all who qualify. This recipient could have saved her ticket for job placement assistance after securing rehabilitation services from an SVRA.

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Ensuring Choice Under the Ticket to Work Program

Ticket Assignment

The Indiana Protection & Advocacy agency (IPAS) raised the issue of “automatic assignment” with their state’s vocational rehabilitation agency (SVRA) in an effort to preserve ticket holder choice with the Ticket to Work program. Central to the solution of ensuring Ticket assignment choice is an understanding of how Tickets are able to be assigned.

Assignment of a Ticket is accomplished in one of two ways: via a negotiated plan for employment with a private EN or upon signing an Individualized Plan for Employment (IPE) with an SVRA.

1. Private EN Assignment – The Ticket to Work Act envisioned cooperative negotiation between the Ticket holder and EN. Both parties would meet to discuss the vocational goal and services needed to attain that goal. After agreeing on a plan for employment, the EN would forward a copy of the executed plan and ticket assignment form to Maximus (SSA’s administrative agent.) Upon Maximus’ approval the Ticket would be considered assigned to that EN and a confirming letter would be forwarded to the ticket holder. The recipient’s ticket would then be “in use” and the rehabilitation process could begin.

2. SVRA Assignment – Initially, the Act envisioned a process similar to that used by a private EN and recipient to assign a ticket. However, the assignment process to a SVRA was adjusted by the issuance of Transmittal #17. In cases where the recipient becomes eligible for a ticket before signing an IPE with a SVRA, the recipient’s signature on an IPE is indicative of the recipient’s decision to use the ticket to obtain rehabilitation services from an SVRA and that the SVRA has found the recipient eligible for services. While it appears that it is “best practice” to have the recipient complete the assignment form this step is not necessary for an SVRA to perfect an assignment. Once the IPE was sent to and approved by Maximus the recipient’s ticket would be “in use” and rehabilitation efforts could begin.

The Problem

From the beginning the Indiana PABSS Program felt that an SVRA customer had the right to know that their Ticket was being assigned involuntarily. Involuntary assignment, however, was only a portion of the larger rights issue of the SVRA’s responsibility to fully inform the customer of all benefits associated with the assigning of a Ticket so that he or she could make an informed choice in regards to its use.

Indiana PABSS’ approach was therefore twofold: convince the SVRA to retrain all counselor staff regarding the Ticket the Work program and those benefits of Ticket assignment and inform the customer should his or her Ticket be assigned involuntarily.

Indiana PABSS recognized that the state of Indiana’s Ticket assignment rate was one of the lowest in the United States and that Transmittal 17 allowed for Indiana VR to assign Tickets involuntarily. The SVRA and Indiana PABSS program met together to share concerns in regards to the slow Ticket assignment rate in Indiana and strategize ways in which the Ticket assignment rate could be increased through voluntary assignment.

The SVRA recognized that their counselor staff required a thorough retraining in regards to the Ticket program in general, the benefits available to both the customer and SVRA in the assigning of a Ticket, and the SVRA’s responsibility as an employment network to inform each customer who was also a beneficiary of the Ticket program. A training curriculum was developed by the SVRA with input from the Indiana PABSS program. The SVRA also invited Indiana PABSS to participate in each of the five area trainings held during the spring of 2004.

Indiana PABSS also advocated for each customer’s individual plan of employment to contain information regarding voluntary and involuntary assignment of the Ticket. Inclusion of this within the IPE would assist in assuring that each SVRA counselor would be responsible in providing important information about the Ticket program to each customer at the time of the development of the IPE. The SVRA also agreed to inform those customers who were also beneficiaries with IPE’s dated prior to 11/2002 that their Tickets would be assigned involuntarily. Included in this letter was contact information for the Indiana PABSS program allowing customers to call and receive clarification in regards to their rights as Ticket holders receiving services from the SVRA.

After concluding the agreement with the SVRA and its completed implementation, Indiana PABSS believes that the rights of potential ticket users in Indiana are more fully protected in the face of Transmittal #17.

Resources


