

NC DIVISION OF SERVICES FOR THE BLIND POLICIES AND PROCEDURES VOCATIONAL REHABILITATION

Section:	S
Title:	Subrogation Rights: Assignment of Reimbursement
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Revision History:	Revised 04/03

Subrogation rights legally allow the Division of Services for the Blind (DSB) to recoup funds spent in the Vocational Rehabilitation (VR) of eligible individuals who may eventually be compensated for their injury (ies) by another third party. **ASSIGNMENT OF REIMBURSEMENT form** (On-Line DSB-0613-VR Assignment of Reimbursement with instructions) must be completed and dispensed **prior to the provision of any Vocational Rehabilitation Services which are subject to financial eligibility** and if there is a likelihood of future litigated or negotiated compensation from another source. Financial Responsibility/Economic Need Requirements (On-Line DSB-4040-VR Economic Need Survey with instructions). Once Assignment of Reimbursement is appropriately completed and dispensed, the State Agency may sponsor VR services. At such time a settlement is reached, the Agency must reclaim its expenditure. The Assignment of Reimbursement must be completed under the following circumstances:

1. The disability was caused by a personal injury in which an insurance settlement is pending.
2. The disability resulted from an occupational injury which is subject to Workers' Compensation insurance requirements. Since the individual has a right to appeal a denied claim, an Assignment of Reimbursement should be secured when the original claim is denied.
3. The individual has health insurance which pays directly to the individual. It is the individual's responsibility to notify the counselor of any funds received.
4. Any other situation in which there is pending litigation regarding the individual's disabling condition.

The individual applying for services must sign the Assignment of Reimbursement after it is fully completed. If the individual is under eighteen, then the parent, guardian, or other legally recognized individual representative must also sign the Assignment of Reimbursement. Failure to sign constitutes failure to cooperate in the Agency's legal responsibility to use comparable benefits and financial eligibility requirements, thus negating Eligibility to receive services based on these contingencies. The Assignment of Reimbursement must be notarized. Failure on the Vocational Rehabilitation Counselor's part to fully complete and accurately dispense the Assignment of Reimbursement will impede, if not negate, the Agency's ability to recoup these funds. Mail completed Assignment of Reimbursement forms by certified mail to the insurance carrier, employer, and attorney.

Vocational Rehabilitation Counselors should contact the Chief of Rehabilitation Field Services in the State Office who will direct the managerial dissemination of this information to the Responsible party as settlement is in progress. All negotiations for partial settlements with the Agency must be handled in this manner. The following are two conditions under which the Agency will entertain requests:

1. When there is insufficient money to pay the total Agency expenditure leading to a pro rata settlement among all parties having claims against the settlement, and

2. When the partial settlement would offset future Agency expenditures in completing the Individual Plan for Employment (IPE) (On-Line DSB-4005b-VR Individual Plan for Employment with instructions).