

Provision of Services to Non-Wisconsin Residents

(Issued June 2009)
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Purpose:

To provide staff with Wisconsin DVR's interpretation of "presence in the state", information and procedures on how this applies to applicants, and suggestions for working with consumers who move out of state once an IPE is developed.

Rationale:

The Code of Federal Regulations requires (**34 CFR 361.42(c)(1)**):

The State plan must assure that the State unit will not impose, as part of determining eligibility under this section, a duration of residence requirement that excludes from services any applicant who is present in the State.

Procedure:

Wisconsin DVR is interpreting *present in the State* to mean that an applicant can provide a WI address (e.g. personal residence, community agency, etc.) at the time of application.

While applicants must have a *presence in the state* they are not required to be Wisconsin residents. Many consumers may have a *presence in the State* but not be a Wisconsin resident (e.g. post-secondary students, migrant workers, etc.).

Please note - any individual, regardless of whether the individual is currently living in Wisconsin or not, must be provided with a **referral form** if one is requested. If an application is completed, a case file must be opened. If an applicant does not have a *presence in the State* they would not be found eligible for services. This should be explained to the consumer, ineligibility determination provided to them in writing, and they should be provided their appeal rights.

This does not apply to current consumers who move out of State and are still available for services.

When an IPE is developed and approved in Wisconsin but the consumer moves out of state, it may be advantageous for the individual to continue to receive services from Wisconsin DVR:

- ✓ If the individual plans to return to Wisconsin
- ✓ If the plan of services would be jeopardized if the consumer applied for services in the state of residence (through order of selection delays or unique state policies)

On the other hand, there may be times when, even though the IPE was developed it may be advantageous for the individual to apply for services in the current state of residence:

- ✓ If the consumer desires frequent communication with DVR
- ✓ If the consumer requires rehabilitation counseling
- ✓ If the plan requires extensive coordination of services by DVR

DVR can coordinate services with other State VR agencies in these situations. In these cases it is important to ensure both states are not providing the same services.