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Appendix A Definitions

Appendix B Quality Assurance Review Form and Guidance Material

COLORADO DIVISION OF VOCATIONAL REHABILITATION

"Individuals with Disabilities are Essential to the Success of Colorado's Workforce"

MISSION

The Division of Vocational Rehabilitation assists individuals whose disabilities result in barriers to employment to succeed at work and live independently.

INTRODUCTION

PHILOSOPHY OF COLORADO DIVISION OF VOCATIONAL REHABILITATION (DVR)

The philosophies that guide the Colorado Division of Vocational Rehabilitation service delivery system include: respect for individual dignity, personal responsibility, self-determination and pursuit of meaningful careers, based on the informed choice of individuals with disabilities; respect for the privacy, rights and equal access of individuals with disabilities; inclusion, integration and full participation of individuals with disabilities; support for the involvement of the family, advocates or authorized representatives, if desired or requested by the individual with a disability, and support for individual and systematic advocacy and community involvement.

The findings of Congress in authorizing the Workforce Investment Act of 1998, amending the Rehabilitation Act of 1973, were that -

1. Millions of Americans have one or more physical or mental disabilities and the number of Americans with such disabilities is increasing;

2. Individuals with disabilities constitute one of the most disadvantaged groups in society;

3. Disability is a natural part of the human experience and in no way diminishes the right of individuals to:
    - Live independently;
    - Enjoy self-determination;
    - Make choices;
    - Contribute to society;
    - Pursue meaningful careers; and
    - Enjoy full inclusion and integration in the economic, political, social, cultural and educational mainstream of American society;

4. Increased employment of individuals with disabilities can be achieved through implementation of statewide workforce investment systems under Title I of the Workforce Investment Act of 1998 that provide meaningful and effective participation for individuals with disabilities in workforce investment activities and activities carried out under the Vocational Rehabilitation program established under Title I, and through the provision of

independent living services, support services and meaningful opportunities for employment in integrated work settings through the provision of reasonable accommodations;

5. Individuals with disabilities continually encounter various forms of discrimination in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting and public services;

6. The goals of the Nation properly include the goal of providing individuals with disabilities with the tools necessary to -
    - Make informed choices and decisions; and
    - Achieve equality of opportunity, full inclusion and integration in society, employment, independent living and economic and social self-sufficiency, for such individuals.

The Colorado Department of Human Services (CDHS) and the Division of Vocational Rehabilitation (DVR) adhere to these guiding principles.

To realize our vision, mission and organizational goals, we are committed to the principles of:

- Demonstrating leadership that encourages internal teamwork, external partnerships, open communication and mutual trust.
- Identifying the critical needs of our customers, devoting our resources to meeting those needs and being accountable for the outcomes of our services.
- Focusing on results, quality and continuous improvement and on using state-of-the-art technology to be more efficient and effective.
- Delivering comprehensive services through the establishment and use of effective partnerships among public and private entities.
- Exhibiting high levels of integrity and fairness, and expressing respect for individuals and our cultural diversity.
- Offering opportunities for challenging, rewarding, results-oriented work in an environment that respects, values and recognizes the contributions of departmental staff.

- Outcomes:
    - Persons are able to provide financially for themselves and their families.
    - Persons have positive and rewarding relationships with their families and their communities.
    - Persons are able to achieve and maintain optimal physical and mental well-being.
    - Persons are able to achieve and maintain personal responsibility.
    - Persons do not harm themselves, others or their communities.
    - Persons are in stable and safe environments.

- Colorado Department of Human Services Employee Code of Conduct:
    - Treat all customers fairly.
    - Be truthful, honest and courteous to co-workers and to customers at all times.
    - Listen actively and share information in open, honest and appropriate ways.

- Demonstrate respect for all people and their ideas, and commit to resolve conflicts.
- Be considerate of fellow workers when performing job tasks.
- Accept responsibility for own mistakes; ask for clarification and guidance when unsure about job duties.
- Communicate your needs clearly to people in our organization.
- Show support of departmental decisions through your actions.
- Assist customers and co-workers in a positive manner and follow through on commitments to them.
- Do your job proactively; don't wait to be told; see the problem, ask for guidance if needed; solve the problem and inform others what was done.
- Propose solutions to problems.
- Complete tasks, meet deadlines and communicate any reason for delay.
- Stay current with technical knowledge available for their skill field.
- Adapt and be flexible when change happens.
- Take the initiative about seeking communication; don't always wait for it to come to you.
- Be committed to your job and present yourself as a good role model.
- Treat others as they wish to be treated.
- Have a CARE attitude (Caring Attitudes Respect Excellence).

Ethical Considerations

The Division of Vocational Rehabilitation is committed to maintaining employees that demonstrate the highest ethical standards at all times and perform their job duties in an independent and impartial manner with integrity and honesty. DVR adheres to the guiding principles of the Colorado Executive Department Code of Ethics, the Commission on Rehabilitation Counselor Certification (CRCC) Code of Professional Ethics and the State Personnel System Employee Handbook. As well, the Division of Vocational Rehabilitation complies with and follows all policies and procedures put forth by the Colorado Department of Human Services.

The Colorado Executive Department Code of Ethics (Executive Order D-001-99) provides guidance to employees concerning outside employment, conflicts of interest, preferential treatment, personal gain and other workplace activities.

The CRCC Code of Ethics provides guidance about the counseling relationship, confidentiality, advocacy and accessibility, professional responsibility, relationships with other professionals, resolving ethical issues and other counseling standards.

The State Personnel System Employee Handbook provides guidance to employees concerning outside employment, conflicts of interest, the appearance of impropriety in association with the purchase of goods/services and other workplace expectations.

Considerations For and Expectations of DVR Staff

1. DVR will employ individuals into counselor positions who meet Comprehensive System of Personnel Development (CSPD) requirements, as defined in federal regulations. DVR may, at its discretion, as determined by personnel needs, hire lesser-qualified applicants at the

rehabilitation intern level. Further, DVR shall assure competency for all staff that is based on position classification and associated job duties.

2. With appropriate and available agency support, DVR will assume responsibility for acquiring sufficient information and an acceptable level of competence to fulfill assigned responsibilities. DVR staff will, as needed, request additional support as efforts are undertaken to achieve a basic level of professional competence. Need for additional support may be based on changes in professional practices, technology or other factors.

3. All DVR staff should be mindful of, respectful of and sensitive to individual differences (e.g. ethnicity, religion, disability, sexual preference, gender, age) among other staff, applicants and eligible individuals and individuals associated with outside agencies with which DVR interacts.

4. DVR staff should help applicants and eligible individuals develop self-advocacy skills and shall advocate for needed services and supports from outside agencies when personal challenges impede self-advocacy skills.

5. DVR staff may be asked to speak with members of the media about agency affairs. DVR staff shall not engage in such exchanges with members of the media, or provide information to members of the media, about agency affairs, without first acquiring appropriate approval for the specific media request.

Training

1. DVR will provide rehabilitation counselors and other staff with opportunities to participate in training and/or technical assistance that will endeavor to assure clear understanding and application of relevant Federal regulations and existing policy. This training may occur on an in-house or external basis, as appropriate to identified need, and as available.

2. DVR will provide opportunities for staff to participate in training to gain knowledge, skills and awareness for professional growth and development.

3. All DVR staff shall participate in training that is consistent with the in-service training recommended by CDHS and/or the State of Colorado Department of Personnel and Administration.

4. DVR staff shall participate in training on and adhere to intent of the Health Insurance Portability and Accountability Act (HIPAA) and other legislation, regulations and guidance that address protection of information and confidentiality, as appropriate or as directed by the department. The intent of these measures is to assure familiarity with and understanding of regulations and current practices with regard to protection of sensitive information about agency applicants and eligible individuals.

5. All DVR staff shall participate in Workplace Violence Prevention training courses offered by CDHS.

Data Collection

DVR staff shall ensure the collection and entry of accurate and timely data into DVR's information management systems to facilitate the provision of vocational rehabilitation services to applicants and eligible individuals and to assure accurate Federal and State reporting. Additionally, DVR service records shall reflect documented practices that are consistent with federal regulations and agency policy.

Synthesis/Compiling of Data

DVR has instituted, and will maintain, a system for synthesizing and compiling information in accordance with Federal mandates. This information will, in part, enable DVR to report to the overseeing Federal agency data that is consistent with all identified **Standards and Indicators**, measures by which the Federal agency evaluates performance annually.

Forms

DVR has created, and instituted for agency use, a set of forms that support implementation of the rehabilitation process for all applicants and eligible individuals. These forms provide the means for DVR to document key determinations during that process, including eligibility and severity of disability for all applicants and employment outcome and service needs for all eligible individuals.

Quality Assurance System

Within the quality assurance system is a structure for periodic review of a statistically significant, representative and stratified random sample of DVR service records. DVR will conduct internal service record reviews in accordance with quality assurance monitoring. One of these reviews may occur as part of a Federal review, which typically occurs on an annual or bi-annual basis.

DVR has created a quality assurance system for evaluating and ensuring that service records for all applicants and eligible individuals reflect practices and documentation that are fully consistent with Federal regulations and agency policy. Inherent within this system are two documents, a quality assurance review tool and accompanying guidance document, the latter created for the purpose of ensuring clarity regarding intent of statements within the tool and consistency among those designated to review service records. **Appendix B** of this manual includes the quality assurance review tool and the guidance document.

Personal Safety

Individuals with disabilities and staff of DVR are entitled to interact and discharge their responsibilities free from threats of physical or psychological harm or property damage and other types of intimidation. A threat is a veiled, conditional, implied or direct expression of intent to inflict physical or psychological pain, injury or harm to another person. Violence is any act of physical, verbal or psychological aggression or harm to another person or any property abuse/damage. Harassment is an act or acts of unwanted campaign of persistent behavior against another person, which results in physical or emotional intimidation. DVR will not tolerate

violent behavior, threats of violent behavior or other forms of harassment toward individuals with disabilities, staff, co-workers, supervisors, managers or any other persons involved in the provision of vocational rehabilitation services.

Reporting, Investigation and Consequences

DVR staff members shall cooperate in maintaining a safe working environment by not ignoring or condoning violent, threatening, harassing or intimidating behaviors and by reporting such incidents immediately after such behavior is observed or experienced by anyone on agency premises or in conjunction with agency business.

Threats of violence, violent behavior and other forms of harassment toward individuals involved in the provision of vocational rehabilitation services are to be reported to the most immediate and available supervisor. If an imminent danger exists, the police shall also be contacted immediately. The incident(s) shall be documented in writing with the date, time and details of the incident.

Allegations of threats, acts of violence or other forms of harassment will be thoroughly investigated in a timely manner. The supervisor or Risk Manager will complete a threat investigation and the appointing authority will be involved as appropriate. The results of the investigation will be confidential and the report of findings will be distributed on a "need to know" basis only. Appropriate consequences shall take place depending upon the outcome of the investigation.

Actions taken as a result of a threat investigation that involve an applicant or eligible individual or an individual's advocate or authorized representative will follow DVR procedures regarding notification, appeal and mediation. The service record shall be documented as appropriate.

Threatening, Violent or Harassing Behavior by A DVR Staff Member

If the threat or behavior is toward an applicant or eligible individual or other involved persons by a DVR staff member, there shall be an appropriate corrective and/or disciplinary action and, when warranted, filing of criminal charges. Arrangements shall be made for the applicant or eligible individual to continue to receive vocational rehabilitation services without further contact with the staff member until the situation is resolved.

Threatening, Violent or Harassing Behavior by an Applicant or Eligible Individual

If the threat or behavior is by an applicant or eligible individual against another individual with a disability, a DVR staff member, a DVR office or any other individual(s) involved in the provision of vocational rehabilitation services there shall be an interruption of the vocational rehabilitation service relationship, including closure of the service record, when warranted, and filing of criminal charges, when warranted. The vocational rehabilitation service relationship may resume only after the assurance of future safety has been restored.

Threatening, Violent or Harassing Behavior by an Advocate or Other Authorized Representative

If the threat or behavior is by an advocate or other authorized representative of an applicant or eligible individual, the individual will be asked to discontinue the authorized

representative's interaction with the DVR vocational rehabilitation counselor or office for the remainder of the vocational rehabilitation service relationship. Failure to do so shall result in an interruption of the vocational rehabilitation service relationship, including closure of the service record, when warranted, and filing of criminal charges against the authorized representative, when warranted.

Weapons

Weapons of any kind, including firearms, shall not be permitted in any DVR office or location (Executive Order DO-010-96).

Restraining Orders

Managers, supervisors and employees have the option of using restraining orders as a tool to reduce the potential for violence in certain situations. In such cases, the appointing authority may consult with Risk Management.

Incidents Posing an Immediate Threat and Action

According to CDHS policy, examples of incidents that present clear or imminent danger to personal safety, safety of others or to property include:

- Brandishing or possession of a dangerous/illegal weapon
- Threatening behavior/conduct with risk of immediate harm
- Outrageous behavior that may pose an immediate threat or danger
- Any actual violent or harassing act
- Public lewdness, sexual abuse, rape, etc.
- Intentional or reckless damaging or theft of another's or government property
- Direct verbal or written threat which intimidates or poses an immediate danger

Dial 911 and request police assistance. Next, contact the most available supervisor and/or District Risk Manager as soon as possible and inform them of the situation.

Incidents Not Posing an Immediate Threat and Action

According to CDHS policy, examples of incidents that may not present an imminent danger to personal safety, safety of others or to property include:

- Verbal threat
- Threatening conduct, such as intimidation that does not appear to pose an immediate threat
- Obsessions, such as a grudge against a co-worker or supervisor, or a frustrated romantic interest
- Racial/ethnic/hatred or slurs
- Repeated references to other violent episodes

Report the incident to the supervisor. Either the individual observing or experiencing the incident or the supervisor must report the incident to the District Risk Manager. If preferred or if the employee or the supervisor encounters special situations beyond one's

experience or knowledge or needs assistance, call the Workplace Violence Tip Line @ 1-800-929-0791.

Using the DVR Policy Manual

The Colorado DVR program is based on and is funded through the US Department of Education, Rehabilitation Services Administration. The policies adopted by DVR and reflected in the Policy Manual are based on the **law**, The Rehabilitation Act of 1973, as amended and the subsequent **regulations** published on January 17, 2001 in the Federal Register as 34 CFR 361.

The DVR Policy Manual is divided into chapters that address the working rules of the DVR program. Each chapter begins with the law and the regulations upon which the DVR policies of the chapter are based. In many situations, the policies follow the exact requirements of the law and the regulations and in other situations; Colorado DVR determines the policy itself. Text indicated in italics is meant as guidance.

Definitions are listed in **Appendix A**. These can be very helpful as there are many times that the definition itself can assist in understanding a specific policy. The quality assurance review tool and guidance document are provided in **Appendix B**.

Chapter One - Legal and Operational Basis

- ✓ The Law

Title I, Section 101 State Plans

(a)(1)(A) To be eligible to participate in programs under this title, a State shall submit to the Commissioner a State plan for vocational rehabilitation services that meets the requirements of this section…
(a)(2)(A) The State plan shall designate a State agency as the sole State agency to administer the plan…
(a)(2)(B) The State agency designated under subparagraph (A) shall be
(i) A State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities…

- ✓ The Regulations:

34 CFR 361 State Vocational Rehabilitation Services Program

The State Vocational Rehabilitation Services Program (VR program) is authorized by Title I of the Rehabilitation Act of 1973, as amended (Act) (29 U.S.C. 701-744). The VR program provides support to each State to assist it in operating a statewide comprehensive, coordinated, effective, efficient and accountable State program, as an integral part of a statewide workforce investment system, to assess, plan, develop and provide vocational rehabilitation (VR) services for individuals with disabilities so that those individuals may prepare for and engage in gainful employment consistent with their strengths, priorities, concerns, abilities, capabilities, interests and informed choice.

1.0 DVR Policy: LEGAL AND OPERATIONAL BASIS

1.1 LEGAL BASIS

All requirements relative to the conduct of the State vocational rehabilitation program under State plans for the vocational rehabilitation services program, authorized under Titles I and VI-B of the Rehabilitation Act of 1973, as amended under the Workforce Investment Act of 1998, are found at 34 CFR 361 and 34 CFR 363. Federal laws, rules and regulations take precedent over less restrictive State statutes and the application of State policies.

1.11 State Agency Designation

In Colorado, the Department of Human Services is the sole State agency.

1.12 Designated State Unit

The Colorado Division of Vocational Rehabilitation (DVR) is the designated State unit responsible for administering the State plan for the vocational rehabilitation services program. Determinations of eligibility, approval of the nature and scope of planned vocational rehabilitation services and authorizing expenditures of vocational rehabilitation funds for the provision of available goods and services, including supported employment services, are made by DVR, and are not delegated to any other agency or person.

1.2 OPERATIONAL BASIS

1.21 Vision

The Colorado Department of Human Services, Division of Vocational Rehabilitation believes that individuals with disabilities are essential to the success of Colorado's workforce.

1.22 Mission

The Division of Vocational Rehabilitation assists individuals whose disabilities result in barriers to employment to succeed at work and live independently.

1.23 Non-Discrimination

All vocational rehabilitation services shall be provided without regard to sex, race, age, creed, color, national origin or type of impairment. No individual will be denied vocational rehabilitation services by DVR based on a residence requirement, durational or otherwise.

1.24 Accessibility Standards

All offices and programs within DVR shall substantially comply with the Architectural Barriers Act of 1968, with Section 504 of the Rehabilitation Act of 1973, as amended, and with the Americans with Disabilities Act of 1990.

1.25 Agreements With Other Agencies and Organizations

DVR counselors and other staff shall comply with the provisions of working agreements between DVR and other agencies and community-based organizations, including other components of the statewide workforce investment system.

Chapter Two - Use and Release of Personal Information

✓ The Regulations:

Section 361.38 Protection, use and release of personal information.

(a) General provisions

(1) The State agency and the State unit must adopt and implement written policies and procedures to safeguard the confidentiality of all personal information, including photographs and lists of names.

2.0 DVR Policy: USE AND RELEASE OF PERSONAL INFORMATION

2.1 CONFIDENTIALITY REQUIREMENTS

All information obtained by or made available to DVR and/or its employees or representatives concerning referrals, applicants, individuals eligible for vocational rehabilitation services and individuals with closed service records, is considered confidential. DVR staff and representatives shall safeguard the confidentiality of all personal information, including photographs and lists of names, which is collected and stored. The use of personal information, current and stored, is limited to purposes directly connected to the administration of Colorado's vocational rehabilitation program. The conditions for accessing and releasing personal confidential information are defined in this chapter and information is not to be otherwise disclosed.

2.11 Confidentiality of Service Records

DVR staff shall ensure that service records are inaccessible to individuals not authorized to view information that is contained within those service records. Further, service records shall be stored in secure locations at all times other than when case activities, or reviews, are occurring. DVR staff shall ensure protection of all sensitive and confidential information, whether it is in hard copy or electronic form.

2.2 NOTIFICATION OF CONFIDENTIALITY

All applicants and/or their authorized representatives shall be informed in the individual's native language or through appropriate modes of communication of DVR's need to collect personal information, the confidentiality of personal information and the conditions for accessing and releasing this information. Information provided shall include:

A. Identification of the authority under which such information is collected (the Rehabilitation Act of 1973, as amended);
B. Explanation of the principal purposes for which DVR intends to use or release the information;
C. Explanation of whether providing requested information to DVR is mandatory or voluntary and the effects of not providing requested information.
D. Identification of those situations in which DVR does or does not require informed written consent of the individual before information may be released: and,

E. Identification of other agencies to which information is routinely released.

All of the above confidentiality information is contained in the DVR Rights and Responsibilities form, which is to be provided and explained to all applicants for vocational rehabilitation services and, when appropriate, their authorized representatives. Documentation of the notification of confidentiality and the provision of this information in an appropriate mode of communication shall be in the service record.

2.3 RELEASE OF INFORMATION TO APPLICANTS AND ELIGIBLE INDIVIDUALS

Information acquired or maintained by DVR will be available upon request, in writing, for inspecting and copying by applicants and eligible individuals or by their authorized agents or representatives, in accordance with Colorado Public Records Law (24-72-201 et. seq. CRS 1982). Release of such information will not be available if it is prohibited by Federal laws, rules and regulations and in the following instances:

1. Medical, psychological or other information that the DVR counselor determines may be harmful to the individual may not be released directly to the individual, but must be provided to the individual through a third party chosen by the individual, which may include, among others, an advocate, a family member or a qualified medical or mental health professional. If there is a court-appointed representative, the information must be released to him/her.

2. Personal information that has been obtained from another agency or organization may be released only by, or under the conditions established by, the other agency or organization. When the provider of the information prohibits, in writing, release of medical, psychological or other information, the individual will be referred to the originating source to request the information.

3. Social Security Administration (SSA) information shall not be disclosed by any employee of DVR except through the Client Assistance Program (CAP) when requested by an applicant or eligible individual.

4. Information from the Veterans Administration shall not be disclosed by any employee of DVR to the applicant or eligible individual and/or his/her authorized representative.

5. An individual who believes that information in his/her service record is inaccurate may request, in writing, that it be amended. If the information is not amended, the service record must document the request for the amendment and identify the information that the individual considers to be incorrect.

2.4 RELEASE OF INFORMATION TO OTHER PROGRAMS OR AUTHORITIES

2.41 Release of Information with Informed Written Authorization

Upon receiving the individual's informed written consent or, if appropriate, that of the individual's authorized representative, DVR may release confidential information to another agency or organization.

Medical or psychological information not restricted for re-release, including information DVR determines may be harmful to the individual, may be released if the other agency or organization provides assurance to DVR that the information will be used only for the purpose for which it is being provided and will not be further released to the individual.

Any and all personal information about an individual shall be released by DVR only under assurances that the agency or organization will manage the information in a manner to safeguard its confidentiality and re-release only under the terms outlined on the DVR Authorization for Disclosure of Information form. The DVR Authorization for Disclosure of Information must be completed and signed by the individual, and the individual must be given a copy of the completed, signed form. **Under no condition shall an individual or his/her authorized representative be asked to sign a blank Authorization for Disclosure of Information form**.

2.42 Release of Information without the Individual's Written Authorization

Information may be released to other programs or authorities without the applicant's or eligible individual's written authorization when:

A. The information is necessary for the administration of the vocational rehabilitation program, such as for audit purposes;
B. Sharing of the information, including pertinent medical data received from the Social Security Administration (SSA), is necessary to establish an applicant's eligibility for vocational rehabilitation services and/or for the provision of goods and services under a Trial Work Experience Plan, an Extended Evaluation Plan, Business Exploration Agreement and/or an Individualized Plan for Employment;
C. The information is necessary in order to protect the applicant or eligible individual or others when the individual poses a threat to his/her own safety or to the safety of others; and,
D. The DVR Director approves release to an organization or individual engaged in research in accordance with criteria established in Federal regulation.

2.43 Release of Information with or without the Individual's Authorization

Information shall be released to other programs or authorities, with or without the applicant's or eligible individual's written authorization, when:

A. The information is required by Federal law or regulation;
B. The information is necessary to respond to an investigation in connection with law enforcement, fraud, or abuse (except where expressly prohibited by Federal or State laws or regulations);
C. In response to an order issued by a judge, magistrate or other authorized judicial officer; and
D. The information is requested by the Social Security Administration.

2.44 External Requests for Information

DVR program participation verifications (by phone, e-mail, etc.) without a signed Authorization for Disclosure of Information form, unless permitted by previously stated policies, must be declined.

2.45 Release of Information to Employers

Informed written consent, as evidenced by a signature on a DVR Rights and Responsibilities form, must be obtained prior to discussing skills, functional limitations or the need for reasonable accommodations with an employer. Since an individual cannot give up his/her civil rights by signing a DVR Authorization for Disclosure of Information form, consent for release cannot give DVR authority to discuss the nature of a disability or its severity with employers.

In addition to the information about release of information to another agency or organization, there are some special considerations when the third party is an employer. Section 504 of the Rehabilitation Act and the Americans with Disabilities Act have implications regarding placement services and pre-employment inquiries by employers. Employers cannot ask whether a job applicant is a person with a disability and cannot ask about the nature or severity of the disability. They may inquire into an applicant's ability to perform job-related tasks or functions or, if there is a known disability, ask the applicant to demonstrate or explain how, with or without reasonable accommodations; s/he will perform job-related functions.

In placement efforts, a DVR counselor or placement staff person should emphasize the individual's skills to do the job. As the employer needs to know whether the individual has any functional limitations that will impact on job tasks, the counselor should limit any discussion of disability to potential functional limitations that will impact on the individual's ability to perform the job tasks or functions identified. DVR staff may also identify reasonable accommodations that have been or could be provided.

2.46 Subpoenas and Court Orders

2.46.1 Subpoenas

Subpoenas are requests for records and/or for testimony at a judicial hearing or a deposition before counsel for the parties to the action and a court reporter. When a DVR counselor or other staff person receives a subpoena for records and/or testimony, the following actions shall be taken:

1. Contact the consumer in order to obtain a written DVR Authorization for Disclosure of Information form. If the subpoena has been issued by an opposing attorney, the consumer may elect to contact his or her attorney for consultation.
2. If a written DVR Authorization for Disclosure of Information form cannot be obtained, the following should be sent to the Administrator of Field Services (by e-mail if possible):
    a. the original subpoena
    b. a brief description of the consumer's situation
    c. a statement from the DVR counselor indicating if it would be in the best interest of the consumer to release information to testify

The Administrator of Field Services will provide, in writing, direction to the DVR counselor or other staff person about how to proceed. This information may be forwarded to the Office of the Attorney General (AG) for a request to quash the subpoena. The AG office may then contact the counselor directly.

2.46.2 Court Orders

If the time frame of the subpoena or the circumstances are such that neither a signed Authorization for Disclosure of Information form to release information nor a decision from the Office of the Attorney General can be obtained, the DVR staff person should appear for the hearing and inform the judge that the records and/or testimony can be provided only under court order. Once the judge issues an order, copies of records shall be submitted in a sealed envelope for judicial review and testimony may be provided. If the subpoena is for a deposition, a judicial officer is not available to rule on the necessity for release of the information. If a signed Authorization for Disclosure of Information form to release information cannot be obtained, it will be necessary for the Office of the Attorney General to be involved with the attorney seeking the information and to advise as to the proper course of action prior to the deposition.

2.46.3 Testimony

In providing testimony, the DVR counselor or other staff shall provide only direct knowledge about the individual and/or situation. Speculations and opinions should not be made. The DVR counselor or other staff shall testify only within his/her realm of knowledge and expertise, which is vocationally relevant information about the individual.

Chapter Three - Informed Choice

- ✓ The Act

Title I, Section 100 (a) (2) Purpose

The purpose of this title is to assist states in operating statewide comprehensive, coordinated, effective, efficient and accountable programs of vocational rehabilitation, each of which is—

(B) designed to access, plan, develop and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice, so that such individuals may prepare for and engage in gainful employment.

"Title I, Section 101 (a) (19) Choice"

The State Plan shall include an assurance that applicants and eligible individuals or as appropriate, the applicant's representatives or individual's representatives, will be provided information and support services to assist the applicants and individuals in exercising informed choice throughout the rehabilitation process…

"Title I, section 102(b) (B) Informed Choice"

An individualized plan for employment shall be developed and implemented in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting an employment outcome, the specific vocational rehabilitation services to be provided under the plan, the entity that will provide the vocational rehabilitation services and the methods used to procure the services…

"Title I, section 103(a) Vocational Rehabilitation Services"

(2) counseling and guidance, including information and support services to assist an individual in exercising informed choice…

- ✓ The Regulations:

Section 361.52 Informed choice

(a) General provision. The state plan must assure that applicants and eligible individuals…are provided information and support services to assist applicants and eligible individuals in exercising informed choice throughout the rehabilitation process…

(b) Written policies and procedures. The designated State unit, in consultation with its State Rehabilitation Council…must develop and implement written policies and procedures that enable an applicant or eligible individual to exercise informed choice throughout the vocational rehabilitation process. These policies and procedures must provide for—

(1) Informing each applicant and eligible individual …through appropriate modes of communication about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice…

(2) Assisting applicants and eligible individuals in exercising informed choice in decisions related to provision of assessment services;

(3) Developing and implementing flexible procurement policies and methods that facilitate the provision of vocational rehabilitation services and that afford eligible individuals meaningful choices among the methods used to procure vocational rehabilitation services;

(4) Assisting eligible individuals…in acquiring information that enables them to exercise informed choice in the development of their IPEs with respect to the selection of the---

(i) Employment outcome;

(ii) Specific vocational rehabilitation services needed to achieve the employment outcome;

(iii) Entity that will provide the services;

(iv) Employment setting and the settings in which the services will be provided; and

(v) Methods available for procuring the services; and

(5) Ensuring that the availability and the scope of informed choice is consistent with the obligations of the designated State unit under this part.

3.0 DVR Policy: INFORMED CHOICE

3.1 RIGHT TO INFORMED CHOICE

All individuals with disabilities have the right and responsibility to exercise self-determination and make choices about their lives, including vocational pursuits.

3.2 CHOICE IN AUTHORIZED REPRESENTATION

An individual applying for and/or receiving vocational rehabilitation services from DVR may authorize the involvement of other person(s) of his/her choice to advocate for, assist and/or represent him/her at any time during the vocational rehabilitation process. Authorized representatives shall be involved in pertinent issues in the same manner as the applicant or eligible individual. All written documentation and notification, which is provided to applicants and eligible individuals, shall also be provided to their authorized representatives. Legal guardians and court-appointed representatives are considered authorized representatives.

3.21 Signature of the Individual

When the nature of an applicant's or eligible individual's impairment precludes him or her from signing applications, plans, releases, requests for records and other documents requiring a signature, acceptable evidence of a signature shall include a witnessed mark, an audio tape, a telecommunication device for the deaf (TDD) record or the signature of a parent, legal guardian or other authorized representative.

3.3 PARTNERSHIP

The DVR counselor shall develop an active and meaningful partnership with each applicant and eligible individual that facilitates a process of productive communication and informed choices and decisions as an integral part of the vocational rehabilitation process from application through closure. To support and develop the exercise of informed choice by individuals with disabilities, DVR counselors have four broad tasks:

1. To provide vocational guidance and counseling
2. To ensure the individual has opportunities for appropriate experiences when necessary to develop preferences;
3. To provide necessary support services to assist individuals in identifying and understanding preferences in light of their strengths, resources, concerns, priorities, abilities, capabilities and interests; and,
4. To ensure that the individual has opportunities to choose among various options.

Informed choice activities shall be structured so as to assist the individual in making decisions that consider available community resources, employment opportunities, impact of work on benefits and work incentives and applicable Federal/State legal and policy requirements that may impact choices about employment.

3.4 APPROPRIATE MODES OF COMMUNICATION

Informed choice and the provision of vocational rehabilitation services require that communications with individuals with disabilities are as effective as communications with others. The DVR counselor shall inform each applicant and eligible individual through appropriate modes of communication, about the availability of and opportunities to exercise informed choice. DVR shall assure that appropriate auxiliary aids and services are available to meet the needs of the individual. There is a wide range of services, specialized aids and supports that enable an individual to access, comprehend and respond to information that is being communicated, including the use of interpreters, specialized telecommunications services, audio recordings, Braille and large print materials, graphic presentations, simple language materials, augmentative communication devices, open and closed captioned videos, materials in electronic format and other modes that may be identified by the individual or, as appropriate, his/her authorized representative. Individuals with cognitive or other disabilities who require assistance in exercising informed choice shall be told that support services are available, and documentation of the process of providing this information shall be placed in the service record.

3.5 ASSESSMENT AND PLAN DEVELOPMENT

The DVR counselor shall assist individuals in exploring their strengths, resources, priorities, concerns, abilities, capabilities and interests as they relate to opportunities for employment and career growth.

The DVR counselor shall provide information and assist the eligible individual or, as appropriate, the individual's authorized representative to make informed choices during the development of the Individualized Plan for Employment (IPE) and all IPE amendments with respect to the selection of the:

1. Employment outcome and setting;
2. Specific vocational rehabilitation services needed to achieve the employment outcome;
3. Providers of services;
4. Settings in which the services will be provided; and,
5. Methods available for procuring the services.

Helping individuals to assess their skills, talents and capacities as well as their limitations and needs and to set meaningful goals may be one of the most valuable services that the DVR counselor can provide individuals with disabilities who have little or no previous experience and/or current skills in independent decision-making.

The DVR counselor shall assure and document the extent to which each individual is involved in the choices and decisions related to the provision of assessment services to determine eligibility and identify vocational rehabilitation needs and in vocational planning to determine an employment outcome and the services necessary to reach the individual's goal.

3.6 SELECTION OF SERVICES AND SERVICE PROVIDERS

The DVR counselor shall provide information or help the individual find information necessary to be an informed decision maker regarding specific vocational rehabilitation services including the providers of those services. Information to the extent possible will be provided regarding the:

1. Cost, accessibility and duration of potential services;
2. Consumer satisfaction with those services to the extent that information relating to consumer satisfaction is available;
3. Qualifications of potential service providers;
4. Types of services offered by the potential providers;
5. Degree to which services are provided in integrated settings; and,
6. Outcomes achieved by individuals working with services providers, to the extent that such information is available.

In providing or assisting the individual or the individual's authorized representative in acquiring information regarding vocational rehabilitation services and service providers, the methods or sources used may include lists of services and service providers; periodic consumer satisfaction surveys and reports; referrals to other consumers (with appropriate authorization to disclose information and protection of confidentiality), consumer groups or disability advisory councils qualified to discuss the services or service providers; relevant accreditation, certification or other information relating to the qualifications of service providers and, opportunities for individuals to visit or experience various work and service provider settings.

3.7 NECESSARY AND APPROPRIATE SERVICES AT LEAST POSSIBLE COST

The DVR counselor shall assure that the individual and, as appropriate, his/her authorized representative understand that the informed choice process must occur within the parameters of DVR policy requiring that all vocational rehabilitation goods and services be necessary and appropriate. Once the necessity and appropriateness of a service or good is determined, the DVR counselor must procure the service/good at the least possible cost to DVR.

Whenever the DVR counselor cannot support an individual's choice, the service record shall reflect the assistance and support offered to develop alternative goals and/or plans and clearly document the reasons for the counselor's decisions. The counselor shall provide information about appeal rights and the Client Assistance Program.

3.71 Necessary Services and Goods

A necessary service/good is one that is essential to assess an individual's eligibility and severity of disability, establish his/her vocational rehabilitation needs, overcome or circumvent an impediment(s) to employment and attain the chosen employment outcome. If the individual's requested service or goal is not expected to result in a suitable

employment outcome or is not necessary to reach the employment outcome, **it is not** possible for the DVR counselor to support the individual's choice. The DVR counselor is unable to support a chosen employment outcome that is incompatible with the individual's skills, abilities or limitations, and no accommodations, rehabilitation technology or other services can be provided to overcome the difficulty.

3.72 Appropriate Services and Goods

An appropriate service/good is one that is of suitable and sufficient quality to fully meet the individual's needs and circumstances without sacrifices or adjustments which would not be reasonably expected of an individual who does not have a disability. The service/good must first be determined to be necessary and then the exploration and choice of the most appropriate service/good shall occur.

3.73 Least Possible Cost for Necessary and Appropriate Services and Goods

Cost is not a consideration prior to the determination that a service/good is necessary and appropriate. If there is more than one necessary and equally appropriate, comparable service or good available from which to choose, DVR is required to provide the service/good that can be obtained at the least possible cost to DVR.

Chapter Four - Appeals and Mediation

- ✓ The Act

Title I, Section 102 (c) Procedures
(1) In general
Each State shall establish procedures for mediation of, and procedures for review through an impartial due process hearing of, determinations made by personnel of the designated State unit that affect the provision of vocational rehabilitation services to applicants or eligible individuals.
(2) Notification
(3) Evidence and representation

- ✓ The Regulations:

Section 361.57 Review of determinations made by designated State unit personnel
(a) Procedures. The designated State unit must develop and implement procedures to ensure that an applicant or eligible individual who is dissatisfied with any determination made by personnel of the designated State unit that affects the provision of vocational rehabilitation services may request...a timely review of that determination.
(b) General requirements.
(1) Notification...the State unit ...must provide...notice of—
(i)The right to obtain review of State unit determinations...through an impartial due process hearing
(ii) The right to pursue mediation
(iii) The names and addresses of individuals with whom requests for mediation or due process hearings may be filed
(iv) The manner in which a mediator or due process hearing officer may be selected
(v) The availability of the client assistance program
(2) Timing. Notice must be provided in writing—
(i) At the time the individual applies for vocational rehabilitation services
(ii) At the time the individual is assigned to a category in ...order of selection
(iii) At the time the IPE is developed
(iv) Whenever vocational rehabilitation services are reduced, suspended or terminated.
(3) Evidence and Representation
(i) Provide...an opportunity to submit during mediation sessions or due process hearings evidence and other information that supports the applicant's or eligible individual's position
(ii) Allow an applicant or eligible individual to be represented ...by counsel or other advocate selected by the applicant or eligible individual
(4) Impact on provision of services. The State unit may not institute a suspension, reduction or termination of vocational rehabilitation services...including evaluation and assessment services and IPE development, pending a resolution through mediation, pending a decision by a hearing officer...unless—
(i)The individual ...requests a suspension, reduction, or termination of services; or
(ii) The State agency has evidence that the services have been obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the individual...

4.0 DVR Policy: APPEALS AND MEDIATION

4.1 RIGHT TO APPEAL DVR DETERMINATIONS

An applicant or eligible individual who is dissatisfied with any determination made by the DVR counselor or other DVR staff that affects the provision of vocational rehabilitation services may request a formal appeal. In addition, an applicant or eligible individual may request an informal dispute review by DVR in order to resolve the issue(s) under dispute without the conduct of a formal appeal. Informal dispute reviews shall be conducted in a timely manner that will not delay a formal appeal, if one is requested. During the review process, the individual and his/her authorized

representative, if one is involved, will have the opportunity to provide facts relevant to the decision in dispute.

If appropriate, the request for a formal appeal or informal dispute review may be made through the individual's authorized representative.

4.2 NOTIFICATION OF RIGHTS TO APPEAL AND REQUEST MEDIATION

Throughout the rehabilitation process the DVR counselor shall advise the individual of his/her appeal rights. Information regarding informal dispute resolution, formal appeal and mediation must be provided in writing and through appropriate modes of communication to the individual and, if appropriate, his/her authorized representative at the following times:

1. Application for vocational rehabilitation services;
2. Placement into an order of selection priority category;
3. At the time the Individualized Plan for Employment (IPE) is developed;
4. Anytime that DVR makes a decision to reduce, suspend or terminate planned services and goods being provided;
5. Closure for reason of ineligibility and;
6. Closure from a deferred service waiting list.

The written notification must include names and addresses or telephone numbers, as appropriate, of individuals with whom requests for informal dispute review, formal appeal, and mediation may be filed; the resources available from the Client Assistance Program (CAP) and how it can be contacted and, the manner in which an administrative law judge and/or mediator will be selected.

The service record must include a Rights and Responsibilities form, signed and dated by the individual at the time of application, indicating receipt of these rights. All of the DVR forms for plans and plan amendments include appeal rights information, which is to be discussed with the individual and, when appropriate, his/her authorized representative at these points in the rehabilitation process. The DVR notification form regarding appeal rights is available for use when needed in preparing for closure and whenever the DVR counselor makes decisions with which the individual is not in full agreement. The DVR counselor shall facilitate and assist the individual, when necessary, in requesting an informal dispute review, formal appeal and/or mediation.

4.3 PROVISION OF VOCATIONAL REHABILITATION SERVICE(S) DURING APPEALS AND MEDIATION

When an appeal or mediation request is made, all vocational rehabilitation services being provided under a current plan will continue as specified until the review and/or appeal is completed unless an applicant or eligible individual or, as appropriate, the individual's representative requests a suspension, reduction or termination of services or the disputed

service(s) and/or good(s) was obtained through misrepresentation, fraud, collusion or criminal conduct by the individual or the individual's representative.

4.31 Additional Services during Appeals and Mediation

a. When an appeal or mediation request concerns a service(s) or good(s) set forth in the Trial Work Experience Plan, an Extended Evaluation Plan, Business Exploration Agreement or the Individualized Plan for Employment, these plans may be amended to include new or additional vocational rehabilitation services that are necessary and appropriate to the individual's vocational rehabilitation needs unless the new or additional good(s) or service(s) relates directly to the issue under appeal.

b. When the issue under appeal concerns a determination of ineligibility for vocational rehabilitation services and/or closure, new or additional service(s) or good(s) shall not be provided until informal dispute resolution and/or formal appeal is completed.

4.4 FINANCIAL PARTICIPATION BY DVR IN APPEALS AND/OR MEDIATION

DVR shall pay for the conduct of an informal dispute review, a formal appeal and mediation following the process described in this Chapter. DVR shall not pay for attorney's fees and/or document preparation for an applicant or eligible individual for a formal appeal, mediation, informal dispute review and/or civil action.

4.5 DOCUMENTATION OF APPEALS AND MEDIATION

The service record shall contain documentation concerning actions and decisions relating to requests by applicants or eligible individuals for an informal dispute review, mediation and/or formal appeal of DVR counselor determinations.

4.6 FORMAL APPEAL

An individual and/or his/her authorized representative may initiate a formal appeal regarding DVR counselor determinations by requesting a formal appeal with an administrative law judge. The request must be submitted, in writing, to the Colorado Department of Personnel and Administration, Office of Administrative Courts within ninety (90) calendar days of the decision under appeal. The written request must identify the decision or action by the DVR counselor or DVR staff that is being disputed, why it is being disputed and what solution is requested.

4.61 Formal Appeal Process

A formal appeal will be held within sixty (60) calendar days of the request, unless both parties agree additional time is necessary for good cause.

4.61.1 Additional Evidence and Witnesses

The individual and/or his/her authorized representative may present additional evidence, information and witnesses to support the individual's position during the formal appeal.

4.61.2 Findings and Decision

The administrative law judge must render a decision and provide a written report of the findings and the grounds for this decision to the individual and/or his or her authorized representative, as appropriate, and the Division of Vocational Rehabilitation within thirty (30) calendar days of completion of the hearing.

4.61.3 Civil Action

The Director of DVR or the applicant or eligible individual who wishes to challenge the final decision made by the administrative law judge may bring a civil action for review of such decision. The final decision of the administrative law judge shall be implemented pending the results of the review under a civil action. The civil action may be brought in any State court or in a district court of the United States, regardless of the amount in controversy. All records relating to the formal appeal shall be provided to the court in which the civil action will be heard. Additional evidence may be provided upon request of either the individual and/or the Director of DVR.

The decision of the court and any relief granted as a result of the civil action shall be deemed final. Reasonable time extensions for any step in the formal appeal process may be granted to either party for good cause or if both parties agree.

4.7 MEDIATION OF DISPUTES

An applicant or eligible individual who submits a request for a formal appeal may also request mediation by a qualified impartial mediator in an attempt to resolve the issue being appealed prior to the conduct of a formal appeal.

The request for mediation must be submitted, in writing, to the office of the Administrator of Field Services for DVR at any time between submission of the request for a formal appeal and the date the hearing is scheduled. The written request must identify the decision or action by the DVR counselor or DVR staff that is being disputed, why it is being disputed and what solution is requested. The applicant or eligible individual will be sent written notification of the name of the mediator, selected at random, and information concerning his/her qualifications within ten (10) working days of receipt of the request. Participation in mediation requested by the individual is voluntary on the part of DVR.

4.71 Mediation Requested by the Applicant or Eligible Individual

The Director of DVR, or designee, will determine when DVR will or will not participate in mediation and will notify the individual, in writing, of the reason for this decision within five (5) working days of the request. DVR will participate in mediation unless:

1. DVR believes that it is not possible to resolve the dispute without placing DVR in clear violation of State or Federal law, rules, policy or the approved State plan for the vocational rehabilitation services program;
2. DVR believes, based on documented evidence from previous experience with the individual concerning the issue under dispute, that a mediated outcome is not possible;
3. The individual has committed acts of violence, has threatened acts of violence or has engaged in other forms of harassment against a DVR staff member or office, or any other individuals involved in the provision of vocational rehabilitation services; or
4. The individual has failed to fulfill his or her responsibilities under a previous mediation agreement with DVR concerning the issue under dispute.

DVR will not simultaneously participate in an informal dispute review and mediation with the same individual concerning the same issue.

4.72 Mediation Requested by DVR

DVR may seek mediation by a qualified impartial mediator as a means to resolve a dispute with an eligible individual before s/he requests an informal dispute review or a formal appeal. Participation in mediation suggested by DVR is voluntary on the part of the eligible individual. The individual must agree to the process of mediation prior to the mediation request being submitted.

4.73 Mediation Process

4.73.1 Representation

The individual may bring an authorized representative to assist him/her during the mediation process, when desired. The Administrator of Field Services, or designee, will determine who will represent DVR during the mediation process.

4.73.2 Timeframes

A. Mediation will be conducted in a timely manner which will not delay conduct of the formal appeal within sixty (60) calendar days of the applicant's or eligible individual's formal appeal request unless both parties agree additional time is necessary for good cause.
B. Mediation will be limited to a maximum of six hours of mediation session(s) unless both parties and the impartial mediator agree that additional hours are necessary for good cause.

C. The mediation sessions will be completed within one calendar month of the initial request unless both parties and the impartial mediator agree that additional time is necessary for good cause.

4.73.3 Successful Mediation Agreement

If mediation is successful, the agreement reached by both parties shall be set forth in a written mediation agreement, drafted by the impartial mediator and provided to both parties within seven (7) calendar days of the final mediation session.

Each party will be required to sign the agreement, which indicates agreement with its terms and a commitment to fulfill his/her respective responsibilities under the agreement. Signature by the applicant or eligible individual will result in cancellation of the formal appeal.

DVR will not agree to any provision which it believes is contrary to State and Federal law, rules and policy or the approved State plan for the vocational rehabilitation services program.

4.73.3.1 Failure to Act

Failure of the applicant or eligible individual to honor his/her commitment under the terms of the mediation agreement will void the mediation agreement and may result in the implementation of DVR's original position on the issue in dispute, including closure of the service record when the issue under dispute involves closure.

Failure of DVR to honor its commitment under the terms of the mediation agreement constitutes grounds for the applicant or eligible individual to request a formal appeal on the issue in dispute as well as DVR’s failure to comply with the terms of the mediation agreement.

4.73.4 Unsuccessful Mediation

If mediation is not successful, the eligible individual may request a formal appeal of the issue under dispute. DVR will not participate in further mediation on this issue. If mediation requested by DVR is not successful, a formal appeal will take place.

All discussions that occur during mediation must be kept confidential and may not be used as evidence during any subsequent due process or civil procedure.

Chapter Five - Applications

✓ The Regulations:

Section 361.41 Processing referrals and applications

(a) Referrals

The designated State unit must establish and implement standards for the prompt and equitable handling of referrals of individuals for vocational rehabilitation services,...The standards must include timelines for making good faith efforts to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority for services.

(b) Applications

(1) Once an individual has submitted an application for vocational rehabilitation services, including applications made through the common intake procedures in One-Stop centers..., an eligibility determination must be made within 60 days, unless—

(i)Exceptional and unforeseen circumstances beyond the control of the designated State unit preclude making an eligibility determination within 60 days and the designated State unit and the individual agree to a specific extension of time; or

(ii) An exploration of the individual's abilities, capabilities and capacity to perform in work situations is carried out in accordance with 361.42 or...an extended evaluation is carried out in accordance with 361.42.

(2) An individual is considered to have submitted an application when the individual or the individual's representative ...

(i) (A) Has completed and signed an agency application form;

(B) Has completed a common intake application form in a One-Stop center requesting vocational rehabilitation services; or

(C) Has otherwise requested services from the designated State unit;

(ii) Has provided the designated State unit information necessary to initiate an assessment to determine eligibility and priority for services; and

(iii) Is available to complete the assessment process.

5.0 DVR Policy: APPLICATIONS

5.1 APPLICANTS AND APPLICATIONS

5.11 Applicants

An applicant is an individual who has elected to apply for DVR services and for whom DVR has received sufficient information to enable contact with him/her. Authorized representatives shall be involved in pertinent issues in the same manner as the applicant or eligible individual.

5.12 Submission of Application

An individual is considered to have submitted an application when:

1. A written application requesting services is signed and dated by the individual or, as appropriate, the individual's authorized representative; and
2. The individual is available to complete the assessment process; and
3. Information necessary to initiate the eligibility determination process is provided.

The information necessary to initiate the eligibility determination process may include documentation demonstrating potential and/or legal capacity to work.

All applicants age 18 and older must provide a form of identification. A copy of the produced identification will be filed in the applicant's service record. The accepted forms of identification are based on departmental policy and state statutes. In addition, each applicant (age 18 and older) is required to execute, with a DVR counselor, an official CDHS affidavit stating that he or she is either a United States citizen or legally permanent resident; or that he or she is otherwise lawfully present in the Unites States pursuant to federal law.

For an applicant who has signed an affidavit stating that he or she is an alien lawfully present in the United States, verification of lawful presence shall be made through the Federal Systematic Alien Verification of Entitlement (SAVE) program operation by the United States Department of Homeland Security. Until such verification of lawful presence is made, the affidavit may be presumed to be proof of lawful presence.

5.13 Timeframes

Once a referral for DVR services has been received with enough information to contact the individual, an appointment to meet with a DVR counselor shall be completed within thirty (30) calendar days. If the time exceeds 30 days, there must be documentation of good faith efforts to contact the individual for scheduling of an intake appointment within the prescribed time.

5.14 DVR Assistance to Apply

The DVR counselor shall provide information about DVR eligibility requirements and the intent and scope of DVR services and will talk with the individual and, as appropriate, his/her authorized representative, about the individual's particular needs and circumstances to assist the individual in making an informed choice regarding application for DVR services.

5.2 CONSIDERATIONS REGARDING APPLICANTS

5.21 Prior Closure(s)

An individual who was determined to be ineligible based on a finding that s/he was unable to achieve an employment outcome, due to the severity of the disability, has a right to have that decision reviewed within twelve months from the date of case closure and annually thereafter upon request.

If an individual wishes to reapply (within 12 months) following an ineligibility decision, evidence must be provided which suggests that the individual can benefit from the provision of vocational rehabilitation services in terms of employability.

An individual whose service record was closed for reasons other than successfully rehabilitated during the previous twelve (12) months, or if the individual has multiple service records closed for such reasons, when reapplying, must provide new information suggestive of potential for a successful employment outcome with provision of DVR services.

If such information necessary to initiate the eligibility determination process cannot be provided sufficient to warrant acceptance of a new DVR application, individuals must be provided information about their rights to appeal.

5.22 Employment Eligibility

All applicants are to be made fully aware that the purpose of DVR services is an appropriate employment outcome. DVR counselors shall determine that the applicant is able to be employed in the United States. If an applicant is not able to work in the United States, the DVR counselor shall determine, on a case-by-case basis, if DVR assistance to obtain documentation to work is an appropriate vocational service.

5.23 Non-U.S. Citizens or Nationals

The DVR counselor should be sure that an individual who is not a U.S. citizen or national has documents required to work in the United States. Further information can be found at http://www.uscis.gov

Some of the common documents include:

> *1. A "green card" allows non-U.S. citizens to live and work in the U.S. indefinitely. Some "green cards" have dates on them which are used in a process for updating the photo information but do not indicate an expiration date. Although known as a "green card", the documents are the Permanent Resident Card or Alien Registration Receipt Card with Photograph (USCIS Forms I-151 or I-551.)*
>
> *2. A "work permit" allows a non-U.S. citizen to work in the U.S., usually while the individual's application for permanent residency is pending. A work permit is renewable if the application for permanent residency is still in process. A person who has a work permit will most likely be issued a green card when the application for permanent residency is approved. A work permit that has expired is not sufficient documentation that the individual is able to live and work in the U.S. The required document is an unexpired Employment Authorization Card/Document (USCIS Form I-765, I-688A or I-688B).*

3. Some non-U.S. citizens/nationals may have other kinds of documentation of their ability to be in the U.S. legally and to work on a temporary basis. Student visas are issued for the purpose of study in the U.S. and an individual with a student visa may be able to work while in school. After completing study, the individual is expected to return to the country from which s/he came. These individuals may or may not be eligible for services depending on how long the individual intends to work temporarily in the U.S. and the individual's willingness to stay in contact with the DVR counselor should s/he return to his/her country of origin or elsewhere for employment.

High school students who are not U.S. citizens must have green cards or work permits. Minors whose parents have green cards generally have green cards themselves. Minors whose parents have work permits must apply for their own work permits.

The I-9 Employment Eligibility Verification form which an employer must complete when hiring an individual is available at http://uscis.gov/graphics/formsfee/forms/files/i-9.pdf

Other information related to referenced documents may be located at http://uscis.gov/graphics/index.htm

5.24 Individual with an Outstanding Felony Warrant(s)

If it is known that an individual has been convicted of a criminal offense and is a fleeing felon or that an individual has an outstanding felony arrest warrant(s), the DVR counselor shall advise the individual of the requirement, prior to application for DVR services, to take care of his/her legal obligations. Documentation of such resolution must be provided as part of the information necessary to initiate the eligibility determination process.

Chapter Six - Eligibility

- ✓ The Act

Title I, Section 102 (a) Eligibility

(1) Criterion for eligibility

An individual is eligible for assistance under this title if the individual—

(A) is an individual with a disability under section 7(20) (A); and

(B) requires vocational rehabilitation services to prepare for, secure, retain or regain employment.

(2) Presumption of benefit

...an individual shall be presumed to be an individual that can benefit in terms of an employment outcome from vocational rehabilitation services...unless the designated State unit involved can demonstrate by clear and convincing evidence that such an individual is incapable of benefiting in terms of an employment outcome from rehabilitation services due to the severity of the disability of the individual.

(3) Presumption of Eligibility

...an individual who has a disability or is blind as determined pursuant to title II or title XVI of the Social Security Act ...shall be—

(i) considered to be an individual with a significant disability...

(2) presumed to be eligible for vocational rehabilitation service (provided that the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interest and informed choice of the individual) unless the state unit involved can demonstrate by clear and convincing evidence that such an individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability...

- ✓ The Regulations:

Section 361.42 Assessment for determining eligibility and priority for services

In order to determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services (if the State is operating under an order of selection), the designated State unit must conduct an assessment for determining eligibility and priority for services.

(a) Eligibility Requirements

(1)Basic Requirements

(i) A determination by qualified personnel that the applicant has a physical or mental impairment

(ii) A determination by qualified personnel that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant

(iii) A determination by a qualified vocational rehabilitation counselor employed by the designated State (emphasis added) unit that the applicant requires vocational rehabilitation services to prepare for, secure, retain or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

(iv) A presumption...that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

(2) Presumption of benefit

The designated State unit must presume that an applicant who meets the eligibility criteria ...can benefit in terms of an employment outcome...

(3) Presumption of eligibility for Social Security recipients and beneficiaries

(i)Any applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act is—

(A) Presumed eligible for vocational rehabilitation services...

(B) Considered an individual with a significant disability

(4) Achievement of an employment outcome

Any eligible individual, including an individual whose eligibility for vocational rehabilitation services is based on the individual being eligible for Social Security benefits... must intend to achieve an employment outcome that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interest and informed choice.

6.0 DVR Policy: ELIGIBILITY

6.1 ELIGIBILITY REQUIREMENTS

The eligibility criteria for vocational rehabilitation services requires three determinations and one presumption:

Determinations

1. The individual has a physical or mental impairment; and,
2. The impairment(s) constitutes or results in a substantial impediment to employment that is consistent with the individual's abilities and capabilities; and,
3. The individual requires vocational rehabilitation services to prepare for, secure, retain or regain employment consistent with his/her unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

Presumption

DVR presumes that an applicant who meets all other eligibility criteria can benefit in terms of an employment outcome from the provision of vocational rehabilitation services. If this presumption is questionable, the DVR counselor must provide trial work experiences and/or extended evaluation in order to determine eligibility or ineligibility.

6.11 Physical or Mental Impairment

The first DVR eligibility criterion requires documented evidence by qualified personnel of a physical or mental impairment. If the individual has a physical or mental impairment, the individual meets the first criterion. If not, the individual should be determined ineligible.

6.11.1 Physical or Mental Impairment

a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine; or,

b. Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

6.11.2 Impairment Considerations

Some impairments, which are episodic or slowly progressive, may require identification of the limitations that typically worsen in an exacerbation or that have strong likelihood of increasing as the condition progresses. The existence of an impairment is determined without regard to any medication or assistive device that the individual may use.

Although medication or an assistive device *may* reduce the impact of the impairment, the individual is still considered to have an impairment.

6.12 Substantial Impediment to Employment

The second eligibility criterion requires documented evidence by qualified personnel that the impairment(s) constitutes or results in a substantial impediment to employment consistent with the individual's abilities and capabilities. The DVR counselor shall determine if there are medical, psychological, vocational, educational, communications and other related factors that interact with the impairment(s) sufficient to create a vocational impediment. If a substantial impediment to employment exists, the second eligibility criterion is met. If not, the individual is ineligible.

Identifying an impediment requires an assessment of how factors associated with the impairment hinder the individual in successfully preparing for, searching for, obtaining, performing and maintaining employment consistent with the individual's abilities and capabilities without the assistance of the DVR counselor. Examples of ways in which a person's impairment may result in a substantial impediment to employment include: difficulty conducting an independent job search, exhibiting acceptable behaviors at work, learning job skills, meeting production expectations, understanding work assignments and responsibilities and identifying needed accommodations and/or securing those accommodations.

6.12.1 Applicant Currently Employed

If the individual is employed at the time of eligibility determination, the counselor must determine if the current job is consistent with the individual's abilities and capabilities. If the individual is experiencing difficulties as a result of the impairment(s) and attendant factors in performing job tasks or maintaining the job, s/he has a substantial impediment to employment.

If the incompatibility is such that a job change is required, the counselor must assess how limitations related to the impairment and attendant factors hinder the individual in preparing for and/or obtaining employment that is consistent with abilities and capabilities. If this is determined to be the case, the individual has a substantial impediment to employment. If the current job is fully consistent with the individual's abilities and capabilities and there are no difficulties related to the impairment and attendant factors in performing or maintaining the job, there is not a vocational impediment and the individual is ineligible.

6.12.2 Previous Work History

If the individual is not currently employed but there is previous work history, the DVR counselor must consider if there are any prior jobs consistent with the individual's abilities and capabilities. If there are previous jobs compatible with these factors, the DVR counselor must determine how the impairment and attendant factors, including changes in

technology, equipment and training requirements for the job would hinder the individual in performing tasks of a previous job(s), maintaining a previous job(s) or securing a previous job(s). If so, the individual has a substantial impediment to employment. If there is previous employment consistent with abilities and capabilities that the individual could obtain, perform and maintain without difficulty, there is no vocational impediment and the individual is ineligible.

6.12.3 Underemployment Considerations

The concept of underemployment may apply to an individual who is currently employed or who has a previous work history. Underemployment including part time employment may be a substantial impediment if the employment is not compatible with the individual's abilities and capabilities and the impairment and attendant factors hinder the individual in preparing for, securing and/or maintaining employment that is appropriate.

The following are issues to consider in assessing if an individual is underemployed due to impairment:

A. *If the individual and other gathered information indicates that s/he is employed in a position that allows him/her to be self sufficient but s/he has the capacity to advance, the counselor must assess if there are barriers related to the impairment that keep him/her from advancing to a higher level of employment. If so, the individual has a substantial impediment to employment. Sometimes individuals have the capacity to advance in a career field but the obstacles that keep them from advancing are not related to their impairment(s). In situations like this, if the individual is requesting assistance with career advancement, and the obstacles hindering advancement are not related to the impairment(s), s/he does not have a substantial impediment to employment and is not eligible for services.*

B. *If the person's presenting issue is that he/she cannot afford to live independently and/or support his/her family with his/her current wages, the counselor must evaluate if the person's level of employment is related to his/her impairment. If the person's impairment based barriers are contributing to the person's inability to achieve a greater level of self-sufficiency, he/she has a substantial impediment to employment.*

6.12.4 No Work History

If the individual is unemployed and does not have a work history, s/he has a substantial impediment to employment if impairment(s) and related attendant factors hinder him/her in preparing for, obtaining, performing and maintaining employment consistent with his/her abilities and capabilities. If not, there is no vocational impediment and the individual is ineligible.

6.13 Vocational Rehabilitation Service(s) Required for Employment

The third eligibility criterion requires determination by the DVR counselor that there is at least one service or good which is essential to attain an employment outcome that the individual cannot obtain without DVR assistance. If there is no necessary vocational rehabilitation service, the individual is ineligible.

6.2 ELIGIBILITY DETERMINATIONS

6.21 Timelines

Eligibility determinations shall be made as soon as possible. The length of time between application and eligibility determination shall not exceed sixty (60) calendar days unless:

1. Exceptional and unforeseen circumstances beyond the control of DVR preclude making an eligibility determination within the designated time and the DVR counselor and applicant agree to a specific extension of time; or,
2. There is doubt that the individual can benefit from vocational rehabilitation services, and exploration of the individual's abilities, capabilities and capacity to perform in work situations, including trial work experiences and/or extended evaluation is being carried out to provide additional data necessary to determine eligibility.

Documentation describing the reason for a time extension, its anticipated length and the applicant's agreement to the time extension shall be in the service record and shall be completed prior to the expiration of the sixty (60) days unless documentation shows good cause why the extension was not completed in a timely manner.

6.22 Presumptive Eligibility

An applicant who is determined to be eligible for SSI and/or SSDI benefits (based on his/her own disability including blindness) is presumed to meet the eligibility requirements. Verification of eligibility for SSI/SSDI benefits is sufficient to establish that DVR eligibility requirements are met unless the presumption of benefit in terms of an employment outcome is questionable, which may require trial work experiences and/or extended evaluation.

6.22.1 Verification of SSI/SSDI to Determine Presumptive Eligibility

Acceptable documentation that the individual is determined to be eligible for SSI/SSDI benefits based on his/her own disability includes one of the following:

1. A copy of an entitlement, award or continuation letter from the Social Security Administration (SSA), dated no more than three (3) months prior to application; or,

2. Any written documentation received no more than three (3) months prior to application reflecting that the individual is currently eligible for SSI/SSDI benefits; or,
3. A copy of an individual's Ticket to Work that has been verified as still in effect; or,
4. Phone verification with Social Security Administration (SSA), Maximus or Disability Determination Services (DDS) that the individual is currently eligible for SSI/SSDI benefits.

If the individual does not have appropriate evidence of SSI/SSDI eligibility, the DVR counselor shall request information to verify eligibility. This shall be done as soon as possible after application to avoid unnecessary delay in an eligibility decision. If information is verified by telephone, DVR shall document the telephone conversation in the service record, and request follow-up written verification. A copy of any written verification shall be placed in the service record.

An individual applying for SSI may be medically eligible for monetary benefits but may not be receiving benefits if his/her assets are too high. For purposes of making a DVR eligibility decision, verification that the individual has been determined eligible by SSA is sufficient.

SSI/SSDI verification is evidence that the individual is eligible for services and has a significant disability in determining priority for services under an order of selection. However, it is not sufficient for determining whether or not the individual's disability is most significant or for developing and preparing the IPE. The comprehensive assessment process must include more specific medical and vocational information. The DVR counselor must review and assess existing data including counselor observations and obtain any additional assessments necessary to determine if a most significant disability exists and to assist the individual in selecting a suitable employment outcome and developing an IPE that identifies and addresses all of his/her vocational rehabilitation needs. Presumptive eligibility does not create an entitlement to any vocational rehabilitation service.

6.23 Assessment to Determine Eligibility

For all other applicants, the DVR counselor must base the determination of each of the eligibility requirements on a review and assessment of existing data including counselor observations, medical and psychological records, educational records, information provided by the individual or the individual's family, information used by the Social Security Administration and information from other agencies. The counselor should review the existing data, including older records if available, and determine if the information is still accurate regarding current level of functioning and can be used for determination of eligibility.

Additional diagnostic services and assessments may be necessary if the existing data does not permit the identification of current level of functioning, is unavailable, insufficient or

inappropriate to make an eligibility determination and, if required at eligibility, determine severity of disability for an order of selection priority classification. The provision of vocational rehabilitation services including trial work experiences, assistive technology devices and services, personal assistance services and other support services shall be provided if necessary to assess the individual's capacity to perform in a work environment and to supplement existing information.

Vocational rehabilitation services required to complete assessments shall be provided in the most integrated settings possible, consistent with the individual's needs and informed choice. DVR will provide applicants with opportunities as well as necessary supports and assistance to exercise informed choice about decisions concerning the provision of assessment services.

Specialty examinations to identify the existence of a disabling condition and associated levels of functioning or to supplement existing information shall be conducted by individuals who are skilled in the diagnosis of such disorders and who are licensed or certified for this purpose in accordance with State laws. The scope of such assessments shall be limited to that allowed under the examiner's licensure or certification. Medical consultation shall be obtained, when necessary, to clarify medical aspects, to assess the currency and adequacy of diagnostic materials, and to determine appropriate follow-up for medical recommendations.

The service record shall contain evidence of the DVR counselor's analysis of assessment data. This analysis may include counselor observations of the individual's level of functioning, abilities and capabilities and will always include how the impairment(s) hinders the individual in preparing for, entering into, engaging in or retaining employment consistent with the individual's abilities and capabilities. The DVR counselor also needs to consider and document how other related factors (e.g. attendant medical, psychological, vocational, educational, communication) interact with the impairment to create a substantial vocational impediment. The analysis must be based on the individual's unique life activities, circumstances and employment experiences. The DVR counselor's determination that the individual requires vocational rehabilitation services must be supported by evidence in the service record of at least one necessary vocational rehabilitation service that the individual cannot obtain without the assistance of DVR. DVR presumes that all eligible individuals will benefit from the provision of vocational guidance and counseling as a service to identify and achieve an appropriate employment outcome.

6.24 Certification of Eligibility

When the DVR counselor can determine eligibility, s/he shall prepare a written certification of eligibility, signed and dated. The basis upon which the applicant has been determined eligible shall be documented in the service record.

6.25 Determination of Priority for Services Under an Order of Selection

In addition to the data required for eligibility, there must be sufficient information to determine severity of disability and priority for services under an order of selection. This determination is required at eligibility when there is a waiting list under an order of selection. Verification of eligibility for SSI/SSDI benefits for presumptive eligibility is evidence of a significant disability.

6.26 Determination of Ineligibility

Any determination of ineligibility based on inability to benefit in terms of an employment outcome because of the severity of the disability, must be based on clear and convincing evidence demonstrated in trial work experiences in realistic work situations or through extended evaluation.

6.26.1 Clear and Convincing Evidence

The clear and convincing standard constitutes the highest standard used in the U.S. civil system of law and is to be individually applied on a case-by-case basis. The term clear means unequivocal. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence. Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability. The demonstration of “clear and convincing evidence” must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology) in real life settings.

6.26.2 Trial Work

Trial work experiences must be provided prior to any determination that an individual with a disability is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual's disability. Trial work experiences must provide an exploration of the individual's abilities, capabilities and capacity to perform in realistic work settings to determine whether or not there is clear and convincing evidence that an employment outcome is precluded by the severity of an individual’s disability and an ineligibility decision is appropriate.

Trial work experiences for the purpose of determining eligibility or continued eligibility must be provided under a Trial Work Experience Plan in the most integrated setting(s) possible, consistent with the informed choice and rehabilitation needs of the individual. The DVR counselor and the individual should jointly develop the plan for the trial work experience. Trial work experiences for an eligible individual whose Individualized Plan for Employment has already been initiated must be provided under a Trial Work Experience Plan unless the individual has already been provided services and supports under an existing IPE which provides sufficient information to establish continued

eligibility or ineligibility. Trial work experiences include situational assessments, and other realistic work experiences with on-the-job supports. Appropriate supports, including assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual must be provided during the trial work experiences in accordance with DVR's financial participation requirements. Criteria shall be identified in the written plan that reflects the level of performance necessary to meet work requirements. Assessments of the individual's progress toward demonstrating and/or developing abilities, capabilities and capacity to perform in work situations shall be planned, provided and documented in the service record at least every forty-five (45) days.

Trial work experiences must be of sufficient variety and over a sufficient period of time to determine that:

1. There is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or,
2. There is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability.

The number, scope and duration of trial work experiences that need to be provided to each individual are determined by the individual's unique situation and his/her needs. In essence, it is determined by what is necessary to secure clear and convincing evidence that the individual can or cannot obtain an employment outcome in an integrated setting. However, it is typically expected that the individual will be provided more than one trial work experience so that s/he has sufficient opportunities to demonstrate and/or develop his/her abilities, capabilities and capacity to perform in integrated work settings.

If an individual is unable to participate in trial work experiences, there must be evidence in the service record that:

1. The individual cannot get to and/or sustain reasonable attendance in a realistic work setting due to the individual's medical condition, in spite of reasonable accommodations; or,
2. Due to behavioral or other manifestations of the individual's impairment, there are no support service providers who are willing to work with the individual under any circumstance or that no employer can be found who is willing to have the individual on his/her job site.

6.26.3 Extended Evaluation

If an individual with a significant disability cannot take advantage of trial work experiences or if options for trial work experiences have been exhausted before the DVR counselor is able to determine eligibility or ineligibility, an extended evaluation shall be provided. The service record must document the need for extended evaluation.

Extended evaluation has the same requirements as trial work experiences for provision of services necessary to determine eligibility or continued eligibility under a written plan in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual. The DVR counselor and the individual should jointly develop the plan for extended evaluation. Extended evaluation for an eligible individual whose Individualized Plan for Employment has already been initiated must be provided under an Extended Evaluation Plan unless the individual has already been provided services and supports under an existing IPE which provides sufficient information to establish continued eligibility or ineligibility. At least once every forty-five (45) days, the DVR counselor shall assess and document the individual's progress in demonstrating and/or developing his/her abilities, capabilities and capacity to meet identified work requirements. Extended evaluation services are limited to three (3) months unless the service record documents an agreement between the individual and DVR counselor agreeing that a longer period of time is necessary to determine whether or not the individual can perform work in the most integrated setting possible as a result of the provision of vocational rehabilitation services. The extended evaluation terminates when the DVR counselor can make a determination of eligibility or ineligibility.

6.26.4 Service Record Documentation

For all individuals, including recipients of SSI/SSDI, information in the service record shall support the decision that trial work experiences are necessary prior to determining eligibility. When all evidence is established and documented in the service record, the DVR counselor shall make a determination of eligibility or ineligibility. No eligibility determinations may incorporate financial considerations.

6.27 Authorized Assessment Activities for Certified/Licensed Providers

Assessments to assist the counselor to determine eligibility, priority for vocational rehabilitation services and vocational rehabilitation needs must be conducted by individuals skilled in the diagnosis of such disorders and licensed or certified for such purposes. Colorado statutes provide general guidelines about the type of assessments that different types of providers may conduct. These guidelines restrict the provider's activities to areas in which they have specific training and/or experience.

DVR counselors should use independent judgment to assure that the evaluative information is within the scope of the provider's professional area of expertise or licensure.

Chapter Seven - Severity of Disability

- ✓ The Law

Section 101 (10) Reporting Requirements

(A) In general

The State plan shall include an assurance that the designated State agency will submit reports in the form and level of detail and at the time required by the Commissioner regarding applicants for, and eligible individuals receiving, services under this title.

(E) Additional information

(i) (I) information on age, gender, race, ethnicity, category of impairment, severity of disability and whether the individuals are students with disabilities; ...

- ✓ The Regulations:

Section 361.47 Record of Services

(a)(4) The designated State unit must maintain for each applicant and eligible individual a record of services that includes...If an individual has been determined to be an individual with a significant disability or an individual with a most significant disability, documentation supporting that determination...

7.0 DVR Policy: SEVERITY OF DISABILITY

7.1 DETERMINATION OF SEVERITY OF DISABILITY.

The service record must contain evidence to support the determination of severity of disability. The DVR counselor must determine severity of disability at the same time as the determination of eligibility when DVR has a waiting list under an order of selection. When DVR can serve all eligible individuals, determinations of severity of disability must be completed as soon as possible but not later than development of the IPE. The Determination of Severity of Disability form must be completed, signed and dated by the DVR counselor. If information is obtained during the comprehensive assessment that changes the determination of severity of disability, the DVR counselor shall complete a new Determination of Severity of Disability form and the priority classification shall be changed accordingly including appropriate notification of the individual as required under an order of selection.

7.11 Social Security Determinations

For individuals determined to be presumptively eligible based on SSI/SSDI verification, which also presumes existence of a significant disability, the DVR counselor must review and assess existing data and obtain any additional assessments necessary to determine if a most significant disability exists and to assist the individual in determining an appropriate employment goal and necessary services. The determination that an individual entitled to SSI/SSDI has a most significant disability requires documentation of the number and types of functional capacity losses and number of services required.

7.12 Severe Impairment

A physical or mental impairment is determined to be severe if one or more physical or mental impairments exist resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental

illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord injuries, including paraplegia and quadriplegia, sickle cell anemia, specific learning disability, end-stage renal disease or another disability or combination of disabilities determined on the basis of an assessment. The impairments are considered to be severe because of the nature of the impairment. Other impairments may be severe for one individual but not for another, depending on the impact on the individual's life activities. Sometimes an individual may have two or more impairments, neither of which alone is severe, but together cause serious functional limitations. These determinations must be supported by assessment data and the analysis of the DVR counselor as to the impact of the impairment(s) on the particular individual's life activities.

7.13 Serious Limitation

A serious limitation means a reduction in functioning, due to a severe impairment, to the degree that the individual requires goods and services or special working conditions, such as job re-engineering, assistive technology, substantial on-the-job support or intensive supervision, not typically provided for other individuals in order to prepare for, enter, engage in or retain employment in previous jobs, usual line of work and/or occupations usually available to people of equivalent age, education and capacities who do not have disabilities. External factors, such a geographical location, availability of public transportation, lack of financial resources or training, are not considered when determining whether or not a limitation meets the criteria for "serious".

7.14 Functional Capacity

A functional capacity area is a set of life activities or skills in which the ability to function is significant to successful independence and/or employment. The areas that have been identified for the purpose of determination of severity of disability are mobility, motor skills, interpersonal skills, communication, work tolerance, work skills, self-care and self-direction.

In terms of an employment outcome, the DVR counselor must analyze the impact of serious functional limitations on the individual's current employment, previous jobs, usual line of work and/or occupations usually available to people of equivalent age, education and capacities who do not have an impairment(s).

7.14.1 Functional Capacity Areas

A. Mobility – The physical or psychological ability to move from place to place inside and outside the home and workplace including travel for activities of daily living, training or work. This includes limitations in mobility due to risks as a vulnerable individual due to cognitive or psychological factors. It does not include lack of a driver's license, geographic location or availability of transportation.
B. Motor Skills – The capacity for purposeful movement and control of the body, including control and coordination of fine and gross motor movements, to

accomplish specific tasks. For employment this considers the capacity to perform work tasks at an acceptable pace.

C. Self-Care – The ability to care for self and living environment (i.e. eating, toileting, grooming, dress and money management) to participate in training or work. This includes the management of any special medical and safety needs. Limitations may occur because of physical, cognitive or emotional impairments.
D. Self-Direction - The ability to plan, initiate, problem-solve, organize and manage goal-directed activities and behaviors necessary for daily living and work.
E. Interpersonal Skills – The ability to establish and maintain personal, family and community relationships as it affects or is likely to affect job performance and security.
F. Communication – The ability to give and receive information including hearing or understanding spoken communications and sounds, speaking, seeing printed material or signage and language skills sufficient for written or spoken work-related communication. This does not include language or cultural differences unrelated to disability.
G. Work Tolerance- The capacity to meet common or normal physical, psychological and environmental demands of work including endurance, stamina and consistent physical or mental effort.
H. Work Skills- The capacity to learn and perform job tasks, remember and concentrate sufficiently to retain performance of tasks and the capacity to learn new or changed tasks. This includes the speed and quality with which job tasks can be performed for reasons other than limitations in motor skills.

7.15 Number of Services and Length of Service Provision

The requirement for multiple vocational rehabilitation services over an extended period of time has been defined by DVR in terms of the number of core vocational rehabilitation services necessary to address the rehabilitation needs arising from the individual's limitations in functioning that are expected to require at least five (5) months of service provision. In identifying the number of core services, the DVR counselor does not count those services which are supportive to another service, such as transportation and maintenance, and would not be provided if not to support a necessary core service.

7.2 MOST SIGNIFICANT DISABILITY

An individual is classified as having a most significant disability when he/she has a severe physical or mental impairment that seriously limits at least one factor in three or more functional capacity areas (mobility, motor skills, interpersonal skills, communication, work tolerance, work skills, self-care and self-direction) in terms of an employment outcome; and, whose successful vocational rehabilitation can be expected to require the provision of two or more core vocational rehabilitation services for at least five months.

7.3 SIGNIFICANT DISABILITY

An individual is classified as having a significant disability when he/she has a severe physical or mental impairment(s) that seriously limits at least one factor in two or fewer functional capacity areas and who otherwise meets the same criteria as for a most significant disability. An individual who is determined to be eligible for SSI/SSDI on the basis of his or her own disability is presumed to have a significant disability.

7.4 INDIVIDUAL WITH A DISABILITY

An individual is classified as having a disability when he/she meets DVR eligibility criteria but has a disability that does not meet the criteria for most significant or significant disability.

Chapter Eight - Order of Selection

- ✓ The Law

Title I, Section 101. State Plans
(a)(5) Order of Selection for vocational rehabilitation services
In the event that vocational rehabilitation services cannot be provided to all eligible individuals with disabilities in the State who apply for the services, the State plan shall-
(A) show the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services;
(B) provide the justification for the order of selection;
(C) include an assurance that, in accordance with criteria established by the State for the order of selection, individuals with the most significant disabilities will be selected first for the provision of vocational rehabilitation services; and
(D) provide that eligible individuals, who do not meet the order of selection criteria, shall have access to services provided through the information and referral system implemented under paragraph (20).

- ✓ The Regulations:

34 CFR 361.36 Ability to serve all eligible individuals; order of selection for services
(a) General provisions.
(1) The designated State unit either must be able to provide the full range of services listed in section 103(a) of the Act and section 361.48, as appropriate, to all eligible individuals or, in the event that vocational rehabilitation services cannot be provided to all eligible individuals in the State who apply for the services, include in the State plan the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services.

8.0 DVR Policy: ORDER OF SELECTION

8.1 INVOKING ORDER OF SELECTION

If it should become impossible to serve all eligible individuals with disabilities, the DVR Director will invoke, in writing, the implementation of an order of selection to govern the provision of vocational rehabilitation services.

8.2 PRIORITIES FOR SERVICE

When DVR cannot serve all eligible individuals, each individual found eligible for vocational rehabilitation services will be classified by placement into one of the three following priority categories based on a determination of severity of his/her disability:

1. Eligible individuals with the most significant disabilities;
2. Eligible individuals with significant disabilities; and
3. All other eligible individuals.

An individual shall be classified in the highest priority category for which s/he is determined qualified. If an individual's circumstances change or when it has been determined that an individual has been misclassified, the priority classification shall be changed accordingly, and the individual shall be notified of the change.

All eligible individuals within a higher priority category shall be served before any eligible individual in the next lowest priority category is served. When it is impossible to

serve all eligible individuals within a priority category, the individuals shall be placed on a waiting list and served in chronological order based on the date of application for vocational rehabilitation services. The service record shall contain a Determination of Severity of Disability form and evidence to support the priority category classification(s).

In the event that an order of selection is rescinded or that all eligible individuals can be served while an order of selection is in effect, eligible individuals on waiting lists and in unserved categories will be contacted and served in chronological order based on the dates of their applications in accordance with their priority category (higher category before next lowest category).

8.3 NOTIFICATION

When there is an order of selection, all applicants for vocational rehabilitation services shall be notified, in writing, of the policies and procedures governing the provision of goods and services under an order of selection. Upon placement into a priority category, the eligible individual shall receive written notification of his/her priority classification and information regarding the policies and procedures governing availability of vocational rehabilitation services, including notification of placement on a waiting list, when applicable. The written notification shall include information about appeal rights and the Client Assistance Program.

When an eligible individual is reclassified into a higher or lower priority category, s/he shall be notified, in writing, of the reclassification and provided written information as to how the change will affect the availability of vocational rehabilitation services. The written notification shall include information and contacts about appeal rights and the Client Assistance Program.

8.4 AVAILABILITY OF VOCATIONAL REHABILITATION SERVICES

Upon a decision that the Division of Vocational Rehabilitation can no longer serve all individuals in a priority category, all individuals who have been determined to be eligible prior to the decision date and who are not on an active waiting list, shall continue to receive vocational rehabilitation services.

8.41 Continuation Of Rehabilitation Services

Diagnostic goods and services necessary to establish eligibility shall continue to be provided during an order of selection. Timeliness of eligibility determination and all eligibility requirements remain applicable under an order of selection.

All goods and services, including post-employment services, shall be available to eligible individuals receiving planned vocational rehabilitation services under an order of selection insofar as they are necessary and appropriate to the individual's vocational rehabilitation needs. All requirements for provision of vocational rehabilitation services

shall be applicable to eligible individuals receiving planned services under an order of selection. All policies governing the expenditure of vocational rehabilitation funds, the individual's financial participation and the use of comparable services and benefits are applicable to eligible individuals receiving planned vocational rehabilitation services under an order of selection.

8.5 INFORMATION AND REFERRAL SERVICES

All eligible individuals on an order of selection waiting list shall be provided information and guidance about goods or services provided by other components of the statewide workforce investment system and other Federal and State programs which can be of assistance to individuals with disabilities in preparing for, securing, retaining or regaining employment. Eligible individuals on an order of selection waiting list shall be provided written referrals to those programs that are best suited to address their specific employment needs. Written referrals shall identify a specific point of contact and the most suitable services to meet the eligible individual's employment needs. The service record must document DVR information and referral services.

8.6 EXPENDITURES FOR REASSESSMENT OF SEVERITY OF DISABILITY

During an order of selection, no vocational rehabilitation funds shall be authorized or expended on any eligible individual on an order of selection waiting list or on any individual subsequently determined eligible when classification puts him or her in a closed priority category, unless the expenditure is necessary to reassess the severity of the individual's disability.

Chapter Nine - Determining Employment Outcome and Service Needs

- ✓ The Law

Section 102 Eligibility and Individualized Plan for Employment
(C) Basis
The determination of eligibility for vocational rehabilitation services shall be based on—
(i) the review of existing data described in section 7(2)(A)(i); and
(ii) to the extent that such data is unavailable or insufficient for determining eligibility, the provision of assessment activities described in (2)(A)(ii)

- ✓ The Regulations:

Section 361.42 Assessment for determining eligibility and priority for services
In order to determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection…the designated State unit must conduct an assessment for determining eligibility and priority for services.

Section 361.45 Development of the individualized plan for employment
(b) Purpose
(1) The designated State unit must conduct an assessment for determining vocational rehabilitation needs, if appropriate, for each eligible individual or, if the State is operating under an order of selection, for each eligible individual to whom the State is able to provide services. The purpose of this assessment is to determine the employment outcome, and the nature and scope of vocational rehabilitation services to be included in the IPE.

9.0 DVR Policy: DETERMINING EMPLOYMENT OUTCOME AND SERVICE NEEDS

9.1 COMPREHENSIVE ASSESSMENT PROCESS

The comprehensive assessment is a process in which the DVR counselor provides vocational guidance, counseling and necessary services and supports to help the individual to select a suitable employment outcome (including supported employment and self-employment, as appropriate) and identify the service needs to be addressed in the IPE to achieve that outcome. The assessment of vocational rehabilitation service needs begins with the initial interview and continues until sufficient information is available to develop the IPE.

If the information used for the assessment of eligibility and priority for services is sufficient to identify the rehabilitation needs of the individual and an appropriate employment outcome, this shall be documented, the comprehensive assessment shall be considered complete and the IPE can be developed.

The comprehensive assessment process must use, to the maximum extent possible, existing information that is current including:

1. Information available from other programs and providers, particularly information used by education officials and the Social Security Administration;
2. Information provided by the individual and the individual's family; and,
3. Information obtained under the assessment for determining the individual's eligibility and priority for services.

In some cases, additional information is needed to develop an appropriate employment outcome and identify the nature and scope of vocational rehabilitation services to be included in the IPE. During the comprehensive assessment process, the DVR counselor shall encourage and facilitate the individual's exploration of his/her unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

If necessary, the DVR counselor may obtain or conduct additional assessments. This may include assessments of personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experiences, vocational aptitudes, personal and social adjustments and the medical, psychiatric, psychological and other pertinent vocational, educational, cultural, social, recreational and environmental factors that affect the employment and vocational rehabilitation needs of the individual. Purchased assessment services should be used to obtain necessary information and to address questions that cannot be answered by the individual, his/her family if appropriate, the DVR counselor or through existing sources.

The comprehensive assessment process may also include, as necessary, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills and to develop positive work attitudes, work habits, work tolerance and social and behavior patterns necessary for successful job performance. The assessment process may also include the use of work in realistic job situations to assess and develop the capacities of the individual to perform adequately in a work environment. Should the individual's ability to benefit from vocational rehabilitation services in terms of an employment outcome become questionable due to severity of the impairment(s), the requirements for trial work experiences and/or extended evaluation must be met.

The comprehensive assessment includes an analysis by the DVR counselor of the individual's transferable skills from previous employment or unpaid work experience(s). With a release of information signed by the individual, or as appropriate his/her authorized representative, schools, organizations and service providers to whom the individual is known may be able to provide useful assessment data.

Assessment services provided by DVR may include vocational evaluation, situational assessment, work experience, supported employment assessment, job shadowing, rehabilitation technology evaluation and other services necessary to explore interests, capacities, employment options and settings and to help the individual clarify the job goal and the services needed.

The comprehensive assessment process shall identify appropriate vocational rehabilitation service needs for self-employment, personal adjustment training for individuals who are blind or have a visual impairment and for individuals who require supported employment.

9.2 DETERMINING AN EMPLOYMENT OUTCOME

An employment outcome is full-time or part-time competitive employment in the integrated labor market, supported employment or any other type of employment in an integrated setting, including self-employment, telecommuting or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

Competitive employment is work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting, for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

9.21 Assessing Service Needs For Homemakers

DVR can determine that homemaker and unpaid family worker are employment outcomes if those employment outcomes are consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. Assessing the vocational impediments for an individual whose previous or planned occupation is homemaker requires an identification of the barriers presented by the impairment(s) to an individual's ability to perform various homemaking activities. Such activities are limited to those necessary to maintain a suitable living environment for the individual and his/her family. They do not include activities that relate to the individual's self-care needs, such as hygiene, dressing, eating, mobility, etc. The specific homemaking activities that apply for each individual are those that s/he performs or will be responsible to perform. The homemaking activities performed by the individual must represent a significant contribution to the operation of the household. When another entity performs some homemaking tasks, the individual must be responsible to perform the majority of activities necessary to maintain the household.

Homemaking activities include tasks required for cleaning, meal preparation, meal service, grocery/household shopping, laundry, sewing, parenting/caregiving, communications, finances, heavy cleaning and home maintenance. The Homemaker's Household Activities Chart is available at the end of this chapter to assist the DVR counselor in assessing homemaking activities and determining needed vocational rehabilitation services for an individual whose employment outcome has been or will be homemaker.

9.3 ASSESSING OTHER FACTORS

The DVR counselor should identify barriers to employment not related to the impairment that the IPE will need to address as appropriate given the employment outcome. Examples could include criminal background, legal mandates, inability to speak English, financial need, lack of family support, transportation needs and other barriers.

9.31 Ex-Offenders

If an individual has a criminal history, the assessment process should include a discussion of the individual's history of felony convictions as it relates to identified or potential job goals and to searching for a job. An individual's criminal history can be obtained from the Colorado Bureau of Investigation at http://cbi.state.co.us/id/

9.32 Federal Bonding Program

The Federal Bonding Program is available to help individuals whose questionable background or inexperience lead employers to question their honesty and deny them a job. The program will cover any individual routinely considered to be "at risk".

Referral for federal bonding may be identified as a rehabilitation need to be addressed in the IPE by an appropriately timed referral to a Colorado Workforce Center. Information on federal bonding is available at
http://www.coworkforce.com/emp/federal_bonding_program.asp

9.4 JUSTIFICATION FOR FORMAL TRAINING

When an individual's planned employment outcome is anticipated to require formal training, the DVR Counselor and the individual must conduct a process to determine and document specific training needs to include type of training relative to employment outcome, duration of training and comparisons of cost of training. The Vocational Goal Development and Justification for Training form are tools that may be used to document this process.

9.5 DOCUMENTATION OF COMPREHENSIVE ASSESSMENT

The service record shall contain the DVR counselor's written analysis of the rehabilitation needs identified to address the individual's vocational impediment(s) as necessary to attain an appropriate employment outcome. The DVR counselor's written analysis shall identify the employment outcome chosen by the individual and address the suitability of the goal given the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. It may be appropriate to discuss alternatives that were explored but not selected by the individual. The documentation shall reflect the provision of vocational guidance and counseling between the DVR counselor, the individual and as appropriate his/her authorized representative, to assure that the individual was an informed decision maker throughout the Comprehensive Assessment Process.

If, in the DVR counselor's professional opinion, the chosen employment outcome is not appropriate given the assessment data and/or a requested rehabilitation service(s) is not necessary or not appropriate, the documentation in the service record must clearly reflect the DVR counselor's rationale for this determination.

9.6 FINANCIAL NEED ANALYSIS

A financial need analysis must be conducted if the individual may require services that are based on financial need and he/she is not verified as eligible to receive SSI/SSDI. If the identified vocational rehabilitation services are not based on financial need, a financial need analysis is not necessary at the time of the comprehensive assessment process.

9.7 BENEFITS ANALYSIS

Benefits analysis is an important assessment and counseling tool to assist individuals to make informed choice decisions during the comprehensive assessment process.. How much an individual will benefit financially from working and/or how much someone needs to earn to replace benefits should be explored before deciding on an employment outcome. The individual should also be aware of work incentives that are available for individuals receiving SSI, SSDI and other benefits.

Benefits Planning Assistance & Outreach (BPAO), now known as Work Incentives Planning and Assistance (WIPA), developed under Ticket to Work and the Work Incentives Improvement Act is available to explain employment support programs to SSI and SSDI recipients. The DVR counselor may make referrals to benefits planners, now known as Community Work Incentives Coordinators (CWICs).

HOMEMAKER'S HOUSEHOLD ACTIVITIES CHART

TO ASSIST COUNSELORS IN ASSESSING ELIGIBILITY
RELATED TO THE OCCUPATION OF HOMEMAKING

Homemaking Activity	To be Performed By Individual? (Yes or No)	Difficulty Performing? (Yes or No)*	Nature of Impediment	Goods and Services Needed to Overcome or Circumvent Impediment
Cleaning Activities				
Heavy Cleaning				
Communications				
Grocery and Other Household Shopping				
Laundry				
Sewing				
Home Maintenance				
Financial				
Meal Preparation				
Meal Service				
Parenting/Caregiving				

*A vocational impediment exists only when a homemaking activity must be performed by the individual in the context of his or her living environment and when the individual's impairment substantially limits his or her ability to do so.

EXAMPLES OF TYPICAL HOMEMAKING TASKS

CLEANING ACTIVITIES
1. Pick up objects from floor
2. Wipe up spills
3. Make bed
4. Change sheets on bed
5. Dust high and low surfaces
6. Mop floors
7. Sweep
8. Use dust pan
9. Clean mirrors and windows
10. Use vacuum cleaner
11. Carry light cleaning tool/supplies
12. Use carpet sweeper/hand vac
13. Clean bath tub, toilet and sinks
14. Take out trash

HEAVY CLEANING
1. Clean range
2. Clean refrigerator
3. Wax floors
4. Turn mattresses
5. Wash windows
6. Put up curtains

COMMUNICATIONS
1. Use telephone for household business
2. Filing/labeling/organizing household documents
3. Telling time
4. Keep household schedule
5. Use calculator for household business
6. Read labels
7. Negotiation to get household needs met

GROCERY/HOUSEHOLD SHOPPING
1. Use customer service for household purchases
2. Use unit pricing for household items
3. Comparison shop for household items
4. Choose fresh produce
5. Understand label information

LAUNDRY
1. Sort clothes
2. Use washing machine
3. Use clothes dryer
4. Hand wash
5. Hang clothes on line
6. Fold laundry
7. Use iron

SEWING
1. Thread needle and make knot
2. Sew on buttons
3. Mend rips
4. Use sewing machine

HOME MAINTENANCE
1. Use hand tools for household repairs
2. Use power tools for household repairs
3. Complete simple household repairs
4. Grounds keeping
5. Pest control
6. Simple plumbing

FINANCIAL
1. Household budgeting
2. Household banking
3. Household bookkeeping
4. Pay household bills

MEAL PREPARATION
1. Use stove/oven safely
2. Use microwave oven
3. Use small appliances and utensils
4. Set dials accurately
5. Locate food/items in refrigerator, cupboards and drawers
6. Cut, slice and peel fruits, vegetables and meats
7. Pour from a variety of containers
8. Measure ingredients
9. Mix ingredients
10. Follow recipe or package directions
11. Prepare breakfast foods, sandwiches, salads, vegetables, meats/main dishes, desserts
12. Plan nutritious meals
13. Store foods properly
14. Use kitchen timer

MEAL SERVICE
1. Set table
2. Carry food to table
3. Clear table
4. Scrape and stack dishes
5. Load/unload dishwasher
6. Wash dishes
7. Wash pots and pans
8. Wipe up stove/work areas

PARENTING/CAREGIVING
1. Dressing dependents
2. Diapering
3. Bathing dependents
4. Toileting for dependents
5. Feeding dependents
6. Administering medications to dependents
7. Assuring safe environment for dependents
8. Transportation for dependents

Chapter Ten - Social Security

- ✓ The Law

Title I, Section 102 Eligibility and Individualized Plan for Employment

3) Presumption of eligibility

(A) In general

For purposes of this section, an individual who has a disability or is blind as determined pursuant to title II or title XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.) shall be--

(i) considered to be an individual with a significant disability under section 7(21)(A); and

4) Use of existing information

(A) In general

To the maximum extent appropriate and consistent with the requirements of this part, for purposes of determining the eligibility of an individual for vocational rehabilitation services under this title and developing the individualized plan for employment described in subsection (b) for the individual, the designated State unit shall use information that is existing and current (as of the date of the determination of eligibility or of the development of the individualized plan for employment), including information available from other programs and providers, particularly information used by education officials and the Social Security Administration, information provided by the individual and the family of the individual and information obtained under the assessment for determining eligibility and vocational rehabilitation needs.

Section 131 Data Sharing

1) Memorandum of understanding

The Secretary of Education and the Secretary of Health and Human Services shall enter into a memorandum of understanding for the purposes of exchanging data of mutual importance--

(A) that concern clients of designated State agencies; and

(B) that are data maintained either by--

(i) the Rehabilitation Services Administration, as required by section 13; or

(ii) the Social Security Administration, from its Summary Earnings and Records and Master Beneficiary Records.

(b) Treatment of Information

For purposes of the exchange described in subsection (a)(1), the data described in subsection (a)(1)(B)(ii) shall not be considered return information (as defined in section 6103(b)(2) of the Internal Revenue Code of 1986) and, as appropriate, the confidentiality of all client information shall be maintained by the Rehabilitation Services Administration and the Social Security Administration.

- ✓ The Regulations:

Sec. 361.42 Assessment for determining eligibility and priority for services.

In order to determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services (if the State is operating under an order of selection), the designated State unit must conduct an assessment for determining eligibility and priority for services. The assessment must be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice, and in accordance with the following provisions:

(a) Eligibility requirements.

(3) Presumption of eligibility for Social Security recipients and beneficiaries.

(i) Any applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act is--

(A) Presumed eligible for vocational rehabilitation services under paragraphs (a)(1) and (2) of this section; and

(B) Considered an individual with a significant disability as defined in Sec. 361.5(b)(31).

(ii) If an applicant for vocational rehabilitation services asserts that he or she is eligible for Social Security benefits under Title II or Title XVI of the Social Security Act (and, therefore, is presumed eligible for vocational rehabilitation services under paragraph (a)(3)(i)(A) of this section), but is unable to provide appropriate evidence, such as an award letter, to support that assertion, the State unit must verify the applicant's eligibility under Title II or Title XVI of the Social Security Act by contacting the Social Security Administration. This verification must be made within a reasonable period of time that enables the State unit to determine the applicant's eligibility for vocational rehabilitation services within 60 days of the individual submitting an application for services in accordance with Sec. 361.41(b)(2).

(4) Achievement of an employment outcome. Any eligible individual, including an individual whose eligibility for vocational rehabilitation services is based on the individual being eligible for Social Security benefits under Title II or Title XVI of the Social Security Act, must intend to achieve an employment outcome that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

Section 361.54 Participation of individuals in cost of services based on financial need

3) The designated State unit may not apply a financial needs test, or require the financial participation of the individual--

(i) As a condition for furnishing the following vocational rehabilitation services… as defined in Sec. 361.54(3)(i)

(ii) As a condition for furnishing any vocational rehabilitation service if the individual in need of the service has been determined eligible for Social Security benefits under Titles II or XVI of the Social Security Act.

10.0 DVR Policy: SOCIAL SECURITY ADMINISTRATION (SSA)

10.1 PRESUMPTION OF ELIGIBILITY

Any applicant for services from DVR who has been determined to be eligible for benefits from Social Security Title II or Title XVI, is presumed to be eligible for DVR services, and is considered to be an individual with a significant disability.

An individual who applies for services from DVR should be asked to provide evidence of eligibility from SSA. A recent award letter, copy of a check or direct deposit information from SSA showing the individual as a beneficiary of SSA is considered evidence of eligibility. If the applicant cannot provide this evidence, but asserts eligibility from SSA, the DVR counselor shall contact a SSA representative and verify the eligibility status of the applicant. This verification must be made within a reasonable period of time that enables the DVR counselor to determine the applicant's eligibility for vocational rehabilitation services within 60 days of the individual submitting an application for services. When verbal and/or written confirmation of the eligibility status is received, the DVR counselor shall proceed with the eligibility process. A copy of the written evidence of the eligibility and all available, pertinent information shall be requested of SSA by the DVR counselor and shall be placed in the applicant's service record upon its receipt.

The DVR counselor shall use all existing information available from Social Security to assist in determining eligibility and vocational rehabilitation needs as well as in the development of the IPE, BEA, TWE plan or an EE plan. All consumer information exchanged is required to be treated as confidential information by both DVR and SSA.

10.11 Social Security Title II And SSDI

Title II of the Social Security Act pertains to Federal Old-Age, Survivors and Disability Insurance benefits. The Social Security program pays benefits to disabled workers. To be eligible for Social Security disability benefits, an individual must be disabled (unable to engage in substantial gainful activity), earned a minimum number of credits from work covered under Social Security and apply for benefits. Social Security Disability Insurance (SSDI) is financed with Social Security taxes paid by workers, employers and self-

employed persons. To be eligible for a Social Security benefit, the worker must earn sufficient credits based on taxable work to be "insured" for Social Security purposes. Disability benefits are payable to blind or disabled workers, widow(er)s or adults disabled since childhood, who are otherwise eligible. The amount of the monthly disability benefit is based on the Social Security earnings record of the insured worker. Most beneficiaries of SSDI receive health insurance coverage from Medicare as long as they are SSDI beneficiaries.

10.12 Social Security Title XVI and SSI

Title XVI of the Social Security Act pertains to individuals whom Social Security determines to be disabled and is defined as an individual who is age 18 and has a medically determinable physical or mental impairment, which results in the inability to engage in any substantial gainful activity and can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than twelve months. Supplemental Security Income (SSI) is a program financed through general revenues. SSI disability benefits are payable to adults or children who are disabled or blind, have limited income and resources, meet the living arrangement requirements and are otherwise eligible. The monthly payment varies up to the maximum federal benefit rate, which may be supplemented by the State or decreased by countable income and resources. Most recipients of SSI receive health insurance coverage through the state Medicaid program as long as they receive SSI payments.

10.2 TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999 (TWWIIA)

The Colorado Division of Vocational Rehabilitation is an Employment Network (EN) option under TWWIIA. This law, administered by the Social Security Administration through MAXIMUS Inc., is designed to increase options of SSA beneficiaries in obtaining rehabilitation and vocational services to help them go to work and attain their employment goals; remove barriers that require people with disabilities to choose between health care coverage and work and provide more Americans with disabilities opportunities to lessen their dependence on public benefits.

10.21 Ticket To Work Program

When an individual applies for services, and reports that he/she is receiving SSI or SSDI benefits, in all likelihood, that individual also holds a “Ticket to Work”. If the ticket is verified as being available, it is important that the counselor takes the appropriate steps to ensure that the ticket is assigned to DVR, when it is assignable. Asking the consumer to assign the ticket to DVR protects both the consumer as well as DVR.

DVR has included language on its Individualized Plan for Employment indicating that when the consumer signs the IPE that he/she is assigning his/her Ticket to Work to Colorado DVR.

Upon signing an IPE with a consumer who indicates that he/she receives Social Security Income (SSI) or Social Security Disability Insurance (SSDI), the counselor will take appropriate action to ensure that the ticket is properly assigned internally to the Division of Vocational Rehabilitation and to report accurate Ticket to Work Information into the electronic case services system. This applies for all consumers, regardless of their desired employment outcome, unless the consumer specifically requests in writing that the ticket not be assigned**.**

10.22 Ticket To Work Program Procedures

When working with individuals who indicate that they receive SSI or SSDI benefits for disability or blindness, please follow the steps below to ensure that we make every effort to have the ticket assigned to DVR, when possible.

Step 1: Briefly explain the nature of DVR as an employment program and assess the individual's desire to work.

When an individual who is receiving SSI or SSDI benefits applies for DVR services, the counselor will explain that DVR is a program that provides services to individuals with disabilities to help them successfully engage in employment. The individual is then asked if he/she is aware of how working may affect his/her SSI and SSDI benefits.

- If the individual indicates that he/she would like to work and understands how it may affect his or her disability benefits, proceed to step 2.
- If the individual indicates some concern about how working could affect his/her disability benefits, complete a "Benefits Planning Referral Form", and help the individual set up an appointment with a benefits planner. Then, proceed with step 2.

Step 2: The counselor explains the Ticket to Work program and asks the individual if he/she received a Ticket to Work in the mail from the Social Security Administration.

The counselor should explain to the individual that the Social Security Administration has a program called Ticket to Work that provides an incentive for people receiving SSI or SSDI benefits to work with agencies such as DVR to help them to go to, or return to, work. By "assigning the ticket" to an agency like DVR, individuals are protected from Continuing Disability Reviews (CDR) during the period that they are using their ticket (working with DVR) and making progress toward substantial gainful activity (defined by SSA).

The counselor should ask the individual if he or she has a ticket to work.

> <u>Individual indicates he/she has a ticket</u>: The counselor should explain to the individual that, as part of the rehabilitation process, he/she will be working with a counselor to complete an IPE. The counselor should let them know that if their ticket is not assigned elsewhere, that at the time the IPE is signed, SSA will assign

the ticket to DVR. The counselor should ask the individual to bring his/her ticket to their next scheduled appointment and file a copy in the service record.

Individual indicates that they received a ticket, but it is assigned to another employment network: If the ticket is assigned to another employment network, the individual is protected from continuing disability reviews so long as they are making timely progress toward substantial gainful activity. The counselor should explain that the individual has the choice to assign the ticket to whomever they choose, but we would like to be their employment network of choice. The counselor should explain that they will have the opportunity to reassign the ticket to DVR, if they so choose, at the time that the IPE is developed.

Individual indicates that they received a ticket, but they do not wish to assign it to anyone: The counselor should explain to the individual that the Social Security Administration views the decision to seek services from DVR as a decision to use the ticket and that by signing the IPE, the ticket will be assigned to DVR unless the individual assigns it somewhere else first. As long as the ticket is not currently assigned to another employment network when an individual signs an IPE with DVR, SSA considers the ticket to be assigned to DVR. SSA reportedly made this policy decision to ensure that ticket-eligible beneficiaries seeking services from DVR agencies will have access to the CDR protections associated with ticket assignment. The counselor should explain that the ticket will be assigned to DVR when the consumer signs the IPE, but the individual has the right to take it out of assignment if they choose to do so by indicating this decision, in writing, to Maximus. If the individual absolutely refuses to assign the ticket, cross out the language on the IPE about ticket assignment and continue to work with the individual. However, it is important for the individual to understand that when their ticket is not assigned, they are subject to their regularly scheduled continuing disability reviews for continued eligibility for their SSA benefits. If the consumer has questions about the CDR protections, the counselor should refer the individual to the Social Security Administration, Maximus or a benefits planner.

Individual is unsure if he/she received a ticket: The counselor should explain to the individual that, as part of the DVR rehabilitation process, he or she will be working with a counselor to complete an IPE. The counselor should let the individual know that if they do have a ticket and it is not assigned elsewhere at the time the IPE is signed, SSA will assign the ticket to DVR. Then, the counselor should let the individual know that if they would like more information about the Ticket to Work Program, or to find out if they are eligible for the program, they can call Maximus at 1-866-968-7842 (1-866-YOURTICKET).

Individual is not eligible for the ticket program: Proceed with step 3.

Counselors may wish to call Maximus at 1-866-968-7842 to determine the individual's ticket status at this stage of the eligibility process. Otherwise counselors can assume an individual is eligible for a ticket, and complete form 1365 at the time of IPE development.

To expedite the call, follow the voice prompts as indicated below (voice prompts are subject to change):

- *Press 1 for instructions in the English language*
- *Press 2 to indicate that you would like information for employment networks*
- *Press 1 to indicate you are a current contracted employment network*
- *When a representative comes on the line, tell them that you are with the Colorado Division of Vocational Rehabilitation and you would like to verify ticket status.*
- *They will ask you for your Employer Identification Number (840644739) and your contact information, then the consumer's social security number and name and then they will provide you a ticket status.*

Step 3: **Enter current ticket status into electronic case services system**.

"Ticket Status Unknown" is an appropriate response at this stage of the rehabilitation process, as long as the appropriate steps (described below) have been done to determine the status and/or have the ticket assigned to DVR.

Step 4: **Proceed with Eligibility Determination**

If the individual is verified to be receiving SSDI or SSI for disability or blindness, eligibility should be presumed.

Step 5: IPE Development and Ticket Assignment

During the comprehensive assessment process, counselors should again make sure the individual understands how working may affect his or her disability benefits. If the counselor has referred the individual to a benefits planner, a discussion should occur with the individual to discuss what they learned from the session, so that the counselor can assist in developing an IPE that accommodates his or her unique concerns and circumstances (i.e., a need for part time work, etc.). If they have not yet seen a benefits planner, this would be a good time to make a referral. Referring the individual to a benefits planner helps to ensure that the individual is fully informed and can participate in developing a plan relevant to his/her unique priorities and concerns.

The counselor can then proceed with IPE development. Once the IPE has been signed, the counselor needs to fax a copy of the completed form 1365 (the beneficiary's signature is not necessary on the 1365 when the IPE was developed after February 6, 2002) AND a copy of the first and last (signed) page of the IPE, to Maximus at 703-683-3289.

If the individual's ticket is assigned to another employment network at the time of IPE development, but he/she would like to assign it to DVR instead, the counselor should help him/her draft a letter to Maximus that indicates the consumer's name, SSN, date of

request and a statement signed by the individual requesting that Maximus take the ticket out of assignment from the current employment network and to reassign it to DVR. A form letter is available for this purpose in Appendix B. This letter from the beneficiary needs to be faxed to Maximus with the Ticket Assignment Form1365 and the IPE. Otherwise, the ticket will not be assigned to DVR.

Step 6: Follow-Up On Ticket Status

Once the counselor receives a confirmation letter back from Maximus (which will be forwarded to the counselor from the State Office), the ticket status will be known including the ticket number (consumer's SSN + TW1), Ticket EN, and Ticket Date. Upon receipt of the confirmation letter, counselors must change the Ticket to Work Status in electronic case services system to "Assigned" so that the Administration Office can accurately report on ticket assignments and related information. If the letter from Maximus comes back saying that the ticket is currently unassignable, or that the form was completed inaccurately, it is the responsibility of the counselor to follow-up to make sure that appropriate steps are taken to try to get the ticket assigned to DVR (see step 5). The letters must be filed in the consumer's case file.

MAXIMUS should also be contacted directly if there are questions regarding the ticket or the Ticket to Work Program.

Mail - MAXIMUS Ticket to Work
ATTN: Ticket Assignment P.O. Box 25105
Alexandria, VA
1-866-968-7842
1-866-833-2967 TDD
Fax - 703-683-3289

The DVR counselor should be aware that the potential benefits to the consumer in using the ticket are:

1. Expanded Availability of Health Care Services

The law allows States to provide Medicaid coverage to more people who are still working. States also may permit working individuals with income above 250 percent of the federal poverty level to purchase Medicaid coverage.

2. Expedited Reinstatement of Benefits

The expedited reinstatement provision provides the option of requesting that prior entitlement to disability benefits, including Medicare and Medicaid, if applicable, be reinstated rather than filing a new application for a new period of entitlement. Beneficiaries must be unable to work because of their medical condition. They must file the request for reinstatement with Social Security within 60 months from the month their benefits are terminated. In addition, they may receive temporary benefits - as well as Medicare or Medicaid - for up to six months while their case is being reviewed.

3. Deferral of Medical Disability Reviews

By assigning his/her ticket, a ticket-eligible SSI/SSDI beneficiary will be protected from Continuing Disability Reviews during the time that the ticket is in use and the beneficiary is making timely progress toward substantial gainful activity (SGA).

Assignment of the ticket protects the Division of Vocational Rehabilitation:

- When cases are submitted to SSA for cost reimbursement after successful closure, if the individual was ticket-eligible but the ticket was not assigned to DVR, we will not be reimbursed for costs associated with that case. The ticket must be assigned to DVR before cost reimbursement will be made.
- The Social Security Administration views the decision to seek services through DVR to go to work as a decision to use an individual's ticket, and requires the DVR agency to facilitate the ticket assignment by completing the appropriate paperwork (so long as the ticket is assignable). If DVR fails to complete the appropriate paperwork to have the ticket assigned, and the individual receives a continuing disability review and benefits are ceased, DVR could be held responsible for not having the ticket assigned.

10.23 Other SSA Work Incentives

10.23.1 PASS Plans

A Plan to Achieve Self Support "PASS Plan" is an SSI provision that allows an individual with a disability to set aside money earned and/or things he or she owns to pay for items or services needed to achieve a specific work goal. The money that is set aside under the PASS plan does not count against the consumer when SSA looks at allowable income or countable earnings to determine level of SSA benefits. The PASS applicant, with help, if appropriate, from the DVR counselor determines specific training, items or services that are needed to reach a work goal. These items may include supplies to start a business, school expenses, equipment and tools, transportation and uniform requests. PASS is designed to help a consumer to save part of their income to pay these costs. PASS allows the consumer to set aside money for installment payments as well as a down payment for things like a vehicle, wheelchair or computer if needed to reach the work goal.

The DVR counselor should work with the SSA PASS Cadre to assist the consumer in writing a PASS plan. The PASS plan simply explains the work goal and details the consumer's income and expenses; and demonstrates and explains the consumer's financial ability to achieve self sufficiency while saving for a specific item or service needed for a work goal. PASS experts work directly with the DVR counselor and the consumer to see if the work goal is reasonable and that goods and services are reasonably priced. If changes are needed, the PASS expert and the DVR counselor can assist the consumer in making the changes to the plan. If the PASS plan is not approved, the consumer may appeal the decision.

10.23.2 IRWE

Impairment-Related Work Expenses (IRWE) for SSI/SSDI beneficiaries allow the consumer to deduct the cost of certain impairment-related items and services that are needed to work from their gross earnings. It does not matter if these items and services are used for non-work activities. IRWE is then excluded from the consumer's earned income when SSA figures the monthly payment amount.

Further information regarding SSA work incentives can be found at http://www.ssa.gov/work.

10.3 FINANCIAL NEEDS TEST

DVR shall not require financial needs test or require financial participation as a condition for furnishing any vocational rehabilitation service if the individual in need of service has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act.

Chapter Eleven - Expenditure of Funds and Comparable Benefits

✓ The Regulations:

Sec. 361.53 Comparable services and benefits.
(a) Determination of availability. The State plan must assure that prior to providing any vocational rehabilitation services, except those services listed in paragraph (b) of this section, to an eligible individual, or to members of the individual's family, the State unit must determine whether comparable services and benefits, as defined in Sec. 361.5(b)(10), exist under any other program and whether those services and benefits are available to the individual unless such a determination would interrupt or delay—
(1) The progress of the individual toward achieving the employment outcome identified in the individualized plan for employment;
(2) An immediate job placement; or
(3) The provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional.
(b) Exempt services. The following vocational rehabilitation services described in Sec. 361.48(a) are exempt from a determination of the availability of comparable services and benefits under paragraph (a) of this section:
(1) Assessment for determining eligibility and vocational rehabilitation needs.
(2) Counseling and guidance, including information and support services to assist an individual in exercising informed choice.
(3) Referral and other services to secure needed services from other agencies, including other components of the statewide workforce investment system, if those services are not available under this part.
(4) Job-related services, including job search and placement assistance, job retention services, follow-up services and follow-along services.
(5) Rehabilitation technology, including telecommunications, sensory and other technological aids and devices.
(6) Post-employment services consisting of the services listed under paragraphs (b)(1) through (5) of this section.
(c) Provision of services.
(1) If comparable services or benefits exist under any other program and are available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's IPE, the designated State unit must use those comparable services or benefits to meet, in whole or part, the costs of the vocational rehabilitation services.
(2) If comparable services or benefits exist under any other program, but are not available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's IPE, the designated State unit must provide vocational rehabilitation services until those comparable services and benefits become available.
(d) Interagency coordination

Sec. 361.54 Participation of individuals in cost of services based on financial need.
(a) No Federal requirement. There is no Federal requirement that the financial need of individuals be considered in the provision of vocational rehabilitation services.
(b) State unit requirements.
(1) The State unit may choose to consider the financial need of eligible individuals or individuals who are receiving services through trial work experiences under Sec. 361.42(e) or during an extended evaluation under Sec. 361.42(f) for purposes of determining the extent of their participation in the costs of vocational rehabilitation services, other than those services identified in paragraph (b)(3) of this section.

11.0 DVR Policy: EXPENDITURE OF FUNDS AND COMPARABLE BENEFITS

11.1 COMPARABLE SERVICES AND BENEFITS

Comparable services and benefits available to an individual under any program must be explored and utilized to meet all or part of the cost of any vocational rehabilitation service except those exempted by DVR. Following are the services and goods that are exempt from a comparable benefits search:

1. Assessment services to determine eligibility and vocational rehabilitation needs;
2. Vocational rehabilitation counseling and guidance including information and support services to assist the individual in exercising informed choice;
3. Referral and other services to secure needed services from other agencies;
4. Job related services including job search and placement assistance, job retention services, follow up services and follow along services;
5. Rehabilitation technology services and goods;
6. Post-employment services when the services and goods are listed in 1 through 5 above.

Although a search is not required for an exempt service or good, the DVR counselor is not precluded from identifying comparable benefits as long as it does not delay services or otherwise negatively impact the vocational rehabilitation program. The service record must contain evidence of the conduct and outcome of a comparable services and benefits search prior to expenditure of DVR funds for any good or service that is not exempt from the search.

11.11 Wait Period for Benefit to Become Available

If comparable services or benefits exist for a service or good that is non-exempt but is not available at the time needed by the individual to implement vocational rehabilitation services under the IPE, DVR will pay for the service or good until the comparable services and benefits become available.

11.12 Urgent Vocational Need

A determination of the availability of comparable services and benefits is not required prior to the initiation of a non-exempt service or good if such a search would interrupt or delay the provision of services necessary to meet an urgent vocational rehabilitation need**.** Urgent vocational need occurs when:

1. The individual is determined to be at extreme medical risk by an appropriately licensed medical professional.
2. The conduct of a comparable services and benefits search jeopardizes an immediate job placement.

3. The conduct of a comparable services and benefits search after the initiation of an IPE would delay or interrupt the eligible individual's progress in achieving his/her employment outcome.

When the IPE is initiated under any of these circumstances to meet the urgent vocational need, a subsequent comparable services and benefits search shall be conducted as soon as possible. The service record shall document the conduct and outcome of the search, and the IPE shall be amended to reflect the use of comparable services and benefits if they are secured.

11.2 EXPENDITURE OF VOCATIONAL REHABILITATION FUNDS

11.21 Exceeding Least Possible Cost to Meet Vocational Rehabilitation Needs

All services and goods provided to an applicant or eligible individual must meet the vocational rehabilitation needs of the individual and be at the least possible cost to DVR. When an individual chooses a more expensive service or good from among alternatives that all fully meet the individual's vocational rehabilitation needs, DVR will not be responsible for those costs in excess of the least costly alternative.

11.22 Expending Funds

An Authorization for VR Service form reflects DVR's commitment to pay for specific goods and services rendered in accordance with the terms and conditions of the authorization. Any service paid for, in part or in whole, by DVR shall be authorized, in writing, by the DVR counselor prior to its initiation unless the service record documents that prior written authorization is not possible.

Payment for a vocational rehabilitation service provided before it was authorized may be made when one of the following circumstances exists:

1. To meet an urgent vocational rehabilitation need.
   Vocational rehabilitation services authorized and paid for to address an emergency condition shall be limited only to those services and goods that are necessary to meet the emergency situation that cannot be authorized under DVR's normal procedures.

2. To pay for unanticipated medical procedures.
   When medical diagnostic or treatment procedures have been preauthorized and, during the course of medical examination or treatment, an additional procedure(s) and/or vendor was needed to accomplish the preauthorized medical service, payment may be made for the additional procedure(s) and/or vendor without preauthorization. Such circumstances are limited to those where the initial medical practitioner is unable to determine the exact scope of examination or treatment until medical services begin and the additional procedure(s)/vendor is

necessary for the completion of the examination/treatment procedure(s) that has already been preauthorized.

3. Following premature cancellation of an existing authorization.
   When vocational rehabilitation services have been preauthorized and the authorization balance has been prematurely cancelled before all covered services or goods have been completely provided, payment for the remaining vocational rehabilitation services may be paid for under a new authorization, even though the service or good was rendered before the new authorization was prepared.

4. To reflect an unanticipated but necessary change in vendor.
   When a vocational rehabilitation service has been preauthorized and the entity actually providing the service or good ends up being someone other than the vendor identified on the original authorization without the counselor's prior knowledge, payment may be made to the new vendor by writing a new authorization. Goods paid for under the new authorization are limited in type and amount to those identified on the original authorization. Services paid for under this provision are limited to short-term, one-time services, such as a one-time transportation service to a doctor's office.

5. To pay for medical records.
   When DVR request medical records, it may be unclear whether the entity providing the records will require payment. If payment is requested, an authorization shall be completed as soon as possible following receipt of the invoice and medical records.

Once an Individualized Plan for Employment (IPE), Business Exploration Agreement (BEA), Trial Work Experience Plan or Extended Evaluation Plan has been developed and signed by the individual and the DVR counselor, no service or good may be authorized unless it is identified, in writing, in the applicable plan while the plan is in effect. The only exception shall be when an urgent vocational rehabilitation need arises after an IPE has been implemented. In such a situation, authorization for services or goods provided to meet the urgent vocational rehabilitation need is limited to one month or $500.00, whichever results in the lowest cost, until an amendment to the IPE is signed and approved. The service record must contain documentation of extreme medical risk, threatened loss of an immediate job placement, or how the individual's achievement of his/her employment outcome would be substantially delayed if the service/good were not provided.

11.22.1 Procedures for Payment of DVR Services Rendered Without Pre-Authorization

Payments for DVR services rendered before the beginning date of service on a corresponding draft authorization must be approved in writing by a Supervisor I except when there has been premature cancellation of an authorization or to pay for requested medical records. In the case of a cancelled authorization, the service record will contain

the new authorization and the previous authorization along with an explanation. The counselor will provide the Supervisor I with the following to support a payment request:

1. The draft authorization, for the VR service for which payment approval is being requested;
2. The vendor's bill for the provision of goods and services;
3. An explanation about why a prior authorization could not be prepared;

After reviewing all of the materials, the Supervisor I will attach a recommendation for approval or denial to the documentation and return materials to the counselor.

11.23 Approved Providers

Payment for services and goods by DVR shall only be made to providers who are registered in accordance with purchasing requirements and meet required standards.

11.24 Authorizations/Payments to Consumers

The following services may be authorized directly to consumers:

1. Maintenance
2. Co-pays for restoration services
3. Payments for regulatory agency or other licensing fees when the entity will not accept a DVR authorization
4. Transportation
5. Reader, notetaking and tutorial services

If not indicated above, authorizations to consumers must receive prior approval from the Administrator of Field Services. Authorizations to consumers cannot circumvent State purchasing rules and will only be approved when no other alternatives exist.

11.3 FEE SCHEDULE

DVR counselors must authorize services and goods and approve payment in accordance with the DVR Fee Schedule. Market-based standardized rates of payment and other rate setting procedures are established for each available vocational rehabilitation service, in writing, by the DVR Director. They will be reviewed periodically and adjusted when needed to assure that applicants and eligible individuals have meaningful choices of vocational rehabilitation service providers. DVR counselors may authorize and approve payment of a fee exceeding standard rates contained in the Fee Schedule when an individual's vocational rehabilitation needs are such that he or she requires a specialized service or service delivery mechanism not typically required by other persons with disabilities within the parameters incorporated into the Fee Schedule. A DVR counselor may also exceed the fee schedule in order to offer a service or good in a consumer's home community when appropriate. Documentation supporting the need to exceed the

standard rates contained in the Fee Schedule for any service shall be attached to the service record copy of the applicable Authorization for VR Service.

11.4 PURCHASING PROCEDURES AND BID PROCESS

All goods will be procured in compliance with State purchasing procedures including the bid process when required. Purchase of goods costing between $2000 and $9,999 must follow informal bid procedures with the exception of van modifications, wheelchairs and other adaptive equipment that is customized, prescriptive or requires a fitting.

11.41 Authority to Purchase and Approvals

1. $1,999 and less
   The DVR counselor is authorized to purchase goods that cost $1999 or less without any special requirements beyond the policy of procuring necessary and appropriate goods at the least possible cost.

2. $2,000 - $4,999
   For goods costing between $2000 and $4,999, the DVR counselor has the authority to authorize the purchase in compliance with informal bid procedures.

3. $5,000-$7,999
   Purchases of $5,000 to $7,999 require written approval by the Supervisor I prior to execution of an authorization for purchase. The DVR counselor shall provide the Supervisor I with copies of:
   - Bids and bidding documentation
   - Certification of Eligibility
   - Individualized Plan for Employment
   - Urgency of need – documented in a case narrative or memo
   - Draft authorization

   The Supervisor I will review and provide written approval. The Supervisor I shall forward appropriate information including the draft authorization, bid information and other applicable documents to North Central Procurement (NCP) for review and approval prior to encumbrance of the authorization. NCP will issue a manual purchase order (PO) and send to the vendor with a copy back to DVR for placement in the service record. Upon receipt of the NCP-approved packet, draft authorization is encumbered and submitted to the vendor.

4. $8,000-$9,999
   Purchases of $8,000 to $9,999 require written approval by the Supervisor I and the Supervisor II. The DVR counselor shall provide the Supervisor I with the same data as for the prior approval level. The Supervisor I shall forward these materials to Supervisor II along with his/her written approval. After reviewing for written approval, the Supervisor II shall forward appropriate information including the draft authorization, bid information and other applicable documents

to North Central Procurement (NCP) for review and approval prior to encumbrance of the authorization. NCP will issue a manual purchase order (PO) and send to the vendor with a copy back to DVR for placement in the service record. Upon receipt of the NCP-approved packet, draft authorization is encumbered and submitted to the vendor.

5. $10,000 and over
   After approval from Supervisor I and Supervisor II, purchase request will be submitted through North Central Procurement (NCP). At this anticipated purchasing level, no bids are obtained by the DVR counselor as a formal bid solicitation process will be performed by NCP. Good specifications are required to initiate the formal bid process.

11.42 Informal Bids

Three written informal bids must be obtained, when available, for purchase of goods costing between $2000 and $9,999. If the individual chooses a provider who appears on a State bid award, two additional bids are not needed. However, purchase of a good through the state price agreement is not required if the good can be purchased with another vendor at the least possible cost. Informal bids must comply with the following requirements:

1. All bids must be in writing.
2. All bids must provide specifications, when applicable.
3. All three bids must be for the same or comparable items.

The DVR counselor shall document the bid activities in the service record and include copies of the informal bids, when required; justification if the chosen provider is not the lowest bidder; and, explanation of why three providers are not available to bid, if applicable.

Informal bids are not required for the purchase of van modifications, wheelchairs and other adaptive equipment that is customized, prescriptive or requires a fitting. Purchases costing over $5000 for these items shall follow the supervisory approval process without the bids and bidding documentation. However, the DVR counselor must assure the components of necessary, appropriate and least possible cost with the purchase of van modifications, wheelchairs and other adaptive equipment that is customized, prescriptive or requires a fitting and does not preclude the DVR counselor from obtaining bids as part of information gathering and to determine what is usual and customary.

11.43 Authorizations

Authorizations may not be entered into the electronic case services system until the appropriate approvals have been obtained. Counselors must provide a copy of the final authorization to the highest approving authority.

11.44 Approvals

Copies of all approvals must be retained in the service record.

11.45 Sole Source

If there is only one good or service that can reasonably meet a vocational rehabilitation need and only one vendor who can reasonably provide that good or service, a sole source procurement may be justified and approved on a Sole Source Justification form. A Procurement Purchasing Agent reviews sole source justifications and assists with State Purchasing Director approvals.

11.5 FINANCIAL PARTICIPATION

Throughout the DVR process, payment for most services or goods for individuals other than SSI/SSDI recipients is based upon the economic need of the individual. The DVR counselor shall conduct a determination of the individual's economic need prior to the preparation and approval of an Individualized Plan for Employment, a Business Exploration Agreement, Trial Work Experience Plan or Extended Evaluation Plan whenever the plan contains a vocational rehabilitation service that is not specifically exempted from financial participation.

DVR does not require the financial participation of the individual or completion of a financial need analysis for the following vocational rehabilitation services:

1. Assessment services to determine eligibility and vocational rehabilitation needs, except for services that are considered supportive and goods and services which are provided under a Trial Work Experience Plan or an Extended Evaluation Plan;

2. Vocational rehabilitation counseling and guidance;

3. Referral services;

4. Professional fees to providers of vocational adjustment and personal adjustment training, independent living skills training, job coaching, on-the-job training and job seeking skills training;

5. Interpreter services and note-taking services for individuals who are deaf;

6. Reader services and note-taking services for individuals who are blind;

7. Personal assistance services;

8. Auxiliary aids needed for an individual with a disability to participate in the vocational rehabilitation program;

9. Job-related services and

10. Any service or good furnished to an individual for whom the DVR counselor has evidence of current eligibility for SSI and/or SSDI benefits for disability or blindness.

Re-determinations of the individual's economic need shall be conducted at least annually and within 45 days after any other time when the individual's financial circumstances change.

11.51 Financial Need Analysis

All economic need determinations shall be documented on the DVR financial need analysis document, which must be signed and dated by the DVR counselor and the eligible individual.

The statement of the eligible individual and/or member of his/her family unit shall establish data used to complete economic need determinations. DVR counselors may request verification of financial data when other reliable sources of information, such as other professional staff or reports obtained during eligibility determination, the comprehensive assessment process and the vocational rehabilitation program, are not consistent with the individual's statement.

11.51.1 Family Unit

The family unit consists of the applicant or eligible individual, the spouse of the individual and any other persons whom the individual claims as a dependent for income tax purposes. When the individual is dependent upon his/her parents, the parents and persons for whom the parents are financially responsible shall be considered part of the family unit. An individual who is living with his/her parents is considered a dependent unless the parents have not claimed the individual as a dependent for income tax purposes for the tax year previous to the financial need determination and do not intend to claim the individual as a dependent in current and future years.

11.51.2 Monthly Income

Economic need determinations will consider the after-tax income from all sources for all individuals in the family unit. Income reported for a period greater than one month or weekly income shall be calculated to determine a monthly amount. Income that comes in one lump sum is considered as part of liquid assets.

Monthly income includes:

1. The gross amount of income from wages, salaries, tips and commissions minus the amount deducted for mandatory employment taxes and mandatory union dues. Amounts deducted from paychecks due to garnishment of wages for court-ordered

payments are to be included in the amount reported as income. (Court-ordered payments will be considered as deductions).

2. Self-employment income considering the gross amount of earnings minus the amount deducted for mandatory employment taxes and necessary business expenses. Self-employment income includes income generated by providing day care services.

3. SSI/SSDI payments received by family members other than the applicant or eligible individual.

4. Monthly public assistance that comes to any member of the family unit in the form of cash payments or coupons expended as cash.

5. Any disability installment payments not identified as public assistance payments that come to any member of the family unit in the form of cash payments or coupons expendable as cash.

6. Child support payments received. If they are not received on a regular basis, divide an estimated amount received by the estimated number of months between payments to determine the monthly income amount.

7. Cash remaining after the payment of tuition, fees, books and supplies from need-based student financial aid, grants or scholarship awards which come to the individual who is or will be a student. Divide the remaining amount by the number of months in the award period to determine the monthly amount to report as income. Remaining cash resulting from a student loan (after payment of tuition/fees, books and supplies) that must be repaid by a member of the family unit is not considered income.

8. Investment income including installment income from trusts, inheritances, liquid assets and net rental income (after rental property expenses).

9. Other income including but not limited to alimony payments received, with the monthly amount calculated in the same manner as child support payments; Social Security retirement benefits; all other retirement benefits and pensions and unemployment insurance payments.

11.51.3 Monthly Deductions

Monthly Deductions Include:

Deductions are allowed for any member of the family unit for the following:

1. Impairment-related expenses:

Expenses related to the impairment of any member of the family unit are allowable deductions. Deductions are limited to those that the family unit is currently paying for and will continue to pay for under the Individualized Plan for Employment, Business Exploration Agreement, Trial Work Experience Plan or Extended Evaluation Plan. The deduction shall reflect the amount actually expended, after insurance payments and other subsidies, for required medical or other specialized services to treat a disabling condition. Expenditures for routine medical care, normal illnesses, and conditions not expected to impose permanent functional limitations are not allowed unless needed to prevent exacerbation of a disabling condition. Expenditures for the purchase of health insurance are not an allowable deduction. Allowable deductions for impairment related expenses include:

- Prescription and non-prescription medications ordered to treat a disabling condition and monitored on an ongoing basis by the treating physician
- Required medical supplies/equipment to treat disabling conditions
- Payments for ongoing treatment and therapy for a disabling condition ordered by the treating physician
- Attendant care provided by an individual not included in the family unit
- Maintenance on required assistive devices

2. Debt payment on previously incurred impairment related expenses:

Deductions for debt payment on previously incurred impairment related expenses for any member of the family unit's disabling conditions are allowable and shall be based on the actual amount expended or the minimal amount required each month, whichever is less. The maximum deduction allowed for previously-incurred impairment related expenses is 20% of the family unit's total monthly income or the actual amount expended, whichever is less. Previous expenses for routine medical care, normal illnesses and conditions not expected to impose permanent functional limitations are not allowed unless needed to prevent exacerbation of a disabling condition. Allowable deductions for debt reduction of previously incurred impairment related expenses include:

- Payments for medications ordered and monitored by the treating physician
- Payments for disability treatment and therapy ordered and monitored by the treating physician

- Payments for residence modifications needed for a family member's disabling conditions
- Payments for modifications to an automobile required for a family member's disabling conditions. This does not include payments for the vehicle.

3. Court-Ordered Payments:

The amount actually being expended or the amount legally required, whichever is less, for court-ordered payments required of any member of the family unit are an allowable deduction. This deduction is only available when payments are for the support of an individual(s) not included in the family unit. Allowable categories of court-ordered payments include:

- Child support payments that are being made
- Alimony payments that are being made
- Restitution payments that are being made to an individual other than a member of the family unit
- Court-ordered treatment for conditions that do not constitute a disability (Treatment for a condition that would meet DVR's eligibility standards for impairment should be deducted as an impairment related expense and not deducted under the court-ordered category)

4. Cost Of Living Allowance.

Standardized allowances for normal living costs are determined by the size of the family unit. The DVR Director establishes these rates, in writing, and they will be reviewed annually and adjusted when needed.

11.51.4 Liquid Assets

Liquid assets of all members of the family unit, including family members other than the applicant or eligible individual who are receiving SSI/SSDI, are considered as part of the economic need determination. Liquid assets are any assets that are or may be readily converted into cash. Do not include assets that generate a periodic income. Rather, consider the periodic income from these under monthly income.

1. Cash or savings
   The following shall be considered as cash or savings:
   - Lump sum public assistance back-payments for disability, including SSI back payments other than the applicant or eligible individual
   - Lump sum SSDI back payments other than the applicant or eligible individual
   - Lump sum worker's compensation settlements
   - Lump sum veteran's benefit payments
   - Lump sum insurance cash settlements

- Lump sum retirement payment
- Other cash savings accounts
- Do not include savings from PASS plans

2. Stocks, bonds, mutual funds and money market funds
   The amount recorded for stocks, bonds, mutual funds and money market funds will include their estimated current value minus estimated sales expenses. Include only those that can be converted to cash without incurring a penalty. If held in a retirement account, they are not considered liquid until the account holder is at least 59 ½ years old. Selling securities at a loss and payment of sales commissions are not considered penalties. For securities, such as Certificates of Deposit, which are expected to mature and therefore become liquid before the completion of the plan, a new financial need analysis will need to be completed upon maturity. For securities held in retirement accounts where the owner will become eligible to liquidate them without penalty before the completion of the plan, a new financial need analysis will need to be completed when they become available.

3. Cash resulting from a loan that must be repaid by a member of the family unit is not considered a liquid asset.

4. Exclusion of four (4) times the cost of living allowance for the family unit is allowable in determining the net liquid assets. In order to convert the amount of net liquid assets (total liquid assets minus the allowable exclusion) into a monthly amount, divide net liquid assets by twelve (12) at the time of completion or review of the financial need analysis form.

11.51.5 Total Monthly Resources

The total monthly after-tax income and the monthly net available liquid assets represent the monthly gross amount of resources of the individual. This amount is reduced by the total monthly deductions and any remaining balance represents the monthly resources considered to be available to the individual.

When more than one member of a family unit is an applicant or eligible individual, the financial need analysis for each individual will include all members of the family unit. Income, deductions and liquid assets will be calculated for all members of the family unit. The available monthly resources will be divided among all applicants or eligible individuals in the family unit in accordance with the amounts that DVR is or will be paying for services and goods under the plan so that the maximum amount of the family unit's available monthly resources are used to help pay for non-exempt goods and services. The portion that each will be required to contribute will appear on the individual's financial need analysis, along with a footnote explaining how the amount was established.

11.51.6 Application of Available Monthly Resources

All available monthly resources of the family unit, where there are available resources as determined by the DVR financial needs analysis document, must be applied to the cost of vocational rehabilitation services other than those that are exempt from a financial need analysis or financial participation.

When an individual chooses a more expensive service or good from among alternatives that all fully meet the individual's vocational rehabilitation needs, available monthly resources of the family unit must be used to defray DVR's costs for all goods and services under the applicable plan before they can be applied to the excess costs of the more expensive alternative.

The available monthly resource must be applied after the initiation of the applicable plan. Ongoing services and a one-time service are treated alike for the purposes of the use of the available monthly resource. Ongoing services might include monthly psychotherapy or vocational skills training. A one-time service might be the purchase of a rehabilitation technology device or another piece of equipment. The available monthly resource listed on the financial need analysis is **not** cumulative and does not carry over to the next month for the purchase of a non-exempt planned service or good after the initiation of the applicable plan.

The DVR counselor and individual must decide and document on the IPE how the excess resource per month (not cumulative) will be applied to each of the vocational rehabilitation services when the plan contains a combination of services and goods, requiring the individual's financial participation, paid for through one-time expenditures and/or in monthly installments.

11.52 Notification and Documentation of Financial Participation

The eligible individual shall be notified, either as part of the written comprehensive assessment summary, on the IPE or in another written form of the amount he or she must contribute to the cost of goods and services under the IPE.

The service record shall contain written documentation of determinations of economic need and how the available monthly resource will be utilized in the provision of vocational rehabilitation services, where applicable. The IPE shall show use of the available monthly resource as a funding source for all or any portion of the service(s) and/or good(s) for which the individual is responsible.

11.52.1 Documenting an Individual's Financial Responsibilities on the Plan

The DVR counselor and individual will jointly determine what amounts the individual will need to contribute, how the amounts will be applied to specific goods and services, and a schedule for contributions.

The responsibilities section of the applicable plan will document the individual's commitment to his or her financial participation, what to do if his or her financial situation changes and the potential consequence if the individual does not fulfill the agreed upon financial participation responsibilities.

11.52.2 Individual's Failure to Contribute Required Resources

If the individual's financial situation as per the financial need determination has not changed when the time for the individual's financial participation arrives, and the individual does not have the money he or she has agreed to pay under the plan or is no longer willing to contribute toward the payment of goods or services; there will be an interruption in provision of planned goods and services until:

1. The individual can acquire resources to make the required contribution or
2. The individual and DVR counselor can redevelop the plan in terms of its employment outcome and/or necessary goods and services so that a financial contribution is not required.

FINANCIAL NEED AND COMPARABLE BENEFITS GUIDE

Financial need analyses (FNA) for individuals other than SSI and SSDI recipients and comparable benefits searches (CB) are required for services as follows:

TYPE OF VOCATIONAL REHABILITATION SERVICE	FNA	CB
Assessment Services	No	No
Vocational Rehabilitation Counseling & Guidance	No	No
Referral Services	No	No
Supportive Services	Yes	Yes
Reader Services	No	Yes
Interpreter Services	No	Yes
Notetaking Services	No	Yes
Auxiliary Aids necessary to participate in services	No	Yes
Rehabilitation Technology Goods And Services	Yes	No
Physical & Mental Restoration Goods And Services	Yes	Yes
Training Vocational and academic training	Yes	Yes
Personal adjustment training fees	No	Yes
Independent living skills training fees	No	Yes
Vocational adjustment training fees	No	Yes
Job coaching	No	Yes
On-the-job training	No	Yes
Job seeking skills training/Resume Services	No	Yes
Books, supplies & materials not included in training fee	Yes	Yes
Occupational tools & equipment	Yes	Yes
Self-employment stock, inventory, and equipment	Yes	Yes
Job Placement Services	No	No

GUIDE FOR PURCHASE OF EQUIPMENT AND OTHER GOODS

EXPENDITURE RANGE	APPROVAL LEVEL	REQUIREMENTS
$1 - $1,999	Counselor	No special requirements.
$2,000 - $4,999	Counselor	Obtain three written, informal bids (when available) for placement in the service record unless the item is a van modification, wheelchair or other adaptive equipment that is customized, prescriptive or requires a fitting. Assure case note justification: • if selected provider is not the lowest bidder. • if three providers are not available to bid If a state price agreement vendor is available, purchase of a good can be completed without obtaining bids. (website: https://www.gssa.state.co.us/SPAgree). However, the state price agreement is not required to be used if the good can be purchased with another vendor at the least possible cost.
$5,000 - $7,999	Supervisor I	Counselor provides Supervisor I with a purchase request packet consisting of the following service record copies: • Bids and bidding documentation described above (bids not required for a van modification, wheelchair or other adaptive equipment that is customized, prescriptive or requires a fitting). • Certification of Eligibility • Individualized Plan for Employment • Justification/Urgency of Need documented in a case narrative or memo • Draft authorization 1. Supervisor I reviews and provides written approval. 2. The Supervisor I must forward appropriate information including the draft authorization, bid information and other applicable documents to North Central Procurement (NCP) for review and approval prior to encumbrance of the authorization. NCP will issue a manual purchase order (PO) and send to the vendor with a copy back to DVR for placement in the service record. 3. Upon receipt of the NCP-approved packet, draft authorization is encumbered and submitted to the vendor.

Guide continued on next page

$8,000 - $9,999	Supervisor II	Counselor provides Supervisor I with a purchase request packet as described above. 1. Supervisor I reviews and provides written approval and forward packet to Supervisor II. 2. Supervisor II reviews and provides written approval. 3. The Supervisor II must forward appropriate information including the draft authorization, bid information and other applicable documents to North Central Procurement (NCP) for review and approval prior to encumbrance of the authorization. NCP will issue a manual purchase order (PO) and send to the vendor with a copy back to DVR for placement in the service record. 4. Upon receipt of the NCP-approved packet, draft authorization is encumbered and submitted to the vendor.
$10,000 and over	North Central Procurement	After approval from Supervisor I and Supervisor II, purchase request will be submitted through North Central Procurement (NCP). At this anticipated purchasing level, no bids are obtained by the DVR counselor as a formal bid solicitation process will be performed by NCP. Good specifications are required to initiate the formal bid process.

Unless extenuating circumstances apply, purchased goods should be shipped to DVR offices and then issued to consumers using the Receipt of State Equipment form.

Chapter Twelve - Individualized Plan for Employment

- ✓ The Law

Title I Section 102 Eligibility and Individualized Plan for Employment

(b) Development of an Individualized Plan for Employment

(1) Options for developing an individualized plan for employment of an individual who is determined to be eligible for vocational rehabilitation services as described in subsection (a), the designated State unit shall complete the assessment for determining eligibility and vocational rehabilitation needs, as appropriate, and shall provide the eligible individual or the individual's representative, in writing and in an appropriate mode of communication, with information on the individual's options for developing an individualized plan for employment, including—

(A) information on the availability of assistance, to the extent determined to be appropriate by the eligible individual, from a qualified vocational rehabilitation counselor in developing all or part of the individualized plan for employment for the individual, and the availability of technical assistance in developing all or part of the individualized plan for employment for the individual;

(B) a description of the full range of components that shall be included in an individualized plan for employment;

(C) as appropriate—

(i) an explanation of agency guidelines and criteria associated with financial commitments concerning an individualized plan for employment;

(ii) additional information the eligible individual requests or the designated State unit determines to be necessary; and

(iii) information on the availability of assistance in completing designated State agency forms required in developing an individualized plan for employment; and

(D) (i) a description of the rights and remedies available to such an individual including, if appropriate, recourse to the processes set forth in subsection (c); and

ii) a description of the availability of a client assistance program established pursuant to section 112 and information about how to contact the client assistance program.

(2) Mandatory procedures

(A) Written document

An individualized plan for employment shall be a written document prepared on forms provided by the designated State unit.

(B) Informed choice

An individualized plan for employment shall be developed and implemented in a manner that affords eligible individuals the opportunity to exercise informed choice in selecting an employment outcome, the specific vocational rehabilitation services to be provided under the plan, the entity that will provide the vocational rehabilitation services and the methods used to procure the services, consistent with subsection (d).

(C) Signatories

An individualized plan for employment shall be—

(i) agreed to, and signed by, such eligible individual or, as appropriate, the individual's representative; and

(ii) approved and signed by a qualified vocational rehabilitation counselor employed by the designated State unit.

(D) Copy

A copy of the individualized plan for employment for an eligible individual shall be provided to the individual or, as appropriate, to the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or, as appropriate, of the individual's representative.

- ✓ <u>The Regulations:</u>

34 CFR 361.45 Development of the Individualized Plan for Employment

(a) General requirements. The State plan must assure that-

(1)An individualized plan for employment (IPE) meeting the requirements of this section and section 361.46 is developed and implemented in a timely manner for each individual determined to be eligible for vocational rehabilitation services or, if the designated State unit is operating under an order of selection…for each eligible individual to whom the State unit is able to provide services; and

(2) Services will be provided in accordance with the provisions of the IPE.

12.0 DVR Policy: INDIVIDUALIZED PLAN FOR EMPLOYMENT

12.1 INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE) DEVELOPMENT

An individualized plan for employment (IPE) must be developed and implemented in a timely manner for each individual determined to be eligible for vocational rehabilitation services or, if DVR is operating under an order of selection, each eligible individual to whom DVR is able to provide services.

The employment outcome and the nature and scope of rehabilitation services included in the IPE must be determined based on the data used for the assessment of eligibility and priority for services and the data obtained in the comprehensive assessment process.

12.11 Options For IPE Development

The DVR counselor shall provide information about the options for IPE development to each eligible individual or, as appropriate, the individual's authorized representative. This information must be provided in writing and, if appropriate, in the native language or mode of communication of the individual or the individual's authorized representative.

An eligible individual or, as appropriate, his/her authorized representative may develop all or part of the IPE:

1. Without assistance from a DVR counselor or another entity; or,
2. With assistance from –
   - The DVR counselor;
   - A qualified vocational rehabilitation counselor not employed by DVR, or
   - Any other resource

12.12 Information For IPE Development

The DVR counselor shall provide information to assist the individual or, as appropriate, the individual's authorized representative in developing the IPE, including:

A. Information describing the full range of components that must be included in an IPE;
B. A description of the individual's rights under an IPE and rights of appeal should the individual believe his/her rights have been violated or should the individual wish to appeal a decision made by DVR;
C. A description of the availability of and how to contact the Client Assistance Program.

12.13 IPE Development Assistance

If the individual chooses to develop his/her IPE alone or with assistance from someone other than the DVR counselor, a written comprehensive assessment summary shall be provided that includes:

1. The chosen employment outcome;
2. The type of employment outcome and, if a supported employment outcome, the agreed upon number of hours for a weekly work goal or, if self-employment, the anticipated breakeven date;
3. The vocational rehabilitation needs identified as necessary for achievement of the employment outcome including, for supported employment, the need for extended services; and,
4. The individual's financial monthly contribution to goods and services identified in the IPE, if any.

When an individual or someone other than the DVR counselor develops the IPE, additional information and assistance will be provided including, but not limited to:

1. DVR forms and written instructions about how to complete the IPE including information on special requirements for supported employment or self-employment outcomes;
2. A written description of vocational rehabilitation services and the policies governing their use;
3. A DVR Financial Needs Form
4. Lists of providers of needed services who are registered with DVR and information about their locations, costs, accessibility, qualifications and the types of service settings typically used; and, consistent with the request of the consumer;
5. Technical assistance in preparing all or part of the eligible individual's Individualized Plan for Employment, including but not limited to, assistance in understanding and applying DVR's policies and requirements and assistance in conducting a required comparable services and benefits search.

DVR shall not pay a professional fee to the eligible individual or any other individual or organization for the preparation of an IPE.

12.2 USE OF IPE FORMS AND THE SUPPORTED EMPLOYMENT SUPPLEMENTS

12.21 DVR Forms

The IPE form shall be used for all IPEs, except when the employment outcome is determined to be self-employment. A copy of the IPE form shall be provided as part of the information given to assist the individual or his/her authorized representative in preparation of the individual's IPE. The IPE form includes all of the components required to be in an IPE.

If the employment outcome for an individual is supported employment, there are additional IPE components explained on the IPE Supplement for Supported Employment and this form shall also be provided to assist in IPE preparation. When the planned employment outcome is self-employment, the Individualized Plan for Self-Employment (IPSE) shall be used in place of the IPE.

12.3 TIMELINE FOR IPE DEVELOPMENT

The IPE shall be developed as soon as possible following the determination of eligibility. When the individual chooses to prepare the IPE with the DVR counselor, the time between the determination of eligibility and finalization of the IPE shall not exceed 120 calendar days unless additional comprehensive assessment is necessary to fully assess the individual's rehabilitation needs and/or determine an employment outcome. An extension of time to prepare the IPE must be agreed upon by the individual and the DVR counselor and in writing, describing the additional data that is needed and the length of additional time required. This extension shall be documented in the service record and completed before the expiration of 120 days unless documentation shows good cause why the extension was not completed in a timely manner.

When the individual chooses to prepare the IPE alone or with an individual other than the DVR counselor, the time between the determination of eligibility and provision of a written comprehensive assessment summary shall not exceed 90 calendar days unless it is mutually agreed upon that additional comprehensive assessment is necessary. In that case, the extension for additional assessment must be in writing, describing the information needed to fully assess the individual's rehabilitation needs and determine an employment outcome and when completion of the additional assessments is expected. This extension shall be documented in the service record and completed before the expiration of 90 days unless documentation shows good cause why the extension was not completed in a timely manner. A written summary of the comprehensive assessment shall be provided to the individual after the additional information is obtained.

12.4 INFORMED CHOICE

The DVR counselor and any other individual preparing an IPE shall provide information and assistance, as appropriate, to assure that the individual makes informed choices in the development of the IPE and all amendments in regard to the employment outcome, the vocational rehabilitation services needed to achieve the employment outcome, the settings and providers of goods and services, and the methods available for procuring goods and services.

12.5 CONTENT OF THE INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

Regardless of the approach that an eligible individual selects for purposes of developing the IPE, each IPE must include:

1. An employment outcome chosen by the eligible individual, consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities and interests, and in an integrated setting, to the maximum extent appropriate;
2. Identification of objectives necessary for the attainment of the planned employment outcome, consistent with the assessment of vocational rehabilitation needs and the individual's informed choice;
3. Identification of the specific, necessary vocational rehabilitation goods and services to be provided in order to complete the objectives and achieve the planned employment outcome, consistent with the assessment of vocational rehabilitation needs and the individual's informed choice and provided in the most integrated settings as appropriate;
4. Timelines including the projected dates for the initiation and the anticipated duration of each vocational rehabilitation service and a projected time frame for the achievement of the employment outcome;
5. Objective criteria, procedures and schedules to be used for periodic evaluation and monitoring of progress toward achieving objectives required for attainment of the planned employment outcome.
6. Identification of the provider(s) for each good and service, consistent with the individual's informed choice; and
7. Terms and conditions for the provision of vocational rehabilitation **s**ervices including:

A. Funding source(s) for each good and service and comparable service and benefit providers;
B. Comparable services and benefits available under any other program(s) and the extent to which they will be utilized to pay for goods and services;
C. The amount(s) that the individual must contribute to the costs of goods and services, if any, and how his/her contributions will be used to pay for necessary goods and services;
D. The responsibilities of the individual in implementing the IPE, including applying for comparable services and benefits and achieving the planned employment outcome;
E. The responsibilities of DVR in arranging for, purchasing and rendering vocational rehabilitation services and otherwise assisting the individual in implementing the IPE and achieving the planned employment outcome.
F. The expected need for and descriptions of post-employment services (if known) prior to closure of the service record for an individual who has achieved an employment outcome, based on available data.

For IPE development on Transition Students, Supported Employment or Self-Employment, please refer to the appropriate chapters.

12.6 IPE APPROVAL AND SIGNATURES

Provisions of the IPE will not take effect until the DVR counselor approves the IPE by signing it. The DVR counselor cannot approve the IPE unless it is consistent with and reflective of all DVR policies and procedures regarding all requirements for IPE content.

The IPE must be signed by the DVR counselor and by the individual or, as appropriate, the individual's authorized representative. If an individual other than the DVR counselor prepares the IPE, that individual shall also sign the IPE.

A copy of the IPE must be provided to the eligible individual or, as appropriate, to the individual's authorized representative, in writing and, if appropriate, in the native language or mode of communication of the individual or, as appropriate, the individual's authorized representative.

12.7 IPE REVIEW

The IPE shall be reviewed in accordance with the schedule contained in the IPE evaluation criteria and at any other time the eligible individual requests such a review. The DVR counselor shall assure monitoring and review of the implementation of the IPE on a regular basis and document such reviews in the service record.

12.8 ANNUAL IPE REVIEW

The entire IPE must be reviewed at least annually by the DVR counselor or another qualified vocational rehabilitation counselor and the individual or, as appropriate, the individual's representative. The DVR counselor shall assure that the annual IPE review is conducted and documented in the service record.

The annual review shall encompass:

1. The progress toward and continued appropriateness of the planned employment outcome; objectives; vocational rehabilitation services; providers of goods and services and, evaluation criteria, methods and schedules contained in the IPE;
2. The need to address new vocational rehabilitation needs, and;
3. A re-determination of the individual's ability to participate in the cost of vocational rehabilitation services.

12.9 IPE AMENDMENT

The IPE shall be amended whenever deemed necessary and appropriate by the eligible individual and the DVR counselor to meet the individual's vocational rehabilitation needs. The DVR counselor shall document the rationale for any amendment assuring that all additional services and goods are necessary to the employment outcome and the

identified rehabilitation needs of the individual, and consistent with all of the requirements of the original IPE.

An amendment to the IPE is required whenever there is any **substantive** change in the IPE including, but not limited to, changes in the planned employment outcome, the vocational rehabilitation services to be provided, the providers of the vocational rehabilitation services and/or other provision(s) deemed appropriate by the individual and the DVR counselor.

The DVR counselor must approve the IPE amendment prior to implementation of any of its provisions. The individual or his/her authorized representative may prepare the amendment without assistance, jointly with the DVR counselor, with a qualified rehabilitation counselor other than the DVR counselor, or with any other individual of choice. The DVR IPE Amendment Form shall be used and all of the requirements for the development, preparation, and content of the IPE shall apply to the development, preparation and content of an amendment to the IPE. The IPE Amendment shall be provided to the individual in the native language or mode of communication of the individual or the individual's authorized representative.

12.91 Urgent Vocational Need

The amendment to the Individualized Plan for Employment must be agreed to, signed and dated by the eligible individual and by the DVR counselor before its provisions take effect, except in situations of urgent vocational rehabilitation need as described below:

An urgent vocational rehabilitation need is one that requires the immediate provision of a good or service:

- To avoid placing the individual at extreme medical risk;
- To save an existing job placement; or,
- To enable the individual to participate in other goods and/or services that have already been initiated or that are planned to be initiated within two weeks from the date the urgent need is identified.

In such a circumstance, the DVR counselor may arrange for and authorize payment for a good or service to address the urgent vocational rehabilitation need under an IPE amendment prior to receiving the individual's signature on the amendment. Prior to completion of a written authorization for the urgent service or good, the DVR counselor must assure and document in the service record that the individual has been provided the opportunity to exercise informed choice in selecting the new good or service, the provider(s) furnishing the good or service, and the method to provide and/or procure the good or service to meet the urgent need; and, the individual has been verbally apprised of and agrees to the new IPE amendment provisions.

The IPE amendment must be signed and dated by both the eligible individual and DVR counselor within thirty (30) calendar days of authorizing a good or service to meet an urgent vocational rehabilitation need. Authorization for such goods or services is limited

to one month or $500.00, whichever results in the lowest cost, until the amendment is signed.

Chapter Thirteen - Vocational Rehabilitation Services

✓ The Law

Title I, Section 103 Vocational Rehabilitation Services

(a) Vocational Rehabilitation Services for Individuals

Vocational rehabilitation services provided under this title are any services described in an individualized plan for employment necessary to assist an individual with a disability in preparing for, securing, retaining or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice of the individual, including--

(1) an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;

(2) counseling and guidance, including information and support services to assist an individual in exercising informed choice consistent with the provisions of section 102(d);

(3) referral and other services to secure needed services from other agencies through agreements developed under section 101(a)(11), if such services are not available under this title;

(4) job-related services, including job search and placement assistance, job retention services, followup services and follow-along services;

(5) vocational and other training services, including the provision of personal and vocational adjustment services, books, tools and other training materials, except that no training services provided at an institution of higher education shall be paid for with funds under this title unless maximum efforts have been made by the designated State unit and the individual to secure grant assistance, in whole or in part, from other sources to pay for such training;

(6) to the extent that financial support is not readily available from a source (such as through health insurance of the individual or through comparable services and benefits consistent with section 101(a)(8)(A)), other than the designated State unit, diagnosis and treatment of physical and mental impairments, including--

(A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;

(B) necessary hospitalization in connection with surgery or treatment;

(C) prosthetic and orthotic devices;

(D) eyeglasses and visual services as prescribed by qualified personnel who meet State licensure laws and who are selected by the individual;

(E) special services (including transplantation and dialysis), artificial kidneys and supplies necessary for the treatment of individuals with end-stage renal disease; and

(F) diagnosis and treatment for mental and emotional disorders by qualified personnel who meet State licensure laws;

(7) maintenance for additional costs incurred while participating in an assessment for determining eligibility and vocational rehabilitation needs or while receiving services under an individualized plan for employment;

(8) transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the individual to achieve an employment outcome;

(9) on-the-job or other related personal assistance services provided while an individual is receiving other services described in this section;

(10) interpreter services provided by qualified personnel for individuals who are deaf or hard of hearing, and reader services for individuals who are determined to be blind, after an examination by qualified personnel who meet State licensure laws;

(11) rehabilitation teaching services, and orientation and mobility services, for individuals who are blind;

(12) occupational licenses, tools, equipment and initial stocks and supplies;

(13) technical assistance and other consultation services to conduct market analyses, develop business plans and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;

(14) rehabilitation technology, including telecommunications, sensory and other technological aids and devices;

(15) transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the individualized plan for employment;
(16) supported employment services;
(17) services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome; and
(18) specific post-employment services necessary to assist an individual with a disability to retain, regain, or advance in employment.

- ✓ The Regulations:

Sec. 361.50 Written policies governing the provision of services for individuals with disabilities.
(a) Policies. The State unit must develop and maintain written policies covering the nature and scope of each of the vocational rehabilitation services specified in Sec. 361.48 and the criteria under which each service is provided. The policies must ensure that the provision of services is based on the rehabilitation needs of each individual as identified in that individual's IPE and is consistent with the individual's informed choice. The written policies may not establish any arbitrary limits on the nature and scope of vocational rehabilitation services to be provided to the individual to achieve an employment outcome…

13.0 DVR Policy: VOCATIONAL REHABILITATION SERVICES

13.1 SCOPE OF VOCATIONAL REHABILITATION SERVICES

As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's informed choice, DVR shall ensure that vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining or regaining an employment outcome. The employment outcome shall be consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

Except for assessment services necessary to determine eligibility, severity of disability and vocational rehabilitation needs, all vocational services and goods shall be identified in the Individualized Plan for Employment (IPE) and its amendments and/or in a Business Exploration Agreement (BEA), Trial Work Experience or Extended Evaluation Plan. Services and goods shall be provided no longer than is required to accomplish the purpose of the service or good and the employment outcome. Qualified providers shall be used and services and goods shall be provided in the most integrated settings possible, as appropriate and consistent with informed choice. The service record shall include the rationale for use of any non-integrated setting if used.

13.11 Determination of Services

All vocational services and goods provided by DVR must be necessary, appropriate and provided at least possible cost. Cost shall not be a consideration prior to the determination that a service or good is necessary and, if necessary, appropriate.

13.11.1 Necessary Vocational Rehabilitation Services and Goods

All of the services and goods provided by DVR must have been determined by the DVR counselor to be essential to assess an individual's eligibility and severity of disability, to

establish his/her vocational rehabilitation needs, to overcome or circumvent vocational impediments and to attain the individual's chosen employment outcome.

13.11.2 Appropriate Vocational Rehabilitation Services and Goods

Each vocational rehabilitation service and good must be suitable and of sufficient quality to fully meet the individual's particular needs and circumstances. To be considered appropriate, the access or use of a service or good shall not require sacrifices or adjustments that would not be reasonably expected of an individual who does not have a disability.

13.11.3 Least Possible Cost Services and Goods

All services and goods that have been determined to be necessary and appropriate must be procured at the least possible cost to DVR insofar as they are adequate to meet the needs of the individual. Services and goods must be planned and authorized according to DVR policies regarding financial participation and use of comparable benefits and resources; consistent with DVR contracts, provider standards and agreements and, compliant with the DVR fee schedule and the purchasing rules and regulations of the State of Colorado.

13.2 CORE VOCATIONAL REHABILITATION SERVICES

DVR staff shall ensure that the following core vocational rehabilitation services are available:

13.21 Assessment Services

Assessment services shall be provided for determining eligibility; severity of disability and vocational rehabilitation needs, including, if appropriate, assessment by personnel skilled in rehabilitation technology. Evaluation and diagnostic services are procured only when necessary to supplement the use of existing information. Diagnostic services may include situational assessments in community-based settings and community rehabilitation program facilities to assess work behaviors, interpersonal skills and job-related skill levels. When necessary, personal adjustment evaluations may be provided to assess an individual's skills, behaviors and needs in the areas of independent living, communications, homemaking, mobility and community travel and personal functioning. Personal adjustment evaluations must be relevant to employment.

An individual receiving supported employment services may be provided supplemental evaluations subsequent to the development of the IPE when necessary to reassess the particular on-going support services needed, weekly work goals and/or the suitability of the particular placement. Included are situational assessments when additional information is necessary to determine an appropriate change or modification in the supported employment placement.

13.22 Vocational Rehabilitation Counseling and Guidance

Vocational rehabilitation counseling and guidance, including information and support services to assist an individual in exercising informed choice, shall be provided throughout an individual's rehabilitation process to encourage and facilitate full participation in the DVR program. Planned counseling and guidance shall be identified as a specific service in an individual's IPE for the purpose of addressing identified vocational impediments.

13.23 Physical and Mental Restoration Services

Physical and mental restoration services shall be provided as necessary for the attainment of an appropriate employment outcome and if not available financially or covered through comparable benefits.

Physical and mental restoration services include therapeutic treatment interventions that are likely, within a reasonable period of time, to correct or substantially modify a stable or slowly progressive physical or mental impairment. The impairment must be one that constitutes a substantial impediment to employment. DVR may provide services for acute needs that are time-limited, not ongoing and when necessary to achieve the employment outcome.

Medical prescriptions from qualified providers are required for prosthetic devices including eyeglasses and hearing aids; orthotic devices; wheelchairs; physical, occupational, speech and other therapies; drugs and medical supplies. Prosthetic and other medically prescribed items necessary to implement a physical restoration plan, other than wheelchairs, may be purchased without use of the State bid process. All wheelchair purchases must conform to the State bidding process. DVR does not normally provide any payment for experimental surgical procedures or for sex change-related treatments.

Diagnosis and treatment of physical and mental disorders must be provided by individuals qualified in accordance with Colorado licensure and certification laws or equivalent licensure and certification laws governing the provision of medical services in the state of purchase.

13.24 Vocational and Other Training Services

Vocational and other training services, including personal and vocational adjustment training, and necessary books, tools and training materials shall be provided when necessary to an individual's rehabilitation needs and employment outcome. No training or training services in an institution of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes or hospital schools of nursing) may be paid for with DVR funds unless maximum efforts have been made by DVR and the individual to secure grant assistance in whole or in part from other sources to pay for that training.

13.24.1 Training in Institutions of Higher Education

DVR requires and assists individuals to apply for financial aid grants, need-based scholarships and all other alternative sources of funding including training assistance that may be available through Colorado Workforce Centers. DVR will not finalize the provisions for training services in an institution of higher education until the individual's financial aid award status is determined and documented, in accordance with the timelines governing financial aid award decisions at the chosen training facility. All financial awards must be applied to the required training expenses prior to determination of the amount that DVR will pay. Individuals must apply for financial aid early enough so that the training institution has sufficient information to determine the award amount for each school term before it begins.

If an applicant/eligible individual is in default on a Federal school loan, maximum efforts must be made to remove the loan from default status, either through loan re-payment or arrangement of a repayment plan or obtaining an approved deferral prior to the authorization of VR training services. Federal Regulations require that maximum efforts must be made to clear his/her default status before DVR can fund training. Consumers should work with the schools or funding agency to see if their loans can be forgiven for disability reasons. This forgiveness may make the student eligible for PELL and other grants. Bankruptcy does not cancel student loans. The student still needs to make a reasonable repayment effort.

DVR does not require an individual to apply for or accept loans for training. DVR does not consider merit-based scholarships and awards and Social Security PASS plans to be comparable benefits.

13.24.2 Payment for Training

When more than one training program is available to fully meet the vocational rehabilitation needs of the individual, all associated costs for each of the training programs shall be considered in determining which training program will be at the least possible cost to DVR. Required supportive services, accommodations and the duration of the training shall be included in this consideration.

DVR will pay tuition and fees for courses that are necessary to obtain the required degree, certification or occupational skills upgrade to achieve the employment outcome. Payment for elective courses will be limited to those with no special fees attached whenever there are elective courses available to meet a particular degree or certification requirement.

DVR will purchase used books for academic and vocational training programs when they are available and adequate to meet the individual's training and employment needs. DVR will rent or lease equipment needed for academic and vocational training programs when rental or leasing is adequate to meet the individual's training needs unless the total rental/lease costs exceed purchase costs.

13.24.3 Establishing Colorado Residency for Tuition

DVR may pay for tuition and fees to public Colorado colleges and universities at out-of-state rates for a consumer who is not yet a Colorado resident for tuition purposes only, until the individual or his/her parents or guardians can establish Colorado residency. DVR will not pay out-of-state tuition rates longer than the earliest date when the individual can meet Colorado's residency requirements. The IPE and/or amendment shall include statements of the individual's responsibilities for establishing Colorado residency as well as when it is expected.

13.24.4 Training Progress

The individual must submit grade reports for each reporting period in a training program. An individual enrolled in any training program must maintain a minimum of a "C" average for each individual reporting period. If a grade point system is not used, the individual must maintain a satisfactory performance level for each individual reporting period. If satisfactory performance is not achieved in any single reporting period, the DVR counselor may approve continuation of the training program for one additional reporting period.

13.25 Interpreter Services

Interpreter services, including sign language and oral interpreter services, shall be available for individuals who are deaf or hard of hearing and tactile interpreting services for individuals who are deaf-blind.

13.26 Rehabilitation Teaching and Orientation and Mobility Services

Rehabilitation teaching services, orientation and mobility services and reader services shall be available for individuals who are blind or visually impaired.

13.27 Job-Related Services

Job-related services, including job seeking skills training and placement assistance, job retention services, follow-up services and follow-along services are to be available and provided as necessary to meet the needs of each individual.

13.27.1 Job Placement Services

Assistance may be provided to help an individual procure a suitable, stable and satisfactory employment situation in an integrated setting that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. Job placement services include job development services, assistance in completing work applications and arranging for interviews, on-site job analyses, on-site consultation with the employer, recommendations for work-site job modifications and/or orientation to the work place, as appropriate to the individual's specific needs.

13.27.2 Supported Employment Services

Supported employment services are ongoing support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment that are provided by DVR until transition to extended services.

13.28 Occupational Licenses, Tools, Equipment, Initial Stocks and Supplies

Occupational goods and services shall be provided as necessary relative to an employment outcome. Occupational equipment refers to non-adaptive equipment normally required for job performance by all workers. Adaptive equipment necessary to accommodate limitations imposed by the impairment(s) for the performance of job tasks is rehabilitation technology. Tools, equipment and initial inventory for self-employment must be procured in compliance with DVR purchasing procedures for equipment and other goods.

13.29 Rehabilitation Technology

Rehabilitation technology means the systematic application of technologies, engineering 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.

Rehabilitation technology goods and services include adaptive equipment and auxiliary aids for individuals with impaired sensory or written and/or oral communication skills, but do not include prosthetic, orthotic or other medical assistive devices. Rehabilitation technology also includes vehicle modification. Although vehicle modifications are not goods, they must comply with DVR procurement procedures.

13.29.1 Computer Purchase

The purchase of a computer is not considered rehabilitation technology. Consumers use computers in the same situations or for the same reasons that others use it in the same environment. Computers are common in work and training environments. However, a consumer may need adaptations to the computer to promote, increase or maintain a skill or ability related to the person's functional limitations. Adaptations are considered rehabilitation technology. Examples of adaptations that are considered rehabilitation technology include augmented speech (which would also be an auxiliary aid for effective communication), a device to operate an environmental system, an adaptive device to operate the computer or voice-activated software.

DVR will not purchase any computer-related equipment if a consumer's needs can be effectively met through alternative means. An assessment of the consumer's needs for computer-related equipment must be conducted before a purchase if the consumer or the

counselor is unsure of the consumer's needs. The assessment must be conducted by a person knowledgeable about computers who is not a vendor of computer equipment.

Consumer financial participation applies to purchase of computers. A comparable benefits search is required unless such a search would cause the loss of an immediate placement.

Generally, DVR will purchase no more than one (1) computer for a consumer. If changes or upgrades are needed for disability-related reasons, or because of agreed-upon changes to the IPE, a new computer can be purchased. Efforts should be made to trade in the original computer or have it returned to the agency for reassignment to another consumer.

13.30 State Ownership

Tools, equipment, initial stock and supplies, non-prescriptive rehabilitation technology devices and computers that are purchased by DVR for consumers shall conform to the following process:

1. State Ownership:
   Equipment, tools and other non-prescriptive devices including computers purchased by DVR for use by an individual in a training program or for employment remain the property of the State of Colorado until successful closure from DVR occurs. When such items are initially issued, the service record will contain written acknowledgment of State ownership from the individual receiving the equipment.

2. Recovery:
   Upon termination of a program that does not result in a successful vocational rehabilitation outcome, the individual will be requested, in writing, to return any equipment purchased by DVR. If the equipment is not returned after two such requests, recovery efforts may be turned over to the Office of the Attorney General.

3. Re-issue:
   Recovered items will be retained in field offices to be re-issued to other individuals with disabilities who may have need of such items. Documentation of re-issued items will be placed in the service record of the individual from whom State property was recovered as well in the service record of the individual to whom it is being re-issued.

13.31 Referral Services

Referral and other services shall be provided as necessary to assist applicants and eligible individuals to secure needed services from other agencies, including other components of the statewide workforce investment system and to advise individuals about the Client Assistance Program.

13.32 Vehicle Modifications

The DVR focus is on providing consumers with the vehicle modifications that best meet the consumer's needs at the least possible cost. The purchase of vehicle modifications must be necessary, appropriate and at least possible cost. DVR counselors will provide rationale in the case service record, stating why the modification(s) is necessary to the achievement of the individual's work goal.

DVR normally purchases only those modifications required in order to enter, exit or operate the vehicle. The DVR counselor will determine the need for vehicle modification based on the consumer's ability to transfer in and out of an automobile independently.

Prior to the decision to purchase a vehicle modification, DVR counselors should be able to substantiate the following:

- There are no other means of transportation available. Vehicle modifications cannot be purchased if the individual can effectively use public transportation.

- The individual has the means to maintain the vehicle and modification to include regular insurance on the modification.

- The vehicle modification is required to support the individual's rehabilitation process at the time that it is being authorized. That is, the individual must require the modification to be able to participate in a primary rehabilitation service at the time the modification is purchased.

13.32.1 Procurement Requirements

Vehicle modifications must comply with State and DVR procurement procedures.

13.32.2 Vendor Requirements

The individual shall receive training by the provider on the proper use and care of the equipment to ensure safe operation of the equipment. All providers of vehicle modifications shall be a member in good standing of the National Mobility Equipment Dealer Association (NMEDA) and certified as a NMEDA-QAP (Quality Assurance Program) dealer who is thereby qualified to meet minimum standards for vehicle modifications and adapted driving equipment installation, as established by NMEDA and other applicable requirements.

13.33 Technical Assistance and Other Consultation Services

Self-employment, telecommuting or establishing a small business operation as an employment outcome shall include necessary technical assistance and other consultation services to conduct market analyses, develop business plans and otherwise provide resources to the extent those resources are authorized.

13.34 Other Goods and Services

Other goods and services shall be provided as determined necessary for the individual with a disability to achieve an employment outcome. The purchase of goods shall comply with DVR procurement procedures.

13.4 SUPPORTIVE VOCATIONAL REHABILITATION SERVICES

Supportive services**,** which include maintenance, transportation, services to family members and personal assistance services, are provided for the purpose of enabling the individual to participate in and benefit from other necessary services and goods. DVR shall not provide a supportive service alone or in conjunction with only another supportive service. Supportive services necessary for an individual to participate in assessment services including supplemental evaluations do not require the financial participation of the individual but do require a comparable benefits search. Planned supportive services required for services provided under an IPE, BEA, Trial Work Experience Plan or Extended Evaluation Plan do require financial participation for individuals other than SSI/SSDI recipients, if there is a monthly resource, as well as a search for and utilization of comparable benefits.

13.41 Maintenance

Maintenance is monetary support provided to an individual for expenses, such as food, shelter and clothing, that are in excess of the normal expenses of the individual and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an IPE. Maintenance shall be provided only for expenses that the individual would not have, if not receiving vocational rehabilitation services.

Maintenance payments shall not exceed the estimated costs of additional normal living expenses that are incurred for the individual as a result of his/ her participation in the assessments for determining eligibility and vocational rehabilitation needs and/or planned goods and services under the IPE. The amount of a monthly maintenance payment does not include costs for normal living expenses covered by previous sources of income that are no longer available due to participation in the vocational rehabilitation program.

> *The following are examples of expenses that meet the definition of maintenance. The examples are illustrative, do not address all possible circumstances and are not intended to substitute for individual counselor judgment:*
>
> - *The cost of short-term shelter that is required in order for an individual to participate in assessment activities or vocational training at a site that is not within commuting distance of an individual's home.*
>
> - *The initial one-time costs, such as a security deposit or charges for the initiation of utilities that are required in order for an individual to relocate for a job placement.*

13.42 Transportation Services

Transportation services are provided as a support service for travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems.

Whenever available, public transportation shall be used unless the individual's impairment-related limitations prevent use of public transportation. If the individual chooses to use his/her own vehicle when public transportation is available and accessible, DVR may provide for mileage but at a rate not to exceed the cost of public transportation.

DVR may pay for expenses related to the use of a personal automobile for transportation to appointments for required goods and services only when the driver has a valid driver's license, is insured to drive the automobile and uses an automobile which is appropriately licensed and registered. Payment shall be at a rate not to exceed the cost of public transportation, when available and appropriate, or at a mileage rate not to exceed that established for reimbursement in the DVR fee schedule, whichever is less.

When transportation to an out-of-state training institution is determined to be a necessary and appropriate service, DVR shall pay for one round trip between home and the training institution per year unless the individual experiences an impairment-related medical emergency which can be reasonably treated only in Colorado, or unless the individual is regularly commuting a distance of less than one hundred (100) miles per round trip.

> *The following are examples of expenses that meet the definition of transportation. The examples are purely illustrative, do not address all possible circumstances and are not intended to substitute for individual counselor judgment:*
>
> - *Travel and related expenses for a personal care attendant or aide if the services of that person are necessary to enable the applicant or eligible individual to travel to participate in any vocational rehabilitation service.*
>
> - *The repair of vehicles, including vans, but not the modification of these vehicles, as modification would be considered a rehabilitation technology service.*
>
> - *Relocation expenses incurred by an eligible individual in connection with a job placement that is not within a commutable distance from the eligible individual's current residence.*

Maintaining and repairing a private vehicle is primarily the responsibility of the owner. DVR does not routinely pay for license plates, insurance, depreciation and/or routine maintenance for vehicles, because these are part of the typical costs of maintaining a vehicle.

Assistance with vehicle repair is intended for emergency situations where services have been initiated under the IPE and participation in the IPE cannot continue without the repair. Generally, this will mean that the vehicle cannot be driven without the repair. If the vehicle needs emergency repair, the cost of that repair should not exceed the blue book value of the car.

13.43 Services to Family Members

Vocational rehabilitation services to family members are services to an individual (either a relative or guardian or one who lives in the same household as an applicant or eligible individual), who has a substantial interest in the well-being of that individual; and, whose receipt of vocational rehabilitation services is necessary to enable the individual to achieve an employment outcome.

13.44 Personal Assistance Services

Personal assistance services are a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability. The services must be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. The services must be necessary to the achievement of an employment outcome and may be provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising and directing personal assistance services.

13.5 COMMUNITY-BASED WORK SITES

Community based work sites shall be developed to provide situational assessments and job skill training in realistic work settings. Situational assessments may be used as a vocational evaluation tool, to provide trial work experiences when initial or on-going eligibility is in question, and as supplemental evaluations for individuals receiving supported employment services. When necessary to develop realistic work settings in the community, an employer may be paid for use of the work site provided that the following conditions are met:

1. The individual's work performance provides no net benefit to an employer; and,
2. No other service(s) is being provided to the individual by the employer; and,
3. The work experience is in an integrated employment setting.

13.51 Developing Unpaid Community-Based Employment Experiences

Whenever an employment relationship exists, an employer will be held responsible by the U.S. Department of Labor to fully comply with all applicable sections of the Fair Labor Standards Act (FLSA). This means that, whenever DVR counselors arrange for a situational assessment, a work adjustment training program, job coaching or other vocational training program in a real work setting, the employer is required to

compensate the program participant unless all of the following criteria for a ***non-employment relationship*** *under the FLSA are met. These requirements can help DVR counselors and individuals with disabilities structure assessments and training programs with employers who do not wish to consider the participant to be an employee:*

- *The assessment and/or training is for the benefit of the individual with a disability and not the employer, and is a clearly defined component of the individual's vocational rehabilitation assessment and/or Individualized Plan for Employment;*

- *The individual with a disability does not displace any regular employee, relieve an existing employee of assigned duties, result in a reduction of hours for an existing employee or fill a vacancy;*

- *The individual with a disability is under continued and direct supervision by vocational rehabilitation service providers and/or employees of the business;*

- *The activities of the individual with a disability, even if solely performing duties not ordinarily performed by existing employees, do not result in an immediate advantage to the business or the advantage is clearly offset by the burden to the employer from training and supervision provided;*

- *The individual with a disability is not entitled to a job at the end of the assessment and/or training period; and,*

- *The individual with a disability voluntarily participates in the assessment or training program with the clear understanding that his or her participation does not entitle him or her to wages or other employee benefits.*

In addition, the U.S. Department of Labor considers the length of time of the assessment or training component as part of its determination about whether or not an employment relationship exists. Although the existence of an employment relationship will not be determined exclusively on the basis of the number of hours, as general rule non-employment assessments and training programs are expected to comply with the following limitations:

VOCATIONAL EXPLORATION *5 hours per job*
(career awareness, job shadowing, job site evaluation)

VOCATIONAL ASSESSMENT *90 hours per job*
(other situational assessments)

VOCATIONAL TRAINING *120 hours per job*
(work adjustment training, job skill training, job coaching)

13.52 Requirements for Payments to Employers

Payment to an employer for providing a work site for situational assessment shall not exceed two months at the weekly or monthly rate defined in the DVR Fee Schedule unless the work site is used as a trial work experience in which case the payment shall not exceed three months.

Payments made to an employer for the provision of job skill training, including on-the-job training, require that the employer has the necessary expertise, credentials and formal training program(s) required to meet the eligible individual's skill development needs. DVR will not pay an employer for on-the-job training following payment for job skill training for the same eligible individual

An employer shall not be paid for both use of a work site and as a service provider. Payment as a service provider requires that the employer meet the same standards and expectations as would be required of any other provider.

13.52.1 On-The-Job Training (OJT) Payment

In order to receive payment for on-the-job training, the employer must compensate the eligible individual at the employer's usual and customary wages for the required skill level and type of position into which the individual is placed. The employer may be reimbursed a percentage of the individual's wage according to the DVR Fee Schedule. An OJT Provider Agreement is required. Payments for on-the-job training are normally limited to three months.

13.6 POST-EMPLOYMENT SERVICES

Post employment services are vocational rehabilitation services that are provided subsequent to the achievement of an employment outcome that are necessary for an individual to maintain, regain or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

Post-employment services are intended to ensure that the employment outcome remains consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, should be limited in scope and duration. If more comprehensive services are required, then a new rehabilitation case should be considered. Post-employment services are to be provided under an amended IPE; thus, a re-determination of eligibility is not required. If the request for post-employment services is four (4) years after closure, the service record will have been purged and it will be necessary for the individual to reapply for services. The provision of post-employment services is subject to the same requirements as the provision of any other vocational rehabilitation service.

The examples below are illustrative only and not intended to cover all possible circumstances appropriate for the provision of post-employment services.

Post-employment services are available to assist an individual to:

- *Maintain employment e.g., the individual's employment is jeopardized because of conflicts with supervisors or co-workers, and the individual needs mental health services and counseling to maintain the employment;*

- *Regain employment, e.g., the individual's job is eliminated through reorganization and new placement services are needed; and to*

- *Advance in employment, e.g., the employment is no longer consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.*

13.61 IPE Amendment – Post-Employment Services

An IPE amendment is required for the provision of post-employment services. The amendment must contain a description of the terms, conditions and the anticipated duration of the provision of post-employment services. The post-employment amendment must also describe the use of cooperative agreements with other vocational rehabilitation service providers, when applicable.

Chapter Fourteen - Services for Individuals who are Blind and/or Visually Impaired

- ✓ The Law

Title I Section 101 State plans

C) Responsibility for services for the blind

If the State has designated only 1 State agency pursuant to subparagraph (A), the State may assign responsibility for the part of the plan under which vocational rehabilitation services are provided for individuals who are blind to an organizational unit of the designated State agency and assign responsibility for the rest of the plan to another organizational unit of the designated State agency, with the provisions of subparagraph (B) applying separately to each of the designated State units.

- ✓ The Regulations:

34 CFR 361.13 State agency for administration

2) In the case of a State that has not designated a separate State agency for individuals who are blind, as provided for in paragraph (a)(3) of this section, the State may assign responsibility for the part of the plan under which vocational rehabilitation services are provided to individuals who are blind to one organizational unit of the designated State agency and may assign responsibility for the rest of the plan to another organizational unit of the designated State agency, with the provisions of paragraph (b)(1) of this section applying separately to each of these units.

(c) Responsibility for administration.

(1) At a minimum, the following activities are the responsibility of the designated State unit or the sole local agency under the supervision of the State unit:

(i) All decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available services and the provision of these services.

(ii) The determination to close the record of services of an individual who has achieved an employment outcome in accordance with Section 361.56.

14.0 DVR Policy: SERVICES FOR INDIVIDUALS WHO ARE BLIND AND/OR VISUALLY IMPAIRED

14.1 REHABILITATION TEACHING/MOBILITY SERVICES

Rehabilitation teaching and mobility assessment and training services are available through DVR.

14.2 REFERRALS TO DVR INSTRUCTORS

The DVR counselor must complete a referral form, providing all pertinent information, and provide a copy of medical reports for all known medical conditions, to the DVR instructor. The DVR instructor will provide written acknowledgement to the DVR counselor of the referral indicating the approximate time when the assessment or training service can be scheduled. If the assessment cannot be scheduled within thirty (30) calendar days, the written notification to the DVR counselor will provide an explanation. Once the assessment is completed, a written assessment summary report will be provided to the DVR counselor within fourteen (14) calendar days.

14.3 ASSESSMENT SERVICES

Unless otherwise specified in the referral form, the DVR instructor shall conduct and document a comprehensive evaluation of the limitations imposed by the individual's visual impairment as they relate to his/her general abilities to work. The DVR counselor may also request a follow-up evaluation that is focused on a specific area of concern or on specific occupational requirements.

14.31 Evaluation Of Mobility Limitations

A comprehensive evaluation of mobility limitations will assess the following components:

1. Travel skills in familiar areas, including familiar indoor environments, residential and business environments and use of public transportation; and,
2. Travel skills in unfamiliar areas, including unfamiliar indoor environments, residential and business environments and use of public transportation.

14.32 Rehabilitation Teaching Evaluation Components

The comprehensive rehabilitation teaching evaluation will assess the following components:

1. The use of adaptive communications techniques, including knowledge and use of audio services, Braille, filing/labeling, handwriting, keyboarding and use of telephone;
2. Ability to use adaptive computer technology, including knowledge of PC basics, knowledge and use of adaptive technology and ability to use operating systems and standard software;
3. Personal management skills including medical management, grooming, hygiene and care of clothing, eating skills and coping with vision loss;
4. Home management skills including financial management, home maintenance and safety, housecleaning, meal preparation, care of family members and time management;
5. The ability to effectively use residual vision and/or magnification devices, if applicable; and,
6. Skills for participating in post-secondary education, if applicable, including obtaining needed accommodations, accessing disabled student services, directing readers/note-takers and, obtaining and organizing study materials and assignments,

14.33 Use Of Teacher Services For Comprehensive Assessment

The DVR counselor may include the provision of rehabilitation teaching and/or mobility training services as part of the comprehensive assessment process for an individual, but only when required to fully assess the eligible individual's abilities and capabilities. Such services are limited to sixty (60) calendar days or the amount of time for the DVR instructor to determine the individual's abilities and capabilities to develop compensatory skills needed to succeed in employment, whichever is less. The service record must contain rationale to support the need for training services during the comprehensive assessment.

14.4 REHABILITATION TEACHING AND MOBILITY TRAINING SERVICES

Except when provided as a component of the comprehensive assessment process for an individual, personal adjustment training services will be provided in accordance with the provisions of an IPE. When the IPE includes the provision of personal adjustment training by DVR instructors or private vendors, it must detail the required outcomes relative to the employment goal and the specific rehabilitation teaching and/or mobility services that are needed.

14.41 Choosing Personal Adjustment To Blindness Training

DVR strongly believes that Personal Adjustment Training (PAT), which teaches the skills to allow a person who is blind or visually impaired to function independently, is critical to success both in a career and in life. Enrolling in Personal Adjustment Training to gain skills of independence can enhance a person's capacity to compensate for visual deficits that impede his/her ability to perform a variety of personal tasks. If the individual is having difficulty performing tasks such as reading print, using a computer, cooking, cleaning and traveling independently, Personal Adjustment Training may be of benefit.

In Colorado, there are several facilities (the DVR Rehabilitation Center and private, not for profit facilities), and two DVR field service options (internal staff or private vendors) that provide PAT. The DVR counselor will assist the individual to gather initial information about each facility to address questions to specific issues or concerns about the training available through each program. After touring and/or discussing the different options, the individual will be ready to make an informed choice as to the service and service provider and the counselor will make the necessary arrangements. The service record shall include written evidence of the individual's choice.

14.41.1 Types of Training

1. Field Based Training:
The instructor will provide individualized instruction in a wide variety of areas. Typically, this is done in the home or work environment, or at a location of the consumer's choice. The instructor will discuss various aspects of adjustment to

blindness during the training period. *This type of training is ideal if the individual is not able to commit to a full time training schedule or if the individual is in need of only very limited training.*

2. Center-Based Training:
This training is designed to be more intensive and comprehensive. If an individual chooses to participate in a center-based program, it is necessary to make a full commitment. The individual is expected to be on time to all classes and to maintain regular attendance. Residential accommodations are available to consumers who need this type of setting.

Center-based training provides an opportunity for a consumer to interact with other individuals who are blind or visually impaired. The group support in center-based training can be invaluable. The individual takes various classes and works with several instructors. The average length of training can vary from four to nine months.

14.41.2 Assisting Consumers to Choose Appropriate Personal Adjustment Training

When referring a consumer for Center-based PAT training, it is good practice to:

- *Provide the consumer, in an accessible format, with any brochures or materials about available training options.*
- *Review with the consumer the Choosing Personal Adjustment to Blindness Training handout and have them sign and date that this information has been provided.*
- *Have the consumer sign a Consent to Release Information form in order for the counselor to share their names with other agencies so that the agency may outreach and arrange tours.*
- *Document the dates of visits and consumer impressions of the program tour in the service record.*
- *Complete necessary training arrangements once the consumer and the counselor make a decision regarding training. If the consumer decides not to participate in PAT training after going through all or part of the process for choosing training, this decision must be documented in the service record.*

14.42 Other Skills And Mobility Training

There must be specific objectives on the IPE that identify the skill outcome(s) for each planned instructional component that is required. There may be more than one objective for each component, depending on the number and types of included subject areas where skill improvement is needed. Training components and the associated subject areas are the same as the components identified for comprehensive evaluation.

The IPE must identify the specific types of personal adjustment training services that will be provided for each objective, and the dates of service provision. The same training

service may appear under more than one objective. The types of training services that may appear on the IPE include:

1. Adaptive communication skills training
2. PC Basics skills training
3. Adaptive computer technology skills training
4. Home management skills training
5. Personal management skills training
6. Medical management skills training
7. Financial management skills training
8. Low vision services
9. Orientation & mobility instruction--comprehensive program
10. Route/site orientation & training
11. Training in use of public transportation

Prior to the beginning of a rehabilitation teaching or mobility training program, the DVR counselor must provide the DVR instructor with a copy of the applicable IPE and amendments.

14.43 Progress Meetings And Reports

During the training program, the DVR counselor and DVR instructor will meet at least monthly, either in person or by telephone, to discuss progress demonstrated by the consumer. The DVR counselor will document the content and outcome of these meetings in the service record. In addition, the DVR instructor will provide the DVR counselor with a written training progress report every two months. The progress report will identify:

1. The specific rehabilitation teaching and/or mobility training services provided since the last progress report;
2. The individual's progress in acquiring skills and achieving planned outcomes as per the evaluation criteria;
3. Any issues impacting progress; and,
4. The number of lessons scheduled and the number of lessons and hours of instruction kept during the reporting period.

Requirements for monthly meetings and bi-monthly progress reporting must be included as evaluation criteria on the IPE.

14.5 DVR INSTRUCTOR SERVICE RECORD

The DVR instructor will maintain a service record for each individual to whom s/he has provided assessment or training services. The service record will contain the referral information; copies of evaluation documents; copies of training progress reports; copies of the IPE and any amendments containing necessary rehabilitation teaching and/or mobility services, when applicable; copies of correspondence with DVR counselor and the applicant or eligible individual and, copy of the final report, when required.

14.51 Service Record Closure

The service record maintained by the DVR instructor will not be closed until the individual's DVR service record is closed. Once the DVR instructor has completed rehabilitation teaching and/or mobility training, s/he will provide the DVR counselor with a written final report. This report will identify:

1. The rehabilitation teaching and mobility service components in which instruction was provided during the training program;
2. The start and end dates of the entire training program;
3. The individual's accomplishments relative to the planned objectives in the IPE and,
4. Issues and factors that influenced the outcome of the training program.

The DVR instructor will notify the individual, in writing, when the rehabilitation teaching and/or mobility training program is completed. However, the DVR instructor will not close a service record until notification by the DVR counselor of closure of the DVR service record. It will be the DVR counselor's responsibility to notify the DVR instructor when the DVR service record is closed and the reason for closure.

14.6 BUSINESS ENTERPRISE PROGRAM

Business Enterprise assessment and training services are available from the DVR Business Enterprise Program (BEP). This program is governed by the Randolph-Sheppard Act to authorize the operation of vending facilities/stands (vending machines, cafeterias, snack bars, cart service, counters) in federal buildings by individuals who are blind to improve their economic opportunities.

14.61 Referrals To BEP Trainer

Representatives of the BEP program are encouraged to provide an informal, informational interview to a consumer who shows initial interest in a program. The interview provides information about length of the program as well as the requirements of the program. It gives the consumer a chance to ask pertinent questions regarding BEP opportunities and locations. The DVR counselor may also participate in this meeting in person or by phone.

When a consumer is in status "10" or higher, the DVR counselor must complete a referral form, providing all pertinent information, and provide a copy of the following:

- Highest academic accomplishment;
- Birth Certificate;
- Latest vision report documenting the consumer meets the definition established for legal blindness;
- Completed CBI; or

- ♦ Completed Federal Background Check (if consumer has resided outside of Colorado).

Most if not all BEP locations will require background clearance in order to work in these facilities.

Upon receipt of a completed referral form and pertinent documentation from the DVR counselor, the BEP trainer will schedule an initial interview and notify the DVR counselor in writing of the scheduled interview date. If the interview cannot be scheduled within thirty (30) calendar days, written notification to the DVR counselor will explain why.

14.62 BEP Initial Interview

An initial interview is required of the potential candidate prior to plan development. The Initial Interview will consist of the following participants whenever possible:

- The Consumer
- BEP Trainer
- Vocational Rehabilitation Counselor
- Member of the Committee of Blind Operators

Once the interview is completed, a written "Interview Outcome Report" will be provided to the DVR counselor within fourteen (14) calendar days by the BEP trainer.

The Business Enterprise Program will explore the following information. Additional information may be obtained as seen relevant by the BEP trainer.

- Managerial experience
- Motivation and goals
- Customer service skills
- Work history
- Food service experience
- Personality characteristics
- Overall interest in food service management

The report will indicate if the consumer has been accepted into the BEP training program. It may identify additional action items or recommendations, which can be addressed in the IPE, if appropriate. Additional training, such as PAT, college courses, counseling and guidance and/or physical or mental restoration, may be required after acceptance as a candidate for BEP training.

14.63 BEP Trainer Services

Training services will be provided in accordance with the provisions of an Individualized Plan for Employment. There must be specific objectives on the IPE that identify the

outcome for each skill area that is required for the eligible individual to achieve success as a licensed BEP operator in the State of Colorado.

The IPE must also identify the specific types of training services that will be provided by the BEP trainer for each action step, and the dates of service provision. The same training service may appear under more than one action step. The types of training services that may appear are:

- Personal Adjustment Training
- College Coursework
- Food Safety Course(s)
- Other Skills Training
- On-The-Job Training

Prior to the beginning of the BEP training, the DVR counselor must provide the BEP trainer with a copy of the Individual Plan for Employment and amendments. Additionally the DVR counselor will provide the BEP trainer with any assessments or reports that may be completed throughout the comprehensive assessment that are pertinent to the success of the training program. All reports should be sent to the attention of the BEP trainer. In lieu of a BEP trainer, all reports will be sent to the attention of the BEP program manager and the BEP program manager will take the responsibility to get the reports to the appropriate parties and to the consumer's BEP file.

During the training program, the DVR counselor and BEP trainer will meet at regular intervals to discuss progress; the DVR counselor will document the content and outcome of these meetings in the DVR service record. In addition, the BEP trainer will provide the DVR counselor with a written training progress report every two months. The progress report will identify:

- The specific BEP related training services provided since the last report.
- The individual's progress in acquiring skills and achieving planned outcomes as per the plan.
- Any issues impacting progress, including attendance, personal, health and
- The number of hours of instruction provided and the number of hours of instruction missed during the reporting period.

Requirements for bi-monthly progress reports and other progress meetings must be included as evaluation methods and schedules on the IPE. The BEP trainer will notify the trainee and counselor, in writing, when the BEP training is completed.

Once the BEP trainer has completed training with the consumer, he or she will provide the DVR counselor with a written, final report. The report will identify:

- The BEP training components in which instruction was provided during the training program.
- Dates of the entire training program

- The individual's accomplishments relative to the planned objectives in the IPE, and
- Issues and factors that influenced the outcome of the training program.

14.64 BEP Business Consultant Services

After the completion of BEP training services and when the BEP candidate is assigned to a location, a BEP business consultant will provide support to the individual throughout his/her involvement with the BEP Operators' program. The BEP business consultant will provide written reports to the DVR counselor on the progress of the operator every two months until the DVR counselor successfully closes the consumer's case. The reports provided by the BEP business consultant will contain:

- Date of the report
- Issues and factors that are influencing the Operators placement
- Additional training needs, if any
- Equipment needs, if any

On-going and frequent communication between the DVR counselor, consumer and BEP business consultant is paramount to the success of this vocational objective. All parties need to be actively engaged in this communication process in order to troubleshoot any employment problems.

14.65 DVR Service Record Closure From BEP

The service record maintained by the BEP trainer and/or BEP business consultant will not be closed until the DVR service record is closed. It will be the DVR counselor's responsibility to notify the BEP program manager when the DVR service record is closed and the reason for closure.

BEP program staff is responsible to maintain documentation and a case record for all BEP candidates and operators throughout involvement with BEP. This is separate from the DVR counselor's case file, the BEP trainer's desk file and the BEP business consultant's desk file.

Chapter Fifteen - Supported Employment

- ✓ The Law

Title VI, Section 621 Purpose

It is the purpose of this part to authorize allotments, in addition to grants for vocational rehabilitation under title I, to assist State in developing collaborative programs with appropriate entities to provide supported employment services for individuals with the most significant disabilities to enable such individuals to achieve the employment outcome of supported employment.

15.0 DVR Policy: SUPPORTED EMPLOYMENT

15.1 DETERMINING NEED FOR SUPPORTED EMPLOYMENT

Supported employment is competitive employment in an integrated setting or employment in integrated work settings in which individuals are working toward competitive employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice with ongoing support services for individuals with the most significant disabilities.

Individuals appropriate for supported employment are those:

1. For whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and,

2. Who, because of the nature and severity of their disabilities, need intensive supported employment services from DVR and extended services, after transition to an entity other than DVR, to continue employment.

15.2 TRANSITIONAL EMPLOYMENT

Supported employment includes transitional employment. Transitional employment is a series of temporary job placements in competitive work in integrated settings with ongoing support services for individuals with the most significant disabilities due to mental illness. In transitional employment, the provision of ongoing support services must include continuing sequential job placements until job permanency is achieved.

Competitive employment means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and, for which an individual is compensated at or above the minimum wage, but not less than the customary or usual wage paid by the employer for the same or similar work performed by individuals who are not disabled. With respect to an employment outcome, an integrated setting is a setting typically found in the community in which an individual with the most severe disabilities interacts with individuals who do not have disabilities, other than providers of service, to the same extent that individuals who are not disabled in comparable positions interact with other persons.

15.3 ELIGIBILITY AND COMPREHENSIVE ASSESSMENT

To receive supported employment services:

1. An individual must have been determined eligible for DVR services;

2. The individual must have been determined to be an individual with the most significant disabilitie(s); and,

3. Supported employment must be identified, as the appropriate rehabilitation objective for the individual on the basis of a comprehensive assessment of rehabilitation needs, including an evaluation of rehabilitation, career and job needs.

15.4 SUPPORTED EMPLOYMENT SERVICES

Supported employment services are provided by DVR as ongoing support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment. These services are:

1. Provided for a period of time not to exceed 18 months, unless under special circumstances the individual and the DVR counselor jointly agree to extend the time to achieve the employment outcome identified in the IPE; and,

2. Following transition to extended services, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment.

15.41 Ongoing Support Services

Ongoing support services are time-limited services provided by DVR that are needed to support and maintain an individual with a most significant disability in supported employment. These services are identified based on a determination by DVR of the individual's vocational need as specified in an IPE for employment. DVR provides these services from the time of job placement until transition to extended services, unless post-employment services are being provided by DVR following transition. After this period of time, ongoing support services must be provided by one or more extended services providers throughout the individual's term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment.

Ongoing support services must include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability based on:

1. At a minimum, twice-monthly monitoring at the worksite of each individual in supported employment; or

2. If under specific circumstances, especially at the request of the individual, the IPE provides for off-site monitoring, twice monthly meetings with the individual;

Ongoing support services provided by DVR and then provided by the extended service provider(s) must consist of:

1. Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs;

2. The provision of skilled job trainers who accompany the individual for intensive job skill training at the work site;

3. Job development and training;

4. Social skills training;

5. Regular observation or supervision of the individual;

6. Follow-up services including regular contact with the employers, the individuals, the parents, family members, guardians, advocates or authorized representatives of the individuals, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;

7. Facilitation of natural supports at the worksite including positive relationships between client and co-workers;

8. Any other service identified as a vocational rehabilitation service.

15.42 Extended Services

Extended services are ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment and that are provided by a State agency, a private nonprofit organization, employer or any other appropriate resource, from funds other than funds received by DVR after an individual with a most significant disability has made the transition from support provided by DVR.

When an individual does not appear to have, on the surface, an identified extended services resource, the comprehensive assessment process needs to include a thorough identification of the type of extended supports an individual will require as well as the support intensity and frequency for sustainability of employment. Counselors should examine all potential resources for extended services that will fully meet an individual's extended support needs. Options for consideration may include:

- *SSA work incentives such as Plan for Achieving Self-Sufficiency (PASS), Impairment Related Work Expenses (IRWE);*
- *private pay;*
- *local resources for extended supports (e.g., mill levy-supported funds for employment supports), ;*
- *state demonstration project options such as individualized development accounts (IDAs) – these allow persons to set aside income for special purposes;*
- *and, in some situations, natural supports.*

Natural supports that help persons continue to perform job tasks satisfactorily after intensive services have concluded will require extensive planning, development and negotiation.

Rehabilitation counselors should use professional judgment in the identification of extended services and may elect to gain commitments for alternative sources of these services in writing.

15.5 IPE FOR SUPPORTED EMPLOYMENT

The IPE for an individual whose employment outcome is supported employment must include the IPE Supplement for Supported Employment, which addresses additional requirements including:

1. The specific supported employment services to be provided by DVR and the job stabilization criteria that will define the point at which it is appropriate for extended services to be implemented;

2. The expected extended services needed, which may include natural supports;

3. Identification of the source of extended services or, to the extent that it is not possible to identify the source of extended services at the time the IPE is developed, a description of the basis for concluding that there is a reasonable expectation that those sources will become available;

4. Provision for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the IPE by the time of transition to extended services;

5. Provision for the coordination of services provided under an IPE with services provided under other individualized plans established under other Federal or State programs;

6. To the extent that job skills training is provided, identification that the training will be provided on site; and

7. Placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities,

capabilities, interests and informed choice of individuals with the most significant disabilities.

Progress toward attaining the weekly work goal must be reviewed no less than once every three months with the eligible individual receiving supported employment services.

15.6 PAYMENT FOR SUPPORTED EMPLOYMENT SERVICES

Title VI-B funds (supported employment funds) may be used only for the implementation of IPEs for a supported employment outcome for individuals with the most significant disabilities. Supported employment funds may not be used to purchase diagnostic goods and services necessary to determine eligibility and severity of disability or for comprehensive assessment services to identify vocational rehabilitation needs.

Supported employment funds may be used to pay for job skill training only when provided at the job site. Supplemental evaluations may be paid for using Title VI-B funds subsequent to the initiation of the IPE when necessary to reassess the particular on-going support services needed and/or the suitability of the particular placement. Included are situational assessments when additional information is necessary to determine an appropriate change or modification in the supported employment placement.

Expenditures of Title I funds are allowed for all supported employment services. Under no circumstances shall DVR pay for extended services arranged under the IPE to be provided after the individual has transitioned from DVR services to extended services provided by an entity other than DVR.

Chapter Sixteen - Transition

- ✓ The Law

Section 101(a) (11)

D) Coordination with education officials. The State plan shall contain plans, policies and procedures for coordination between the designated State agency and education officials responsible for the public education of students with disabilities, that are designed to facilitate the transition of the students with disabilities from the receipt of educational services in school to the receipt of vocational rehabilitation services under this title, including information on a formal interagency agreement with the State educational agency that, at a minimum, provides for—

(i) consultation and technical assistance to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including vocational rehabilitation services;

(ii) transition planning by personnel of the designated State agency and educational agency personnel for students with disabilities that facilitates the development and completion of their individualized education programs under section 614(d) of the Individuals with Disabilities Education Act...;

(iii) the roles and responsibilities, including financial responsibilities, of each agency, including provisions for determining State lead agencies and qualified personnel responsible for transition services; and

(iv) procedures for outreach to and identification of students with disabilities who need the transition services.

- ✓ The Regulations:

Sec. 361.22 Coordination with education officials.

(a) Plans, policies and procedures. (1) The State plan must contain plans, policies and procedures for coordination between the designated State agency and education officials responsible for the public education of students with disabilities that are designed to facilitate the transition of students with disabilities from the receipt of educational services in school to the receipt of vocational rehabilitation services under the responsibility of the designated State agency.

(2) These plans, policies and procedures in paragraph (a)(1) of this section must provide for the development and approval of an individualized plan for employment in accordance with Sec. 361.45 as early as possible during the transition planning process but, at the latest, by the time each student determined to be eligible for vocational rehabilitation services leaves the school setting or, if the designated State unit is operating under an order of selection, before each eligible student able to be served under the order leaves the school setting.

(b) Formal interagency agreement. The State plan must include information on a formal interagency agreement with the State educational agency that, at a minimum, provides for--

(1) Consultation and technical assistance to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including vocational rehabilitation services;

(2) Transition planning by personnel of the designated State agency and educational agency personnel for students with disabilities that facilitates the development and completion of their individualized education programs (IEPs) under section 614 (d) of the Individuals with Disabilities Education Act;

(3) The roles and responsibilities, including financial responsibilities, of each agency, including provisions for determining State lead agencies and qualified personnel responsible for transition services; and

(4) Procedures for outreach to and identification of students with disabilities who are in need of transition services. Outreach to these students should occur as early as possible during the transition planning process and must include, at a minimum, a description of the purpose of the vocational rehabilitation program, eligibility requirements, application procedures and scope of services that may be provided to eligible individuals.

16.0 DVR Policy: TRANSITION

16.1 DEFINITION OF TRANSITION

Transition services are a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation.

The coordinated set of activities must be based upon the individual student's needs, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

Transition services must facilitate the achievement of the employment outcome identified in the student's Individualized Plan for Employment.

16.2 COORDINATION WITH EDUCATION

The Division of Vocational Rehabilitation (DVR) shall coordinate with officials of the Colorado Department of Education (CDE) and local school districts around development and application of policies and practices with regard to the planning and provision of transition services to students with disabilities. DVR and CDE shall maintain a state-level formal ***CDE/DVR Cooperative Services Agreement*** related to the planning and provision of transition services. This Agreement shall include: the roles and responsibilities of each agency, including financial responsibilities; the provisions for determining State lead agencies and qualified personnel responsible for transition services and the procedures for outreach to and identification of students with disabilities.

16.21 Related DVR Documents

DVR and education staffs have collaboratively developed documents that focus on the identification and description of roles and responsibilities of each transition partner. DVR staff shall use these documents as a guide to the delivery of transition services in collaboration with local education providers:

The Cooperative Services Handbook For Youth In Transition is designed to promote flexible and collaborative planning and service delivery among DVR, CDE and local school districts in support of transitioning youth.
The Cooperative Assessment Guidelines For Youth In Transition is intended to assist education staff to understand the nature of DVR, eligibility criteria, the kinds of documentation that are needed to determine eligibility for DVR and the kinds of services that DVR may provide.

16.3 ASSIGNMENT OF STAFF

DVR shall assign staff to function as liaisons and service providers with each school district in the State.

16.4 CONSULTATION/TECHNICAL ASSISTANCE

DVR shall provide consultation and technical assistance to assist education agencies in planning for the transition of students with disabilities from school to post-school activities, including vocational rehabilitation services.

16.5 OUTREACH

DVR shall initiate outreach to students with disabilities to identify those who are in need of transition services. This shall take place as early as possible during the transition planning process. School districts shall be provided with contact information for the local DVR office and staff.

DVR shall inform education staff, students and as appropriate, families and authorized representatives regarding:

1. A description of the purpose of the vocational rehabilitation program
2. Information regarding DVR eligibility requirements
3. Information regarding application procedures
4. Information about the scope of services that may be available to eligible individuals.

DVR staff with transition responsibilities should be acquainted with the aspects of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act that address transition activities.

The IDEA mandates that local education agencies invite adult agency representatives, such as DVR counselors, to mandated student-related meetings. These meetings are held for special education students at least annually. When the DVR staff is invited by a school district to attend a student meeting such as an IEP meeting, the staff should consider how his or her involvement could be beneficial with regard to consultation, technical assistance, referral to DVR or the planning and coordination of service provision.

There may be times when a DVR staff is not able to attend scheduled student-related meetings. Options for involvement beyond the physical presence of the DVR staff at the meeting could include the sharing of informational sheets and brochures, telephone conferencing or other creative mechanisms developed at the local level.

In addition to student-related meetings, other opportunities to interact with educators, students and families exist for DVR participation. These may include parent nights, education staff meetings, school based agency events, career fairs, agency nights and others. Attendance at these events fosters and advances collaboration with education. Many communities within Colorado have a local youth council or interagency transition team. It is expected that DVR staff shall participate on these local teams.

16.6 APPLICATION/POINT OF REFERRAL

There is no specified point at which referral to DVR and the DVR application must occur for a student. The law does not specify either a minimum or maximum age for referral to DVR. DVR staff shall consider the following guidance as discussions with education staff and others occur around point of referral and submission of an application for DVR services. Referral of a student should occur when:

- the youth's focus has shifted (or is in the process of shifting) from education to employment;
- the youth is ready and available to fully participate in all aspects of his/her DVR program, including assessment activities, and services, as identified on the Individualized Plan for Employment, IPE;
- the youth is prepared to enter the competitive work force following provision of services, as reflected in his/her IPE (depending upon the individual's needs and preferences, alternative outcomes may be pursued, as reflected in other sections within this manual, including supported employment, self-employment, homemaker, unpaid family worker)

If a youth has withdrawn from school, DVR staff shall encourage the individual to return to school. DVR shall work with the school to plan and support collaborative services that will lead to completion of an appropriate course of study and to a successful employment outcome.

There is clear intent with regard to the importance of referral of students to DVR. The manner in which that takes place at the local level may vary. Local DVR and education staff should devise a system for making referrals to DVR. Aspects of this process, such as the use of a referral form, how documents are completed (and who completes them) and how a student's records are accessed and provided to DVR can be recorded in a local agreement signed by education and DVR local partners. Procedures must ensure that all mandates are in place regarding coordination between education and DVR and regarding referrals of students to DVR.

All individuals, including students, have the right to apply for services with DVR. There are situations in which application for services may be premature, depending on individual circumstances. Open and ongoing communication between education and DVR staff provides opportunities for education, discussion and negotiation in those situations in which disagreement may exist regarding point of referral. The application

to or receipt of services from other agencies, such as a local Community Center Board, does not preclude application to DVR by a student. Access to services from other agencies, whether actual or anticipated, is never a basis for refusing to accept an application for DVR services.

16.7 IEP/IPE PLANNING AND COORDINATION

DVR staff, at the request of, and in cooperation with, education staff shall participate in the planning process that is designed to facilitate the development and completion of the Individualized Education Plan, IEP.

The DVR counselor shall review and consider a student's IEP during the development of the student's IPE. Services reflected on the IEP may or may not need to be included on the IPE, depending upon the employment goal and individual situation of each student. If a student is still enrolled in the school system, and an IPE is developed and approved, there will be two active plans for the consumer, each reflecting coordinated goals and a range of services for a period of time.

16.8 IPE DEVELOPMENT/APPROVAL

The IPE shall be developed and approved by the DVR counselor as early as possible during the transition process, but no later than the point at which each student, determined to be eligible for vocational rehabilitation services, leaves the school setting. This applies when DVR is operating under an order of selection for those students who can be served.

16.9 SCHOOL RECORDS

DVR staff, with a signed release of information provided by the student, shall obtain all appropriate school records including medical, psychological, vocational, educational, recreational and other informational records relating to the student's disability, impediments to employment and rehabilitation needs. These records are provided by the local school agency at no cost to DVR.

Students receiving services under IDEA will have an IEP. The IEP and other documents contained within the special education file (most notably the most recent triennial report) will provide valuable information to the DVR counselor in preparation for eligibility determination, severity of disability designation and the comprehensive assessment and vocational goal development process. DVR staff shall obtain and use these documents in the eligibility determination and vocational planning process.

In many cases, records obtained from the schools are sufficient to determine DVR eligibility. Education records are not always contained with in the special education file. Documents that are beneficial to the DVR process may be located in files maintained by education staff (e.g. occupational therapist, speech pathologist), in the health office or in

the school district cumulative file. DVR staff should consult with educators on a case-by-case basis regarding the existence of relevant documents and how these documents can be accessed.

16.10 EDUCATION DESIGNATIONS

Referrals to DVR from school systems often are students who receive services under IDEA and therefore have a categorical special education disability designation. These designations include: significant limited intellectual capacity (SLIC), significant identifiable emotional disability (SIED), specific learning disability (SLD), hearing disability, vision disability, physical disability (PH), speech/language disability and multiple disabilities.

Students in addition to those receiving IDEA services can be appropriate for referral to DVR. These include students who, due to a disability, are receiving services under Section 504 of the Rehabilitation Act. These students have a 504 Plan in place. Additionally, there are students who have a disability, but who have not received any disability related designation or label within the school system. Consultations with education, as mandated by federal legislation, should not be limited to special education staff, and may include school administrators, counselors, nurses and others.

16.11 ASSISTIVE TECHNOLOGY

Situations will arise in which an assistive technology good or device used by a student for educational purposes will have application in the employment realm. Various considerations for the possible sale/transfer of ownership of an assistive device that was used during school enrollment for a transitioning youth may be found in the state-level ***CDE/DVR Cooperative Services Agreement.*** When transfer or sale of assistive technology is necessary, this document shall be consulted. The Agreement outlines specific procedures for the transfer and sale of assistive technology from the local education agency to DVR.

Chapter Seventeen - Self-Employment

- ✓ The Regulations:

Section 361.48 Scope of vocational rehabilitation services for individuals with disabilities.

As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's informed choice, the designated State unit must ensure that the following vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining or regaining an employment outcome that is consistent with the individuals strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice:

...(s) Technical assistance and other consultation services to conduct market analyses, develop business plans and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self employment or telecommuting or establishing a small business operation as an employment outcome.

17.0 DVR Policy: SELF-EMPLOYMENT

17.1 EMPLOYMENT OUTCOME

Self-employment is a vocational option that may be considered in the wide array of employment options available and as part of an eligible individual's informed choice. Self-employment includes all employment in which the individual or the entity owned by the individual is responsible for paying for the employer and employee portion of his or her own social security taxes, insurance, licenses and other employee benefits and may be a sole proprietorship, partnership or corporation. DVR defines persons desiring self-employment as entrepreneurs and adopts the Small Business Administration (SBA) entrepreneur definition -- one who assumes the financial risk of the initiation, operation and management of a given business or undertaking. The Division of Vocational Rehabilitation's self-employment program is designed to assure that eligible individuals interested in self-employment are equipped to manage and operate successful businesses that have long-term viability.

17.11 Viability

Self-employment is considered viable when individuals possess the skills and experience to offer to the business. While brief, targeted training or educational services are sometimes included in a self-employment plan, DVR does not generally support education or training programs to develop skills in combination with development of self-employment plans. Business ventures must comply with all relevant state, federal and local laws and regulations.

17.12 Ownership

Majority ownership and substantial participation in core business functions by the individual being served are requirements for self-employment. If the business plan includes a partnership or corporation, and DVR funding is requested, the consumer must be the controlling partner or controlling shareholder of the corporation.

17.13 Supported Self-Employment

DVR supports persons with disabilities in the area of self-employment that require supported employment and extended supports to perform the functions and operation of their businesses. Supported self-employment approval requires the identification of and funding commitment from an extended service provider.

When working with a consumer who is considered in need of supported employment services and also is interested in pursuing self-employment, the following are questions to ask and considerations to keep in mind:

- *Is the consumer receiving SSI or SSDI? If so, will a Plan to Achieve Self Support (PASS) plan be used as part of the business plan or can an Impairment-Related Work Expense (IRWE) be used for some of the on-going support expenses?*
- *Who makes up the consumer's support network (i.e.: family members, local Community Centered Board (CCB), mental health programs, host home providers, private employment consultants, etc.)?*
- *If the consumer is active with the local CCB or mental health center, is there a commitment to long-term supports for the self-employment goal?*
- *Consider consultation with the statewide developmental disabilities (DD) or mental health coordinator.*
- *When services are purchased from a local CCB or service provider associated with a CCB, and the consumer is either active or on the local CCB waiting list, Fund 8 should be used.*
- *Keep in mind that the consumer's support network will most likely be involved from the very beginning – even with completing the questionnaire.*
- *Investigate Property Essential To Self Support (PESS) – this is a SSI-related rule, which allows the consumer to save money in a business savings account.*
- *Refer consumer to the local benefits planner for additional information on PASS, IRWE, PESS and impact of wages on benefits.*

17.14 Parameters

The DVR self-employment program excludes businesses that are, in nature: highly speculative, illicit or sexually explicit. The Division reserves the right to deny approval and funding of a business determined by the Director to be inconsistent with community standards.

DVR does not erect buildings, including homes, and does not purchase land, buildings or vehicles. Individuals involved in bankruptcy or other legal proceedings must have resolution prior to engaging in self-employment. DVR cannot reimburse or pay wages for permanent, full-time or part-time employees for purposes of self-employment.

DVR may provide technical assistance and other consultation services to conduct market analyses, develop business plans and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce investment

system, to eligible individuals who are pursuing self employment or telecommuting or establishing a small business operation as an employment outcome.

17.2 REHABILITATION COUNSELORS FOR ENTREPRENEURSHIP

DVR counselors with specialized skills and knowledge in the area of self-employment are Rehabilitation Counselors for Entrepreneurship (RCE's). RCE's are trained to assist DVR counselors with orientation and overview of the self-employment process and to generally provide consultation to those eligible individuals considering an employment goal of self-employment. When a goal of self-employment is determined, a consumer's case service record shall be transferred to the RCE, after the completion of the self-employment questionnaire. All consumers seeking self-employment will be informed of service record shift procedures as early in the process as possible.

17.3 SELF-EMPLOYMENT COORDINATOR

The statewide Self-Employment Coordinator (SEC) provides business expertise in the self-employment process including, but not limited to, confirming business viability, advising on market research, pricing and consumer identification. The SEC conducts necessary research on businesses, business needs, equipment, supplies, etc. The SEC also approves, along with the RCE, business plans with $5000 or less in start-up costs and monitors existing businesses under an IPE along with the RCE. The SEC coordinates monthly Business Plan Review and Approval Panel, when necessary, and subsequently coordinates business plan feedback to the consumer. Other statewide responsibilities of the SEC include formalizing working relationships with community partners – such as the Small Business Development Center (SBDC), Senior Core of Retired Executives (SCORE – also known as Counselors to America's Small Business), funding entities and assisting with quarterly RCE meetings.

17.4 DVR SELF-EMPLOYMENT PANEL

The Business Plan Review and Approval Panel will be comprised of a RCE, a supervisor I, the Self-Employment Coordinator and a third-party, self-employment subject matter specialist(s) from the community. The purpose of the panel is to provide both vocational rehabilitation and business expertise to the eligible individual and to the business.

17.5 SELF-EMPLOYMENT PLANS

17.51 Abbreviated Business Plan

Certain self-employment programs do not require the full documentation and process that a normal business requires. If it is determined by the DVR self-employment coordinator that the proposed business' scope falls into this category, then the Abbreviated Business Plan format will be utilized. Some examples of this type of business are:

- Independent Real Estate Agents operating in an existing office
- Barbers and Beauticians who rent space in an existing shop
- Franchises
- Independent Financial Planners who are agents of a larger organization and are responsible for their own payroll taxes
- People performing subcontracting work for one or two major clients.

Although these businesses operate under the umbrella of a parent company, they still require the operator to be responsible for his/her own taxes, Social Security and Workers' Compensation, and therefore are classified as Self-Employment.

17.52 Comprehensive Business Plan

The comprehensive business plan is a thoroughly researched and documented description of the proposed or existing business venture. The comprehensive business plan is a long-term vision that tells a complete, step-by-step, working story of why the venture will be successful, and demonstrates the consumer's competence and understanding of, and ability for running the business. It is an analytical document that defines the product and/or service along with a definition of the market. It includes information regarding the competition and financial projections. The comprehensive business plan is a continuously developing and changing document and is the blueprint of the business concept itself.

17.6 TIERS AND FUNDING FOR SELF-EMPLOYMENT

DVR will provide resources in the form of small business start-up assistance to the extent those resources are authorized to be provided through the statewide workforce investment system, per CFR 361.48 and RSA Technical Assistance Circular 00-02 (7-24-00). DVR should not be the sole funding source for any entrepreneurial endeavor. There are two levels, or tiers, in the Colorado DVR self-employment program designed to uniquely meet different types of business ownership needs. All persons interested in Tier Two self-employment shall seek business funding in order to establish or build the credit essential to business ownership, therefore demonstrating viability of their chosen employment goal. DVR shall assist consumers in identifying potential funding sources for business start-up or expansion. These sources include a number of private and public loan funds, including micro-enterprise programs, PASS plans, and personal or business assets.

17.61 Tier One

DVR can support up to $5,000 of start-up expenses for this level of self-employment. This tier exists for persons with business plan concepts requiring start-up costs of less than $5,000. Start-up costs do not include necessary business management and/or vocational training, consultation or assistive technology needed to accommodate a disability. Tier one requires approval of a comprehensive business plan or, in qualifying cases, an abbreviated business plan, by the RCE and the Self-Employment Coordinator.

17.62 Tier Two

DVR can support the first $5,000 of start up expenses and 50% of additional expenses beyond $5,000 up to a total DVR business contribution of $10,000. This tier exists for persons planning businesses with start-up costs of more than $5,000. Start-up costs do not include necessary business management and/or vocational training, consultation or assistive technology needed to accommodate a disability. Tier Two requires Business Plan Review and Approval Panel approval of a comprehensive business plan or, in qualifying cases, an abbreviated business plan.

17.7 CONSUMER CONTRIBUTIONS

Should the consumer already have some equipment to be used for his or her business, the value of the equipment may be used to calculate a portion of the consumer's contributions to the cost of the business. This amount will be determined by consumer-researched, fair market values of assets and confirmed by the self-employment coordinator.

17.71 Use Of Plans For Achieving Self-Support (PASS)

The goal of a PASS is to provide assistance to individuals who are receiving SSA benefits so that they may become self-sufficient. PASS Plans may be written for individuals who receive SSA benefits to cover viable business expenses that are not covered by DVR. For example, if DVR is not able to purchase a vehicle that a consumer needs to operate his/her business, a PASS Plan may be developed to cover that expense. A PASS Plan may also be written for a period of three (3) months to allow for vocational exploration of a self-employment goal. There are experts with the Social Security Administration who are available to assist in the writing of a PASS Plan or to answer technical questions. They may be reached by calling 1-800-772-1213 or the local SSA PASS cadre can provide consultation.

17.8 SELF-EMPLOYMENT COMPREHENSIVE ASSESSMENT

Comprehensive Assessment activities for an eligible individual desiring self-employment as a planned employment outcome include technical assistance and other consultation services to conduct market analyses and develop business plans. Supports and assistance necessary for and concurrent with the participation in the development of a business plan will be outlined in a Business Exploration Agreement (BEA). Specific vocational rehabilitation services and goods for the achievement of self-employment focus on helping individuals to realistically assess the demands and feasibility of self-employment; to identify the appropriate tier level of funding; to develop and implement sound, viable business plans; to acquire necessary business management and technical skills and, to accommodate disability-related limitations.

17.9 THE BUSINESS PLAN DEVELOPMENT PROCESS

17.91 Phase I

17.91.1 Entrepreneurial Profile

A. To be completed by the consumer and his/her DVR counselor identifying that the consumer's strengths, abilities, capabilities, priorities, resources, interests and informed choice leading toward a potential self-employment goal
B. DVR counselor makes contact with the RCE informing him/her of a possible self-employment case. This contact should occur as soon as self-employment is a consideration. The RCE may suggest an orientation meeting with the consumer prior to completion of the self-employment questionnaire.

17.91.2 Orientation to DVR Self-Employment Process

A. To be completed by the consumer, RCE and the DVR counselor.
B. Consumer Guidelines and Verification Document – to be reviewed with the consumer and signed (copy to consumer and copy placed in file)
C. Self-Employment Questionnaire

1. Before agreeing upon a self-employment outcome, the consumer's potential to implement and sustain a successful business enterprise and the proposed business idea must be assessed. The first step in assessing the suitability of self-employment requires the consumer and/or his or her authorized representative to complete a Self-Employment Questionnaire. The Questionnaire is a tool to help the consumer, DVR counselor and RCE determine if the business concept is one that can be successful and to determine what kinds of assistance the consumer may need to be successful. The consumer may be encouraged to conduct market surveys with potential consumers of the business and to complete a product and cost analysis spreadsheet. The DVR counselor and RCE will review the completed Questionnaire and any optional forms. The main focus of the review will be on making certain that the Questionnaire is filled out completely and to make recommendations to assist the consumer in gathering additional information if necessary. This is also an opportunity to answer questions that the consumer may have.

2. Self-Employment referral to the Self-Employment Coordinator: Once the RCE and DVR counselor agree that the Self-Employment Questionnaire is complete and that the goal of self-employment is viable, the Self-Employment Questionnaire, along with a completed Self-Employment Referral Form will be given to the Self-Employment Coordinator for review. The Self-Employment Coordinator will schedule a time to meet with the consumer, RCE and DVR counselor. If the Self-Employment Coordinator determines that the business concept is not

viable, the consumer may be asked to provide additional information or consider a business concept with more potential for success. The DVR counselor may also recommend that the consumer consider an employment outcome other than self-employment in a similar occupational area. In addition, the Self-Employment Coordinator may recommend that the consumer participate in a short-term training program to further explore his/her potential to run a business successfully.

3. Confirmation of Self-Employment goal: Once a self-employment concept has been approved, the DVR counselor will transfer the consumer's case service record to the RCE.

4. The Self-Employment Coordinator will discuss potential Tier Level assignment, based on financial requirements of the proposed business. Refer to description of Tier levels 1 and 2.

5. Determine the need for completing an "Abbreviated Business Plan" or "Comprehensive Business Plan".

17.92 Phase II

17.92.1 Business Exploration Agreement (BEA)

A. The consumer and RCE develop the BEA. It outlines the need for concurrent services that are required by the consumer in order for him/her to write a business plan, i.e. mental health counseling, business classes or other supportive services as necessary. It outlines services needed, service providers, funding sources and timeframes for completion of the services listed. It will also outline consumer and RCE responsibilities. Adherence to the timelines and agreed upon responsibilities will be used to monitor progress towards completion of the BEA. Failure by the consumer to complete or progress toward the completion of services outlined in the BEA may result in further review or possibly termination of the BEA.
B. Product Cost/Service Analysis
C. Survey of Competition

17.93 Phase III

- List of Potential Customers
- Customer Survey Guidelines
- Customer Surveys
- Marketing and Advertising Plan

17.94 Phase IV

- Monthly Business Expenses
- Start-up Costs
- Spreadsheet/Worksheet Guidelines
- Business Plan Factors
- Business Plan Checklist

17.95 Business Plan Approval

Once the Business Plan has been completed, it will be reviewed based on the Tier 1 or Tier 2 level approval process to evaluate its potential for success. The RCE and the Self-Employment Coordinator approve Tier 1. A Business Plan Review and Approval Panel consisting of an RCE, the Self-Employment Coordinator, a DVR Supervisor I, and third party self-employment subject matter specialist(s) from the community approve Tier 2. Criteria to be considered include:

- The business's potential profitability as reflected in the business plan's financial forecast,
- Start up costs versus potential profitability,
- Availability of financial resources, and
- The eligible individual's ability to effectively manage the business as it is designed.

17.10 INDIVIDUALIZED PLAN FOR SELF-EMPLOYMENT

Following approval of a comprehensive or abbreviated business plan, an Individualized Plan for Self Employment (IPSE) will be prepared and, unless already provided during comprehensive assessment, shall include:

A. Necessary start-up expenses outlined in the business plan and in accordance with the tiers described above
B. Training needed to equip the individual with business management and operation skills
C. Identification of assistive technology or other accommodations needed for management and operation of the business
D. A plan to monitor and evaluate the success of the business through monthly reviews and financial reports with attention paid to marketing activities and cash flow
E. A listing of the comparable benefits and alternative funding resources that will contribute to the support of the business

F. Identification of closure criteria to include an agreed upon income level consistent with financial projections submitted with the comprehensive or abbreviated business plan and up to the maximum cost of living allowance as indicated on the Financial Need Analysis

The Individualized Plan for Self-Employment identifies goods and services that address specific business start-up needs, such as providing for operating expenses or acquisition of occupational tools and beginning inventory in addition to vocational rehabilitation needs identified during the comprehensive assessment. The Division of Vocational Rehabilitation's financial participation in such costs will be limited to the Tier Level required for the business to operate in accordance with its business plan and to achieve growth at the levels identified in the evaluation criteria for job stability.

17.11 INDIVIDUALIZED PLAN FOR SELF-EMPLOYMENT EVALUATION CRITERIA

Evaluation criteria for Individualized Plan for Self-Employment (ISPE) need to measure progress toward and completion of required steps in the business development process and to assure adequate business growth. They should assure that the following results are achieved, as appropriate, to the individual's particular needs:

- That the individual possesses adequate skills to manage his or her own business;
- That the individual has sufficient technical skills to run the business;
- That the individual has developed an effective network of professional advisors, including an attorney, CPA and business mentor;
- That the individual has developed and is implementing a sound financial plan to operate the business and sustain long-term viability;
- That all necessary accommodations are in place to address special disability-related needs; and
- That the business is generating adequate and planned for income growth to cover all business operating costs and ongoing accommodation costs.

17.12 BUSINESS PLAN MONITORING

The evaluation criteria to measure the financial progress of the business will be done through the completion of the Self-Employment Progress Report (SEPR) on a monthly basis and submitted to the RCE by the 7th of the month for the previous 30-day period. The monthly SEPR submitted will be reviewed and analyzed against the SEP Spreadsheet/Financial Forecast. The report is a means for which both the consumer and the counselor will be able to determine adequate business growth.

17.13 BREAK EVEN AND MOVEMENT INTO STATUS 22 AND 26

Once a business is meeting its own normal operating expenses (break even), the RCE and self-employment coordinator will continue to provide technical assistance and monitoring

as the individual continues to build monthly revenue necessary to reach the agreed upon income goal. During the monitoring period and up until successful case closure, the only services that may continue are necessary and planned disability-related services.

The IPSE will include an evaluation criterion that clearly defines the individual's and RCE's agreement about when the individual will assume full responsibility for ongoing business management and continued growth without further vocational rehabilitation services. This criterion should be described as a level of business performance in terms of the individual's financial goal. Reported wages at the time of case closure will be based on net profit as defined within DVR policy. The Individualized Plan for Self-Employment must be in place for a minimum of 90-days.

17.14 SELF-EMPLOYMENT SERVICE RECORD CLOSURE

The following business development results must be achieved, as appropriate to the consumer's particular needs and goal, prior to closure of the service record:

- The business is operational and meeting all federal, state and local laws governing the operation of the business, including maintaining adequate insurance coverage for business requirements.
- The business is generating sufficient income to cover all required business expenses, associated impairment-related expenses, if applicable, and the agreed upon income goal has been reached.
- The consumer and counselor agree that technical and managerial skills are adequate for on-going business management and continued growth without further vocational rehabilitation services.

17.15 NON-PROFIT SELF-EMPLOYMENT

Individuals working for or directing a non-profit are typically considered employees so self-employment does not usually apply. However, if an individual seeks to perform work for a non-profit in a consultative and/or contractual fashion, the self-employment program may be appropriate. The RCE and the Self-Employment Coordinator will work closely with such individuals to study the Internal Revenue Service (IRS) provisions that apply to the type of work being sought. Individuals seeking to work for a non-profit as an employee may be assisted through the DVR program but not as part of the Self-Employment Program.

17.16 JOB RETENTION SELF-EMPLOYMENT

For individuals requiring services to retain a present business, completion of bolded questions on the self-employment Questionnaire along with submission of the following (as requested by the RCE):

- Previous year Schedule C IRS documentation

- Previous business plan (if available)
- Current profit and loss statements

Upon review of the above, the RCE and Self-Employment Coordinator may recommend immediate movement into an Individualized Plan for Self-Employment. This movement into an IPSE requires an agreement that the current business demonstrates viability or likelihood of re-gained viability with DVR service provision.

Chapter Eighteen - Closure

✓ The Regulations:

Section 361.44 Closure without eligibility determination

The designated State unit may not close an applicant's record of services prior to making an eligibility determination unless the applicant declines to participate in or is unavailable to complete an assessment for determining eligibility and priority for services, and the State unit has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

Section 361.47 Record of Services

(a)(3) The designated State unit must maintain for each applicant and eligible individual, documentation a record of services that include…Documentation that describes the justification that describes closing an applicant's or eligible individual's record of services if that closure is based on reasons other than ineligibility, including, as appropriate, documentation indicating that the State unit has satisfied the requirements in section 361.44.

Section 361.56 Requirements for closing the record of services of an individual who has achieved an employment outcome.

The record of services of an individual who has achieved an employment outcome may be closed only if all of the following requirements are met:

(a) Employment outcome achieved.

(1) Consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice; and (2) In the most integrated setting possible consistent with the individual's informed choice.

(b) Employment outcome maintained. The individual has maintained the employment outcome for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome, and the individual no longer needs vocational rehabilitation services.

(c) Satisfactory outcome…the individual and the qualified rehabilitation counselor employed by the designated State unit consider the outcome to be satisfactory and agree that the individual is performing well in the employment.

(d) Post-employment services. The individual is informed…of the availability of post-employment services.

18.0 DVR Policy: CLOSURE

18.1 CONDITIONS FOR CLOSURE

Closure shall occur at any time in the vocational rehabilitation process when it has been determined that one of the following has occurred:

1. The individual has achieved an employment outcome consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice; and in the most integrated setting possible consistent with the individual's informed choice, after the provision of necessary and appropriate planned services under an IPE.
2. The individual is not eligible or is no longer eligible.
3. The individual is not available for other reasons.

The reason and corresponding rationale for closure must be documented in the individual's service record. Closure documentation must include the individual's employment status, when known.

18.12 Quality Of Case Documentation And Decision Making

The service record for all closures shall reflect that the DVR counselor provided necessary and appropriate assistance, services and supports to involve the individual in and facilitate informed choices throughout the rehabilitation process. The service record in its entirety shall reflect that the DVR counselor made appropriate efforts to engage the applicant or eligible individual in an active and meaningful partnership with timely interventions by the DVR counselor, when necessary. The service record shall reflect, the positive process involved in the communication development between the DVR counselor and the individual and, when appropriate his/her authorized representative, and describe the working relationship established to conduct assessment activities, planning activities and to carry out the provisions and responsibilities of the IPE. If the service record indicates that such a partnership did not evolve, it should reflect that the DVR counselor made appropriate efforts to improve the working relationship.

18.2 CRITERIA FOR A SUCCESSFUL VOCATIONAL REHABILITATION CLOSURE

The record of services of an individual who has achieved an employment outcome may be closed only if all of the following requirements are met:

18.21 Employment Outcome Achieved

A. The individual has achieved the employment outcome that is described in the IPE, IPSE, or IPE amendments.
B. The employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.
C. The employment outcome is in the most integrated setting possible, consistent with the individual's informed choice.

18.22 Employment Outcome Maintained

A. The individual has maintained the employment outcome for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome.
B. The individual no longer needs vocational rehabilitation services.

The DVR counselor, staff person and/or appropriate service provider shall contact the individual and, when appropriate, the employer, at least once per month to assess job stability and assure that the employment outcome is maintained for the minimum time required of 90 days for all successful employment outcomes. The service record will contain documentation of the person(s) contacted as well as the content and outcome of each contact.

18.23 Employment Outcome Satisfactory

At the end of the appropriate period, which shall be no less than 90 days, the individual and, if appropriate the individual's authorized representative, and the DVR counselor must consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment.

18.24 Individual Informed Of Post-Employment Services

The individual and, if appropriate the individual's authorized representative, shall be informed through appropriate modes of communication of the availability of post-employment services.

18.25 Vocational Rehabilitation Services Documented

The service record must contain documentation that demonstrates the vocational rehabilitation services provided under the individual's IPE, IPSE, IPE supplement and amendments contributed to the achievement of the employment outcome.

18.26 Compensation Verified

With the exception of closures as homemaker and unpaid family worker, there must be verification in the service record that the individual is compensated at or above the minimum wage and that the individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals. Self-employment requires that the income goal identified in the IPSE has been met.

18.27 Sub Minimum Wage Employment Outcome

If the individual is paid less than minimum wage in an integrated employment setting covered by Section 14(c) of the Fair Labor Standards Act (FLSA), s/he must be compensated in accordance with FLSA requirements. This means that, when the individual is earning less than minimum wage, a valid sub-minimum wage certificate must cover the individual.

The DVR counselor must conduct a re-evaluation of the individual's employment outcome, at least annually for two years after closure, and thereafter as requested by the individual, to determine the individual's interests and needs for training for and/or placement into competitive employment. The re-evaluation shall reflect maximum efforts to assist the individual in moving into competitive employment. Input from the individual and his/her authorized representative, when appropriate, shall be incorporated into the review. A written acknowledgement of the review and its outcome, signed and dated by the individual, must appear in the service record. Written notification must be provided to the individual at the time of the second annual review of his/her right to request an annual re-evaluation of employment and how this request can be made.

18.28 Supported Employment Requirements

A supported employment outcome must meet all of the criteria for a successful vocational rehabilitation closure. Closure for individuals with most significant disabilities successfully working in supported employment settings must meet additional criteria identified and agreed upon in the IPE Supplement for Supported Employment. Documentation in the service record must provide evidence that the individual is:

A. Performing productive work in an integrated community-based work setting; and,
B. Working the number of hours identified as his/her weekly work goal; and,
C. Paid at least minimum wage or at a rate which reflects his/her productivity in accordance with Section 14(c) of the Fair Labor Standards Act (FLSA).

18.28.1 Self-Employment Requirements

Self-employment outcome requires that the business development results identified and agreed upon in the IPSE for Self-Employment must be achieved prior to closure of the service record. Documentation in the service record must provide evidence that the following closure criteria have been met:

A. The business is operational and meeting all federal, state and local laws governing the operation of the business, including maintaining adequate insurance coverage for business requirements.
B. The business is generating sufficient income to cover all required business expenses, associated impairment-related expenses, if applicable, and meet the agreed upon income goal.
C. The individual and the DVR counselor agree that the individual's technical and managerial skills are adequate for on-going business management and continued growth without further vocational rehabilitation services.

18.3 INELIGIBILITY CLOSURE

When the DVR counselor determines that an applicant is ineligible or that a previously determined eligible individual is no longer eligible for vocational rehabilitation services, the service record must include documentation specifying the reasons for this determination. A determination of ineligibility shall be made when the individual does not meet or no longer meets one of the eligibility criteria. An ineligibility determination can be made only after full consultation with the individual or, when appropriate, his/her authorized representative or after giving clear opportunity for such consultation. This consultation, or the opportunity for it, must be documented in the service record.

Each individual determined ineligible shall be referred to other training or employment-related programs in the statewide workforce investment system which can be of assistance to him/her in preparing for, securing, retaining or regaining employment.

18.31 Certification Of Ineligibility And Notification

A written Certification of Ineligibility, which includes documentation that one or more of the eligibility criteria are not or are no longer met, will be completed, signed and dated by the DVR counselor.

The DVR counselor must provide the individual with written notification, signed and dated, and through appropriate modes of communication, of the ineligibility closure action which includes:

A. The reason for closure; and,
B. Information about the individual's appeal rights and how s/he can request an administrative review, mediation and a formal appeal; and,
C. A description of the resources available from the Client Assistance Program and how it can be contacted; and,
D. When the reason for closure is due to severity of impairment, the individual's right to request an annual review of the ineligibility decision and how this request can be made.

18.32 Ineligibility Due To The Severity Of The Individual's Impairment(s)

An ineligibility decision due to the severity of an individual's impairment(s) can only be made when the service record contains clear and convincing evidence that the applicant or eligible individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome.

The DVR counselor must review the ineligibility decision within twelve (12) months of closure and annually thereafter if requested by the individual or his/ her authorized representative, unless the individual refuses the review, is no longer present in the State, his/her whereabouts are unknown or the individual's medical condition is rapidly progressive or terminal.

The review(s) must include consideration of the possibility of supported employment service provision as a means for achieving an employment outcome. The results of all annual reviews must be documented in the service record.

18.4 CLOSURE WITHOUT ELIGIBILITY DETERMINATION

The DVR counselor may close an applicant's service record prior to making an eligibility determination only when:

A. The individual declines to participate in or is unavailable to complete an assessment for determining eligibility and priority for services, and
B. There have been a reasonable number of attempts to contact the applicant or, if appropriate, his/her authorized representative to encourage participation.

18.5 OTHER REASONS FOR CLOSURE

18.51 Other Closures

In addition to closure due to a successful employment outcome or ineligibility, the DVR counselor may close a service record for an applicant or eligible individual for any of the following reasons:

1. The individual cannot be contacted or located and there is documentation in the service record showing that the DVR counselor made repeated and appropriate efforts to contact the individual and, when appropriate, his/her authorized representative.

2. The individual is not available to participate in the rehabilitation program.

3. The individual has refused services or further services and documentation in the service record shows that the DVR counselor made a reasonable number of attempts to contact the individual and, when appropriate his/her authorized representative, to encourage participation.

4. The individual has requested closure.

5. The individual has failed to cooperate and documentation in the service record shows that the DVR counselor has made repeated and appropriate efforts to encourage participation.

6. Employment has been maintained after provision of post employment services.

7. Extended services for supported employment are not available and documentation in the service record indicates that appropriate referrals have been made, if there are potential resources that may at some time in the future provide extended services, and that natural supports cannot be developed or are not appropriate to the individual's needs. The service record must also document consultation or the opportunity for consultation regarding extended services issues with the individual and, if appropriate, his/her authorized representative.

8. Extended employment has been chosen by the individual and, when appropriate, his/her authorized representative;

18.52 Order Of Selection Waiting List

Closure from an order of selection waiting list is appropriate if requested by the individual; if s/he cannot be contacted or located or has moved; if the individual is no longer available for services for another reason; or if information has been obtained that supports a determination that the individual is no longer eligible for vocational rehabilitation services. The individual shall be afforded an opportunity to participate in

the closure decision, unless s/he refuses it or cannot be located. The individual must be informed of the closure action, in writing, and through appropriate modes of communication, including the reason for closure, the right to an administrative review, mediation and formal appeal of the closure decision and how an administrative review and/or formal appeal may be initiated. Referrals shall be made to other training or employment-related programs in the statewide workforce investment system that can be of assistance to the individual in preparing for, securing, retaining or regaining employment.

Appendix A

Division of Vocational Rehabilitation (DVR) Definitions

Academic Training Services

Training provided to develop academic and reasoning abilities as well as skills for a specific occupation typically leading to certificates or degrees at the associate's level or higher.

Applicant

An individual who submits an application for vocational rehabilitation services in accordance with section 5.12 of the DVR Policy Manual.

Appropriate Modes of Communication

Specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, use of interpreters, open and closed caption videos, special telecommunications services and audio recordings, Braille and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations and simple language materials.

Appropriate Vocational Rehabilitation Services and Goods

Each vocational rehabilitation service and good must be suitable and of sufficient quality to meet the individual's particular needs and circumstances. To be considered appropriate, the access or use of a service or good shall not require sacrifices or adjustments that would not be reasonably expected of an individual who does not have a disability.

Assistive Technology Device (Adaptive Aid)

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 functional capabilities of an individual with a disability.

Assistive Technology Evaluation

An evaluation to identify the assistive technology device(s) and service(s) which are necessary for an applicant or eligible individual to participate in an eligibility assessment, a period of trial work experience(s), an extended evaluation, development of the Individualized Plan for Employment and/or planned services.

Assistive Technology Service

Any service which directly assists individuals with disabilities in the selection, acquisition or use of an assistive technology device, including assistive technology evaluations; purchasing, leasing or otherwise providing for the acquisition by an individual with a disability of an assistive technology device; selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive technology devices; coordinating and using other therapies, interventions or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; training or technical assistance to the individual, family members, guardians, advocates or authorized representatives in the use of the device; and, training or technical assistance for professionals, employers and others who are substantially involved in the major life functions of the individual to the extent necessary to the achievement of an employment outcome by an individual with a disability.

Attendant Factors

Circumstances that directly interact with the impairment to negatively affect employability.

Authorized Representative

Parent, guardian, family member, advocate or other person authorized by the applicant or eligible individual or other person appointed by a court to represent the individual. Although an individual may choose to involve more than one person to assist with representation of their interests in pursuing vocational rehabilitation services, individuals appointed by a court must be considered the primary authorized representative.

Auxiliary Aids (and services)

A wide range of services and devices that promote effective communication. Examples may include, for individuals with hearing impairments: qualified interpreters, transcription services, closed caption decoders and videotext displays; for individuals with visual impairments: qualified readers, taped texts, materials in Braille and audio recordings; for individuals with speech impairments: TDDs, speech synthesizers and communication boards.

Clear and Convincing Evidence

A high degree of certainty that an individual is incapable of benefiting from services in terms of an employment outcome. The “clear and convincing” standard constitutes the highest standard used in our civil system of law and is to be individually applied on a case-by-case basis. The term clear means unequivocal. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence. Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have

concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability. The demonstration of “clear and convincing evidence” must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology), in real life settings.

Cognitive Disabilities Training

Training in the development of cognitive skills to improve attention, memory and problem solving.

Communication Skills Training

Training in specialized visual, auditory or sign language communication techniques needed by an individual with a disability to communicate with others.

Community-Based Services

Services provided in realistic life settings as applicable for the specific service, such as realistic work settings, an applicant’s or eligible individual’s home or community environment, etc.

Community Rehabilitation Program

A program, in an agency, organization, or institution, or a unit of an agency, organization or institution, that provides directly or facilitates the provision of one or more of the following vocational services to individuals with disabilities to enable those individuals to maximize their opportunities for employment, including career advancement: medical, psychiatric, psychological, social, vocational services that are provided under one management; testing, fitting and training in the use of prosthetic and orthotic devices; recreational therapy; physical and occupational therapy; speech, language and hearing therapy; psychiatric, psychological and social services, including positive behavior management; assessment for determining eligibility and vocational rehabilitation needs; rehabilitation technology; job development, placement and retention services; evaluation or control of specific disabilities; orientation and mobility services for individuals who are blind; extended employment; psychosocial rehabilitation services; supported employment services and extended services; services to family members if necessary to enable the applicant or eligible individual to achieve an employment outcome and/or personal assistance services.

Comparable Services and Benefits

Services and benefits that are provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits; available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment; commensurate to the services that the individual would

otherwise receive from DVR. Awards and scholarships based on merit, and Plans for Achieving Self-Support (PASS), are not considered comparable services and benefits.

Competitive Employment

Full or part time work in the competitive labor market, in an integrated setting, for which compensation is at or above the customary wage and benefits paid by the employer to persons who do not have disabilities for the same or similar jobs. Compensation, in the absence of an appropriate waiver, must reflect at least minimum wage.

Core Vocational Rehabilitation Services

Goods and services provided to individuals that are designed to address specifically identified vocational rehabilitation service needs.

DVR Instructor

Orientation and mobility instructor or rehabilitation teacher employed by the Division of Vocational Rehabilitation.

Eligible Individual

An applicant for vocational rehabilitation services who meets the eligibility requirements of section 6.1 of the DVR Policy Manual.

Emergency Condition

A situation which creates a threat to the health or safety of an applicant or eligible individual.

Employment Outcome

Entering, or retaining competitive employment (full or part time) in the integrated labor market to the greatest extent practicable; supported employment or any other type or employment which is consistent with the individual's strengths resources, priorities, concerns, abilities, capabilities, interests and informed choice. Employment outcomes include:

1. Competitive work in the community
2. Other work in the community
3. Self-Employment
4. Business Enterprise Operator
5. Homemaker
6. Unpaid Family Worker
7. Supported Employment
8. Telecommuting

Other than employment outcomes of homemaker and unpaid family worker, the individual must receive a salary or self-employment remuneration for work activity.

Extended Employment

Work in a non-integrated or sheltered setting for a public or private non-profit agency which provides compensation in accordance with the Fair Labor Standards Act (FLSA) and any needed support services to an individual with a disability to enable the individual to continue to train or otherwise prepare for competitive employment, unless the individual through informed choice chooses to remain in extended employment.

Extended Evaluation

An individualized program of vocational rehabilitation services provided to an applicant or eligible individual to determine through clear and convincing evidence whether the individual has the abilities, capabilities, and capacity to perform work in an integrated setting. Such services are provided to individuals whose eligibility or continuing eligibility is questioned due to the severity of his/her disability and who is unable to take advantage of trial work experiences.

Extended Services

Ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment and that are provided by a State agency, a private non-profit organization, employer or any other appropriate resource after transition from support provided by DVR.

Extreme Medical Risk

Probability of substantially increasing functional impairment or risk of death if medical services, including mental health services, are not provided expeditiously.

Facility-Based Services

Services provided in structures or environments designed specifically to furnish goods and services to persons with disabilities and other special populations, such as community rehabilitation program facilities, clubhouses, independent living centers, special residential facilities, extended employment sites, segregated enclave program sites, etc.

Family Member (for purposes of services to family members)

A relative, guardian or other person who lives in the same household as the individual, and who has a substantial interest in the well being of that individual and whose receipt of vocational rehabilitation services is necessary to enable the applicant or the eligible individual to achieve and employment outcome.

Family Unit (applies to financial needs analysis)

The family unit consists of the applicant or eligible individual, the spouse of the individual and any other persons whom the individual claims as a dependent for income tax purposes**.**

1. When the individual is dependent upon his/her parents, the parents and persons for whom the parents are financially responsible shall be considered part of the family unit.
2. An individual who is living with his/her parents is considered a dependent unless the parents have not claimed the individual as a dependent for income tax purposes for the tax year previous to the financial need determination and do not intend to claim the individual as a dependent in current and future years.

Functional Capacity Area

Set of life activities or skills in which the ability to function is significant to successful independence and/or employment. Eight such areas have been identified for purposes of severity of disability: mobility, motor skills, interpersonal skills, communication, work tolerance, work skills, self-care and self-direction.

General Educational Development (GED) Test Preparation

Educational services to help an individual prepare for the GED exam.

Goods

Commodities obtained from vendors, or via comparable benefits, that have been determined necessary for participation with the Division of Vocational Rehabilitation or for the attainment of an employment outcome.

Homemaker

An employment outcome in which the individual is performing the majority of homemaking activities necessary to maintain a suitable living environment, either for himself, herself or for family members. Homemaking activities do not typically include self-care activities which directly relate to physical needs such as hygiene, dressing, eating, mobility, etc.

Individual with a Disability

An individual who has a physical or mental impairment whose impairment constitutes or results in a substantial impediment to employment and who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

Individual with a Most Significant Disability

An individual with a most significant disability has a severe physical or mental impairment that seriously limits at least one factor in three or more functional capacity areas (mobility, motor skills, interpersonal skills, communication, work tolerance, work skills, self-care and self-direction) in terms of an employment outcome; and, whose successful vocational rehabilitation can be expected to require the provision of two or more core vocational rehabilitation services for at least five months.

Individual with a Significant Disability

An individual with a significant disability has a severe physical or mental impairment(s) that seriously limits at least one factor in two or fewer functional capacity areas and who otherwise meets the same criteria as for a most significant disability. An individual who is determined to be eligible for SSI/SSDI on the basis of his or her own disability is presumed to have a significant disability.

Integrated Settings

Integrated Service Setting
A setting typically found in the community in which the individual with a disability interacts with persons, other than service provider(s), who do not have disabilities.

Integrated Work Setting
An employment setting typically found in the community in which the individual with a disability interacts with persons who do not have disabilities other than service provider(s), to the same extent as persons who do not have disabilities in comparable positions.

Interests

Work preferences, activities that the individual is attracted to and the results of interest inventories or other measures to identify preferences that result in identification of a suitable employment goal.

Interpreter Services

Translation of expressive and receptive language through oral, manual or written communication techniques.

Job Club

A structured group setting which provides assistance and support for job search activities emphasizing self-directed job search techniques.

Job Coaching

Training provided by an individual, other than the employer (unless under a program of natural supports in a supported employment placement), to an eligible individual after he/she has been placed in a paid employment situation. Job coaching services include job skill training at the work site, work site orientation, monitoring of the individual at the job site to assess employment stability and coordination or provision of specific services at or away from the work site to maintain employment stability.

Job Seeking Skills Training

Training to teach eligible individuals how to conduct job searches, how to prepare resumes and complete applications, and how to interview effectively.

Job Shadowing

A community-based situational assessment provided in a real work setting where the eligible individual observes and possibly assists in the performance of a specific job so that he/she has a sufficient understanding of job requirements to assist when making an informed choice among potential employment outcomes.

Job Site Evaluation

A limited situational assessment (up to three hours) which consists of observing an individual with a disability on a specific job to determine if the job and/or work setting is appropriate for the individual and/or to determine accommodations that may be needed.

Job Site Modification

Modification or adaptation to a workstation and/or job site to enable the individual with a disability access to necessary tools, equipment, and materials for the performance of job tasks and/or to improve his/her ability to perform required job tasks.

Job Stability

When an employed individual is reasonably expected to continue to perform all job duties acceptably, without the provision of further vocational rehabilitation services.

Maintenance

Monetary support provided to an individual for expenses, such as food, shelter and clothing, that are in excess of the normal expenses of the individual and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an Individualized Plan for Employment.

Mediation

The act or process of using an independent third party (a qualified and impartial mediator) to act as a mediator, intermediary or conciliator to assist persons or parties in settling differences or disputes prior to pursuing formal administrative or other legal remedies.

Necessary Vocational Rehabilitation Goods and Services

Goods and services which are essential to assess an individual's eligibility and severity of disability, to establish his or her vocational rehabilitation needs and to assist the individual in preparing for, securing, retaining or regaining an employment outcome.

Note-taking Services

Services which accurately record the content of verbal material presented by an instructor, evaluator or employer for an individual who is unable to hear or comprehend verbal communication.

On-The-Job Training (OJT)

Job skill training provided at the work site by the employer after placement in a paid employment situation has been secured with the clear expectation that employment in the same or a similar job for the employer will continue for the individual with a disability if training is successful.

Orientation and Mobility Training

Personal adjustment training provided to persons who are blind and visually impaired to teach independent travel skills.

Personal Adjustment Training

Training provided to help eligible individuals develop compensatory skills and/or to adjust behavior in the areas of independent living, communications, homemaking, personal mobility and ability to travel in the community, and personal functioning. It includes rehabilitation teaching services and mobility training for individuals who are visually impaired, blind or deaf-blind.

Personal Assistance Services

A range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability. The services must be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. The services must be necessary to the

achievement of an employment outcome and may be provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising and directing personal assistance services.

Physical and Mental Impairment

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or,
2. Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

Post-Employment Services

One or more vocational rehabilitation services that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

Priorities and Concerns

For purposes of determining a suitable employment goal, this phrase includes work and personal factors of primary importance to the individual, types of aid and support needed for engaging in work, earnings requirements, matters creating stress for the individual, financial concerns and other factors that are critical to successful participation in a VR program.

Provider

The individual and/or organization which will render a necessary good or service.

Reader Services

Verbal communication of printed text for an individual unable to read or comprehend written or printed materials.

Realistic Work Setting

For purposes of providing trial work experiences to establish eligibility, a realistic work setting is one that is compatible with the individual’s specific limitations and vocational rehabilitation needs and that provides a suitable environment that enables the individual to demonstrate and/or develop his/her abilities, capabilities and capacities to perform work in an integrated setting.

Rehabilitation Engineering

The systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply and distribute technological solutions to problems confronted by individuals with disabilities in functional areas, such as mobility, communications, hearing, vision and cognition, and in activities associated with employment, independent living, education and integration into the community.

Rehabilitation Teaching

Personal adjustment training provided to persons who are blind to identify and/or overcome or circumvent disability related barriers to communication, home and personal management, and independent mobility. Rehabilitation teaching may include counseling and guidance to enhance an individual's adjustment to his or her blindness, self-reliance and independent decision-making.

Rehabilitation Technology

The systematic application of technologies, engineering 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.

Relocation Costs

Financial support to cover those expenses of an individual with a disability and/or his/her family when it is necessary to relocate the individual to enable him or her to participate in a vocational rehabilitation program and attain an employment outcome.

Residential Modification

Structural modifications or adaptations to an individual's residence to enable access to and independent function in the residence to the degree necessary for the individual to attain his or her employment outcome.

Self-Employment

An employment outcome where the individual or the entity owned by the individual is responsible for paying for the employer and employee portion of his/her own social security taxes, income taxes, insurance, licenses and other employee benefits. Self-employment ranges from sole proprietorships and independent contractors to multi-employee companies and independent franchise operations.

SELF-EMPLOYMENT PROGRAM DEFINITIONS

Breakeven: A business is considered breaking even when net sales are sufficient to pay all business expenses on a monthly basis and no additional money is required.

Business Acumen: Business acumen refers to a person's knowledge, skills and understanding of owning and operating a business. This is primarily obtained through education and experience.

Business Concept: A business concept is the overall description of what type of business it is going to be, how it is going to operate and how much it is expected to earn. For example: Business Concept: "Fun and Games" will be a family entertainment center offering games and entertainment the whole family can participate in, such as ping pong, skee-ball, bumper pool, skill games, etc. We will operate from 5:00 p.m. to 10:00 p.m. 7 nights a week. Charging $5.00 cover charge per person will generate revenue. We anticipate an average of 100 people Sunday through Thursday and 300 people on Friday and Saturday for a gross income of $5,000 per week. Our overhead including labor will be $3200 per week, leaving a gross profit of $1800 per week or $93,600 per year…"

Business Exploration Agreement: An agreement outlining activities necessary for completion of a business plan, written and signed by the Rehabilitation Counselor for Entrepreneurship (RCE) and eligible individual.

Business Plan, Abbreviated: A less comprehensive plan written for businesses which operate as a subcontractor with other businesses and have limited overhead and marketing responsibilities.

Business Plan, Comprehensive: A complete plan written for normal retail businesses selling product and services to the general public. This plan will include an Executive Summary outlining the owner's qualifications to run the business, Business Description/Concept, Pricing Strategy based on the Product and Service Cost Analysis, Competitive Surveys, Customer Surveys, Marketing and Advertising Plan, Start-up Cost Spreadsheet, Financial Projections, Back-up Plans, Legal Requirements, Insurance Requirements and Costs and Accounting Procedures.

Entrepreneurial Profile: An summary completed by the originating rehabilitation counselor demonstrating the suitability of the self-employment goal from a disability and personal characteristics perspective.

Fair Market Value: A term normally applied to existing assets, such as equipment and inventory, indicating what the worth would be if these assets were liquidated or sold in today's market. For example, Blue Book value on a vehicle.

Financial Forecast (Pro Forma): A projection or prediction of future sales, costs and profits of a particular business used to project potential success and to establish goals and guidelines for future planning.

Franchising: A continuing relationship in which the franchiser provides a licensed privilege to the franchisee to do business, and offers assistance in organizing, training, merchandising, marketing and managing in return for a consideration. Franchising is a form of business by which the owner (franchiser) of a product, service or method obtains distribution through affiliated dealers (franchisees). The product, method or service being marketed is usually identified by the franchiser's brand name and the holder of the privilege (franchisee) is often given exclusive access to a defined geographical area.

Lease: A contract between the owner (lessor) and the tenant (lessee) stating the conditions under which the tenant may occupy or use real estate or equipment. Terms usually include a specific period of time at a predetermined rate.

Milestone: Milestones are date-driven goals set based on the financial forecast to assist the business operator in measuring projected progress of the business and alert the owner if goals are not being met. For example: Milestone One: "The business will be netting $1,000 a month in profit by May 15, 2006."

Net Profit: Net profit refers to profit that is produced after <u>all</u> expenses and overhead are paid.

Non-Profit: Pertaining to an organization or company established for charitable, educational or humanitarian purposes and not for making money.

Product and Service Cost Analysis: This is a process a business must go through for each of its products and services to determine how much it costs to produce and provide the various products and services it offers. This calculation is accomplished by listing the cost of every item that goes into the product or service, especially including labor costs based on the amount it would take to hire someone to do the same work, including labor overhead. This amount is used to determine how much the product or service must be sold for to guarantee a profit level sufficient to support the goals of the business.

Profit/Loss: Profit and loss are terms applied to the accounting spreadsheet that calculates all revenues (sales) and expenses. Subtracting expenses from revenues from expenses determines if the business has a net profit or loss. If expenses exceed revenues, it is a loss**.** If revenues exceed expenses, it is a profit.

Self-Employment: A person is considered self-employed when they are responsible for withholding and paying their own income tax, Workers Compensation costs, benefits, etc. If an employer pays an employee and deducts

the above items from the paycheck, the recipient of the paycheck is not considered to be self-employed.

Self-Employment Progress Report: A monthly progress report of profit and loss.

Self-Employment Questionnaire: A preliminary questionnaire designed to acquaint the RCE and the Self-Employment Coordinator with the Customer and the Business Concept to assist in assessing viability and planning for a Business Plan.

Start-Up Costs: Start-up costs refers to all costs involved in opening a business, including equipment, inventory, rent and utilities (if applicable), advertising, insurance, legal fees, supplies not related directly to resale, such as cleaning materials, office supplies, etc. These are costs projected to be incurred until the business can reach a breakeven level.

Subcontract: A term between a prime contractor and a subcontractor to furnish supplies or services for the performance of a prime contract or subcontract.

Viability/Feasibility: A business venture is considered viable or feasible when it can generate sufficient enough profit to meet the agreed upon income goal of the DVR customer. The initial determination of viability is made based on the financial projections and the customer's ability to operate the business with or without support in a profitable manner.

Serious Limitation

A reduction in functioning, due to a severe impairment, to the degree that the individual requires goods and services or special working conditions, such as job re-engineering, assistive technology, substantial on-the-job support or intensive supervision, not typically provided for other individuals in order to prepare for, enter, engage in or retain employment in previous jobs, usual line of work and/or occupations usually available to people of equivalent age, education and capacities who do not have disabilities. External factors, such as geographic location, availability of public transportation, lack of financial resources or training, are not considered when determining whether or not a limitation meets the criteria for "serious."

Service

The furnishing of labor, time or effort on behalf of an applicant or eligible individual to assess eligibility and vocational rehabilitation needs, to accommodate barriers to employment and to enable the individual to achieve his or her planned employment outcome.

Service Record

A record maintained by the Division of Vocational Rehabilitation for each applicant and eligible individual which documents all of the interactions with the applicant or eligible individual and contains all required documentation pertinent to the application for, eligibility for, provision of, payment for and outcome of the provision of vocational rehabilitation services authorized under the Rehabilitation Act of 1973, as amended.

Severe Impairment

A physical or mental impairment is determined to be severe if one or more physical or mental impairments exist resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord injuries, including paraplegia and quadriplegia, sickle cell anemia, specific learning disability, end-stage renal disease or another disability or combination of disabilities determined on the basis of an assessment.

Situational Assessment

A type of vocational evaluation conducted to assess work behaviors, interpersonal skills and job-related skill levels for purposes of establishing eligibility or developing and Individualized Plan for Employment. Situational assessments may take place in community-based settings, including real life work settings, or in facility-based settings, such as community rehabilitation program facilities.

Standardized Vocational Evaluation

Type of vocational evaluation utilizing formalized testing tools and standard protocols. Standardized vocational evaluations typically involve the use of normed work samples, such as the Valpar, McCarron-Dial, written tests, etc. A standardized vocational evaluation must be conducted by a person who is specifically qualified to administer the standardized assessment tools.

Strengths, Abilities, Capabilities and Resources

For purposes of determining a suitable employment goal, this phrase includes areas of competence, positive attributes and natural advantages, personal assets, natural or acquired skills and talents, aptitudes, knowledge, tasks or activities the individual can perform adequately, capacities for skill development, learning abilities and support systems that can be drawn upon when needed.

Substantial Impediment to Employment

A physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication and other related factors) that hinders an individual from preparing for, entering into, engaging in or retaining employment consistent with the individual's abilities and capabilities.

Supported Employment

Competitive employment in an integrated setting, or employment in an integrated setting in which individuals are working toward competitive employment, consistent with the individuals' strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice with ongoing support services for individuals with the most severe disability.

Supported Employment Services

Ongoing support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment that are provided by DVR for a period of time not to exceed 18 months, unless under special circumstances the eligible individual and the rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the Individualized Plan for Employment.

Supportive Services

May include maintenance, transportation, services to family members and personal assistance services provided only to enable the individual to participate in and benefit from other necessary services and goods.

Training

Academic Training: Training provided to develop verbal, numerical and abstract reasoning abilities as well as to develop skills for a specific occupation or profession, including remedial reading programs, GED preparation courses and other training programs which grant degrees at the Associate's level or higher.

Job Coaching: Training provided by an individual other than the employer (unless under a program of natural supports in a supported employment placement) to an individual after s/he has been placed in a paid employment situation. Job coaching services include job skill training at the work site, work site orientation, monitoring of the individual at the job site to assess employment stability and coordination or provision of specific services at or away from the work site to achieve and maintain employment stability.

Job Seeking Skills Training: Training to teach individuals how to conduct job searches, how to prepare resumes and complete applications and how to interview effectively.

On-The-Job Training (OJT): Job skill training provided by the employer in an employment setting after placement has been secured with the clear expectation that employment in the same or a similar job for the employer will continue if training is successful. The individual must be compensated by the employer at the usual and customary wages for the required skill level and type of position in which the individual is place.

Orientation And Mobility Training: Personal adjustment training provided to individual's who are blind or visually impaired to teach independent travel skills

Personal Adjustment Training: Training provided to help individuals develop compensatory skills and/or to adjust behavior in the areas of independent living, communications, homemaking, personal mobility and ability to travel in the community and personal functioning.

Rehabilitation Teaching: Personal adjustment training provided to individuals who are blind or visually impaired to identify and/or overcome or circumvent impairment-related barriers to communication, home management, personal management and independent mobility as appropriate. Rehabilitation teaching may include counseling and guidance to enhance an individual's adjustment to his/her blindness, self-reliance and independent decision-making.

Vocational Adjustment Training (Work Adjustment Training): Training provided to help individuals adjust behavior and/or develop compensatory skills in vocational areas, such as peer work relationships, supervisory work relationships, general work behaviors and expectations and work habits. Work adjustment training may take place in facility settings or in community-based settings, and includes training to improve the individual's interpersonal skills to the degree necessary to engage in employment.

Vocational Training: Training typically provided through community colleges, vocational schools and technical institutes, and other certification programs to enable individuals to develop the skills necessary to perform the tasks of a specific job.

Transition

A coordinated set of activities for a student designed within an outcome oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living or

community participation. The coordinated set of activities must be based upon the individual student's needs, taking into account the student's preferences and interests and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student's individualized plan for employment.

Transitional Employment

A series of temporary job placements in competitive work in integrated settings with ongoing support services for individuals with the most significant disabilities due to mental illness. In transitional employment, the provision of ongoing support services must include continuing sequential job placements until job permanency is achieved.

Transportation

Travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems.

Trial Work Experiences

An individualized program of vocational rehabilitation services and/or on-the-job supports provided to an applicant or eligible individual in realistic work settings to enable the individual to demonstrate and/or develop his/her abilities, capabilities and capacity to perform in work situations. Such services are provided to individuals' whose eligibility or continuing eligibility is questioned due to the severity of his/her disability.

Tutorial Services

One-to-one specialized instructional services provided most often in educational settings to help individual gain knowledge and skills in a specific subject area. Tutorial services may be provided to supplement a course of formalized academic or vocational training or to remediate an individual's knowledge or skill deficit in a particular area.

Underemployment

Employment for an individual whose capacity for advancement to a higher level of employment is hindered by impairment related barriers.

Unpaid Family Worker

An individual who works without pay on a family farm or in a family business.

Urgent Vocational Rehabilitation Need

A vocational rehabilitation need that requires immediate provision of a good or service to:

a. Avoid placing the individual at impending extreme medical risk,
b. Save an existing job placement when employment is no longer stable, or
c. Enable the individual to participate in other goods and/or services that have already been initiated or that are planned to be initiated within two (2) weeks from the date the urgent need is identified.

Vehicle Modification

Structural modifications or adaptations to a motorized vehicle to enable an individual with a disability access to and operation of the vehicle. These may be provided when necessary for the eligible individual to obtain his or her employment goal.

Vendor

A provider to whom the Division of Vocational Rehabilitation can pay for a particular service.

Vocational Evaluation

An individualized and systematic process in which an applicant or eligible individual, in partnership with the evaluator, learns to identify his or her strengths, resources, abilities, capabilities, interests and viable vocational options in order to develop employment goals and objectives. A variety of testing and assessment strategies may be used, including a standardized vocational assessment using work samples, situational assessments, community-based job tryouts, job shadowing, etc.

Vocational Training

Training typically provided through community colleges, vocational schools and technical institutes and other certification programs to enable eligible individuals to develop the skills necessary to perform the tasks of a specific job.

Weekly Work Goal

An estimate of the maximum number of hours per week which the eligible individual with a most significant disability can work to achieve the identified employment outcome within eighteen (18) months. The weekly work goal must be consistent with the eligible individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

Work Adjustment Training

Training provided to help individuals with disabilities adjust behavior and/or develop compensatory skills in vocational areas, such as peer work relationships, supervisory work relationships, general work behaviors and expectations and work habits. Work adjustment training may take place in facility settings or in community-based settings, and it includes training to improve an eligible individual's interpersonal skills to the degree necessary to engage in employment. (Also known as vocational adjustment training).

Work Experience

Community-based situational assessment provided in a real life work setting for the limited purposes of exposing an individual with a disability to the world of work and what is required to maintain successful employment. It is not typically intended to result in permanent employment in the job setting.

Appendix B

Colorado Department of Human Services
people who help people

DIVISION OF VOCATIONAL REHABILITATION
SERVICE RECORD REVIEW TOOL

Anchor Definitions for Quality Standards

5 = Strongly agree with the quality statement

- The counselor did an outstanding job on this quality standard
- The foundational data and/or counselor documentation required to rate this quality standard was excellent, leaving the reviewer with a very thorough understanding of how and why decisions related to the quality standard were made.

4 = Agree with the quality statement

- The counselor did a good job on this quality standard
- Most of the foundational data and/or counselor documentation required to rate this quality standard was good, leaving the reviewer with minimal question as to how and why the decisions related to the quality standard were made.

3 = Slightly agree with the quality statement

- The counselor did an adequate job on this quality standard
- Some of the foundational data and/or counselor documentation required to rate this quality standard was good, but the reviewer was left with some question as to how or why the decisions related to the quality standard were made.

2 = Disagree with the quality statement

- The counselor's performance on this quality standard was weak
- Most of the foundational data and/or counselor documentation required to rate this quality standard was weak (many pieces incomplete, inaccurate, outdated), and the reviewer was left with considerable question about how or why the decisions related to the quality standard were made.

1 = Strongly disagree with the quality statement

- The counselor's performance on this quality standard was unacceptable
- The foundational data and/or counselor documentation required to rate this quality standard was non-existent, leaving the reviewer with no understanding of how or why the decisions related to the quality standard were made

RELEVANT DATES AND REVIEWER NOTES

Consumer SSN: _____

Consumer Name: _____

Reviewer Name: _____

Review Date: _____

Current Case Status: _____

Important Dates:

Referral:	
Application:	
Certification of Eligibility:	
IPE:	
Employment Began:	
Case Closure:	

Reviewer Notes:

Consumer SSN: _____ **Reviewer Name:** _____ **Review Date:** _____

APPLICATION AND ELIGIBILITY DETERMINATION (PART I) – COMPLETE FOR STATUS 02 AND HIGHER

THIS SECTION IS APPLICABLE ☐ THIS SECTION IS NOT APPLICABLE ☐

CASE FILE DOCUMENTATION

DOES THE SERVICE RECORD CONTAIN THE FOLLOWING DOCUMENTATION?	
Signed and dated application for VR services? Date:	☐Yes ☐No
Signed, dated, and completed Certification of Eligibility form? Date:	☐NA ☐Yes ☐No
Signed, dated, and completed Analysis of Eligibility form, when required? Date:	☐NA ☐Yes ☐No
Written Extension of Eligibility (applicable only if eligibility or movement into status 06 took longer than 60 days)?	☐NA ☐Yes ☐No

COMPLIANCE WITH FEDERAL STANDARDS

POLICY REFERENCE	FEDERAL STANDARD	IS THE STANDARD MET?
101.11(A)(1)(b)	1. Does the information in the service record indicate that the agency made good faith efforts to obtain the information needed for the consumer to submit the application within 30 days?	☐Yes ☐No
104.1, 104.2(C)(1)(a) 104.2(C)(1)(b) Appendix B 3-7	2. Does the service record contain acceptable documentation (received prior to the date of eligibility determination) to support that the applicant has a physical or mental impairment?	☐NA ☐Yes ☐No
104.1 104.2(C)(1)(a) 104.2(C)(1)(b) Appendix B 3-7	3. Does the service record contain acceptable documentation (received prior to the date of eligibility determination) to support that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment?	☐NA ☐Yes ☐No

APPLICATION AND ELIGIBILITY DETERMINATION (PART II) – COMPLETE FOR STATUS 04 AND 10 AND HIGHER

THIS SECTION IS APPLICABLE ☐ THIS SECTION IS NOT APPLICABLE ☐

COMPLIANCE WITH FEDERAL STANDARDS

POLICY REFERENCE	FEDERAL STANDARD	IS THE STANDARD MET?
104.1 104.2(C)(1)(a) 104.2(C)(1)(b) Appendix B 3-7	1. Does the service record document that the applicant requires VR services to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice?	☐NA ☐Yes ☐No
104.1 104.2(C)(1)(a) 104.2(C)(1)(b) Appendix B 3-7	**2. BASED ON ALL THE INFORMATION IN THE SERVICE RECORD, DO YOU BELIEVE THE APPLICANT IS ELIGIBLE?**	☐Yes ☐No
104.2(C)(1) Appendix B 6	**3.** For individuals verified to be receiving SSI or SSDI for disability or blindness at application, was the individual presumed eligible? (choose NA if not receiving SSI or SSDI)	☐NA ☐Yes ☐No
CFR 361.42(3)(ii)	4. For individuals stating that they receive SSI or SSDI for disability or blindness at application, but were not presumed eligible, was an attempt made to obtain verification of SSI or SSDI?	☐NA ☐Yes ☐No

QUALITY OF CASE DOCUMENTATION AND DECISION-MAKING

QUALITY STANDARD	AGREE…DISAGREE
1. The VR counselor obtained and analyzed data to adequately and accurately describe the impairment's limitation(s) on general functioning, corresponding vocational impediments, and need for DVR services on the Analysis of Eligibility form. Discuss:	☐NA ☐5 ☐4 ☐3 ☐2 ☐1

SEVERITY OF DISABILITY
COMPLETE FOR STATUS 12 AND HIGHER (04 AND 10 AND HIGHER WHEN UNDER AN OOS WAITING LIST)

THIS SECTION IS APPLICABLE ☐ THIS SECTION IS NOT APPLICABLE ☐

CASE FILE DOCUMENTATION

DOES THE SERVICE RECORD CONTAIN THE FOLLOWING DOCUMENTATION?	
Signed, dated, and completed Determination of Severity of Disability form? Date:	☐Yes ☐No

COMPLIANCE WITH FEDERAL STANDARDS

POLICY REFERENCE	FEDERAL STANDARD	IS THE STANDARD MET?
105.1	**1. DOES THE SERVICE RECORD CONTAIN DOCUMENTATION TO SUPPORT THE VR COUNSELOR'S DETERMINATION OF THE LEVEL OF SIGNIFICANCE OF THE INDIVIDUAL'S DISABILITY?**	☐Yes ☐No
	2. Was the determination of the level of significance of the individual's disability determined and documented by the VR counselor in a timely manner?	☐Yes ☐No

QUALITY OF CASE DOCUMENTATION AND DECISION-MAKING

QUALITY STANDARD	AGREE…DISAGREE
1. The VR counselor reconciled all data obtained during the preliminary and/or comprehensive assessment to accurately describe the severity of the individual's disability. Discuss:	☐5 ☐4 ☐3 ☐2☐1

COMPREHENSIVE ASSESSMENT – COMPLETE FOR STATUS 12 AND HIGHER

THIS SECTION IS APPLICABLE ☐ THIS SECTION IS NOT APPLICABLE ☐

CASE FILE DOCUMENTATION

DOES THE SERVICE RECORD CONTAIN THE FOLLOWING DOCUMENTATION?	
Completed Employment Outcomes and Service Needs form?	☐Yes ☐No
A properly completed Financial Need Analysis, signed and dated prior to the date on the comprehensive assessment summary, when available, or prior to the date on the IPE when no CAS was completed?	☐NA ☐Yes ☐No
Completed, signed, dated Comprehensive Assessment Summary, when required? Date:	☐NA ☐Yes ☐No

COMPLIANCE WITH FEDERAL STANDARDS

POLICY REFERENCE	FEDERAL STANDARD	IS THE STANDARD MET?
107.1	**1. DOES THE DOCUMENTATION OF THE COMPREHENSIVE ASSESSMENT PROCESS IDENTIFY AND DESCRIBE ALL OF THE INDIVIDUAL'S VR NEEDS TO THE EXTENT NECESSARY?**	☐Yes ☐No
107.3(A)(1)	**2. DOES THE ASSESSMENT MATERIAL SUPPORT THE IDENTIFICATION OF AN EMPLOYMENT GOAL THAT IS CONSISTENT WITH THE INDIVIDUAL'S UNIQUE STRENGTHS, RESOURCES, PRIORITIES, CONCERNS, ABILITIES, CAPABILITIES, INTERESTS, AND INFORMED CHOICE?**	☐Yes ☐No

QUALITY OF CASE DOCUMENTATION AND DECISION-MAKING

QUALITY STANDARD	AGREE…DISAGREE
1. The VR counselor thoroughly identified all additional critical impairments, their associated functional limitations, and subsequent vocational impediments that were not described during eligibility determination. Discuss:	☐NA ☐5 ☐4 ☐3 ☐2 ☐1
2. The VR counselor identified the consumer's non-impairment-related barriers to employment and described how they might impact the employment outcome. Discuss:	☐NA ☐5 ☐4 ☐3 ☐2 ☐1
3. The VR counselor facilitated the individual's exploration of his/her strengths, resources, priorities, concerns, abilities, capabilities, interests, vocational impediments, and VR needs to help the individual select an appropriate employment goal. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1
4. The VR counselor provided opportunities for the individual to exercise informed choice during the comprehensive assessment process. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1

IPE PREPARATION AND CONTENT – COMPLETE FOR STATUS 12 AND HIGHER

THIS SECTION IS APPLICABLE ☐ THIS SECTION IS NOT APPLICABLE ☐

CASE FILE DOCUMENTATION

DOES THE SERVICE RECORD CONTAIN THE FOLLOWING DOCUMENTATION?	
Completed, signed, and dated Individualized Plan for Employment? Date:	☐Yes ☐No
Written Extension of Time to Complete the IPE?	☐NA ☐Yes ☐No

COMPLIANCE WITH FEDERAL STANDARDS

POLICY REFERENCE	FEDERAL STANDARD	IS THE STANDARD MET?
107.4(A)(4)	1. Were timelines identified for the initiation of services listed on the IPE?	☐Yes ☐No
108.1(A)	**2. ARE ALL THE GOODS/SERVICES THAT ARE IDENTIFIED IN THE IPE NECESSARY FOR THE ACHIEVEMENT OF THE CHOSEN EMPLOYMENT OUTCOME?**	☐Yes ☐No
.3(A)(6)(b), 107.2(D)(5)(a), 109.3, Appendix B, pp. 18-19.	**3.** The counselor searched for comparable services and benefits when necessary, and incorporated them into the IPE when they were available	☐NA ☐Yes ☐No
107.3(A)(6)(c)	**4.** The consumer's required contributions toward his or her employment plan are appropriately identified on the IPE.	☐NA ☐Yes ☐No

QUALITY OF CASE DOCUMENTATION AND DECISION-MAKING

QUALITY STANDARD	AGREE…DISAGREE
1. The IPE reflects a thorough plan for progress toward achieving the chosen employment outcome that includes appropriate objectives. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1
2. The IPE includes evaluation criteria that are measurable and procedures and schedules to be used for periodic evaluation and monitoring of progress. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1
3. The VR goods and services on the IPE are appropriate for the individual, and the terms and provisions of providing them are clearly identified. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1
4. The IPE clearly identifies all appropriate responsibilities of the eligible individual with regard to implementing the IPE, given the individual's circumstances (in-state residency responsibilities, paying for alternative sources of medication, etc.). Discuss:	☐5 ☐4 ☐3 ☐2 ☐1
5. The VR counselor documented how the individual had opportunities to exercise informed choice during the preparation of the IPE. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1

IPE IMPLEMENTATION/SERVICE PROVISION – COMPLETE ONLY FOR CASES IN STATUSES 14 – 28 (WHERE AN IPE WAS IMPLEMENTED)

THIS SECTION IS APPLICABLE ☐ THIS SECTION IS NOT APPLICABLE ☐

CASE FILE DOCUMENTATION

DOES THE SERVICE RECORD CONTAIN THE FOLLOWING DOCUMENTS?	
Case notes and/or other reports documenting progress with the eligible individual?	☐Yes ☐No
IPE amendments/revisions (if necessary)?	☐NA ☐Yes ☐No

COMPLIANCE WITH FEDERAL STANDARDS

POLICY REFERENCE	FEDERAL STANDARD	IS THE STANDARD MET?
108.1(E)(1)	1. Were all significant goods and services that were provided to the individual identified in the original IPE or amendments to the IPE?	☐Yes ☐No
108.1(A)	2. Were all goods and services necessary for the achievement of the employment outcome provided?	☐NA ☐Yes ☐No
107.3(A)(4)	3. Does the service record indicate that services were initiated according to the timelines identified on the IPE and/or IPE amendments?	☐Yes ☐No
108.1(E)(1) 101.12(A)	4. Once services listed on the IPE were initiated, did services continue to be provided in accordance with the dates on the IPE without undue delays or interruptions on the part of DVR? a. If no, were reasons for delays or interruptions documented in the service record?	☐Yes ☐No ☐NA ☐Yes ☐No
110.3 107.5(A)(4)	5. Does the service record indicate that the VR counselor maintained contact with the individual? a. If no, were reasons for extended periods without contact justified?	☐Yes ☐No ☐NA ☐Yes ☐No

QUALITY OF CASE DOCUMENTATION AND DECISION-MAKING

QUALITY STANDARD	AGREE…DISAGREE
1. *Assess this question here only if the case you are reviewing is currently in an open status*. The service record reflects an active and meaningful partnership between the VR counselor and the eligible individual, with timely interventions by the VR counselor, when necessary. Discuss:	☐NA ☐5 ☐4 ☐3 ☐2 ☐1
2. The service record reflects that the VR counselor monitored, or is monitoring, the individual's progress toward the attainment of the employment goal, as was planned in the evaluation sections of the IPE. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1
3. The service record reflects creativity and flexibility in looking for options, dealing with consumer issues that arose, and amending employment plans when necessary. Discuss:	☐NA ☐5 ☐4 ☐3 ☐2 ☐1
4. The casework shows teamwork with other agencies and programs in planning, paying for, and delivering good and services. Discuss:	☐NA ☐5 ☐4 ☐3 ☐2 ☐1

SUCCESSFUL CLOSURE – COMPLETE FOR CASES CLOSED IN STATUS 26 ONLY

THIS SECTION IS APPLICABLE ☐ THIS SECTION IS NOT APPLICABLE ☐

CASE FILE DOCUMENTATION

DOES THE SERVICE RECORD CONTAIN THE FOLLOWING DOCUMENTS?	
26 Closure: Successfully Rehabilitated form?	☐Yes ☐No

COMPLIANCE WITH FEDERAL STANDARDS

POLICY REFERENCE	FEDERAL STANDARD	IS THE STANDARD MET?
110.3(A)(1)	1. Did the goods and services provided to the individual contribute substantially to the employment outcome?	☐Yes ☐No
110.3(A)(1)	2. Does the service record document that the individual has achieved an employment outcome that is described in the individual's IPE and/or IPE amendments?	☐Yes ☐No
110.3(A)(3)	3. Does the service record indicate that the individual has achieved an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice?	☐Yes ☐No
110.3(A)(2)	4. Is it clear that the individual has maintained the employment outcome for an appropriate period of time but not less than 90 days?	☐Yes ☐No
110.3(A)(5)	5. At the end of the appropriate maintenance period, do the individual and the VR counselor consider the employment outcome to be satisfactory?	☐Yes ☐No
110.3(A)(5)	6. At the end of the appropriate maintenance period, do the individual and the VR counselor agree that the individual is performing well in employment, and is expected to continue to do so without further DVR goods and services?	☐Yes ☐No
110.3(B)(4)(a)	7. For employment outcomes at sub-minimum wage, does the service record document compensation in accordance with the Fair Labor Standards Act?	☐NA ☐Yes ☐No

QUALITY OF CASE DOCUMENTATION AND DECISION-MAKING

QUALITY STANDARD	AGREE…DISAGREE
1. The service record reflects that the counselor made appropriate efforts to engage the consumer in an active and meaningful partnership between the VR counselor and the eligible individual, with timely interventions by the VR counselor, when necessary. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1
2. The service record reflects that the VR counselor monitored job stability during the period of time that the case was in employment. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1

UNSUCCESSFUL CLOSURE – COMPLETE FOR CASES CLOSED IN STATUS 08, 28, 30, OR 38

THIS SECTION IS APPLICABLE ☐ THIS SECTION IS NOT APPLICABLE ☐

CASE FILE DOCUMENTATION

DOES THE SERVICE RECORD CONTAIN THE FOLLOWING DOCUMENTATION?	
Written explanation of the basis for closure?	☐Yes ☐No
Appropriate written notification to the individual of the closure action?	☐NA ☐Yes ☐No

QUALITY OF CASE DOCUMENTATION AND DECISION-MAKING

QUALITY STANDARD	AGREE…DISAGREE
1. The service record reflects that the counselor made appropriate efforts to engage the consumer in an active and meaningful partnership between the VR counselor and the eligible individual, with timely interventions by the VR counselor, when necessary. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1
2. The written explanation/rationale for closure is consistent with all the information contained in the service record. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1

UNSUCCESSFUL CLOSURE - CASE CLOSED INELIGIBLE

THIS SECTION IS APPLICABLE ☐ THIS SECTION IS NOT APPLICABLE ☐

ADDITIONAL CASE FILE DOCUMENTATION

DOES THE SERVICE RECORD CONTAIN THE FOLLOWING DOCUMENTATION?	
A signed and dated written Certification of Ineligibility that documents that one or more of the eligibility criteria were not met?	☐Yes ☐No
Documentation of the VR counselor's attempt to fully consult with the individual prior to the ineligibility closure?	☐Yes ☐No

QUALITY OF CASE DOCUMENTATION AND DECISION-MAKING

QUALITY STANDARD	AGREE…DISAGREE
1. The information contained in the service record supports the VR counselor's determination of ineligibility. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1

TRIAL WORK EXPERIENCES OR EXTENDED EVALUATION ATTACHMENT
COMPLETE IF THE CASE ENTERED STATUS 06 AT ANY POINT OR IF THE DISABILITY WAS DETERMINED TO BE TOO SEVERE BASED ON SERVICES PROVIDED UNDER AN IPE

THIS SECTION IS APPLICABLE ☐ THIS SECTION IS NOT APPLICABLE ☐

ADDITIONAL CASE FILE DOCUMENTATION

DOES THE SERVICE RECORD CONTAIN THE FOLLOWING DOCUMENTATION?
Signed and dated Trial Work Experience (TWE) Plan or Extended Evaluation Plan? (choose NA if evidence that the individual cannot obtain an employment outcome was gathered under an IPE)
Clear and convincing evidence, in accordance with TWE Plan, EE Plan, or IPE, that the individual cannot obtain an employment outcome?

QUALITY OF CASE DOCUMENTATION AND DECISION-MAKING

QUALITY STANDARD	AGREE…DISAGREE
1. The VR counselor's justification for trial work experiences or extended evaluation is consistent with the information obtained during the preliminary assessment. Discuss:	☐NA ☐5 ☐4 ☐3 ☐2 ☐1
2. The Trial Work Experiences Plan, Extended Evaluation Plan, and/or the IPE explored the individual's abilities, capabilities, and capacity to perform in a work situation. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1
3. The written Trial Work Experience Plan (if applicable) adequately describes the nature and scope of each work experience and/or service to be provided, and the level of performance necessary to meet the work requirement. Discuss:	☐NA ☐5 ☐4 ☐3 ☐2 ☐1
4. The written Extended Evaluation Plan (if applicable) adequately describes the work requirements being assessed, the nature and scope of the goods and services to be provided, and the criteria that establish the individual's capacity to perform in a work situation. Discuss:	☐NA ☐5 ☐4 ☐3 ☐2 ☐1
5. The individual was provided opportunities to exercise informed choice during the preparation of the Trial Work Experience Plan or Extended Evaluation Plan (if applicable). Discuss:	☐NA ☐5 ☐4 ☐3 ☐2 ☐1

SUPPORTED EMPLOYMENT ATTACHMENT
COMPLETE ONLY WHEN THE CASE IS A SUPPORTED EMPLOYMENT CASE IN STATUS 12 OR HIGHER

THIS SECTION IS APPLICABLE ☐ THIS SECTION IS NOT APPLICABLE ☐

ADDITIONAL CASE FILE DOCUMENTATION

DOES THE SERVICE RECORD CONTAIN THE FOLLOWING DOCUMENTATION?
A Severity of Disability form that accurately identifies the individual as having a most significant disability?
Evidence that the applicant has a history of non-competitive employment or interrupted or intermittent competitive employment due to the severe impairment?
A completed Justification for Supported Employment form?
IPE Supplement for Supported Employment?

QUALITY OF CASE DOCUMENTATION AND DECISION-MAKING

QUALITY STANDARD	AGREE…DISAGREE
1. The VR counselor clearly justified the need for both supported employment services and extended support services. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1
2. The VR counselor's documentation and analysis contained in the Comprehensive Assessment adequately supports the individual's weekly work goal. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1
3. The VR counselor's rationale for determining that extended services are or will be available at the appropriate time is convincing. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1

SELF-EMPLOYMENT ATTACHMENT
COMPLETE ONLY WHEN THE CASE IS A SELF-EMPLOYMENT CASE IN STATUS 12 OR HIGHER

THIS SECTION IS APPLICABLE ☐ THIS SECTION IS NOT APPLICABLE ☐

ADDITIONAL CASE FILE DOCUMENTATION

DOES THE SERVICE RECORD CONTAIN THE FOLLOWING DOCUMENTATION?
A comprehensive business plan approved by the VR counselor **or Business Plan Approval Panel**?
Entrepreneurial Profile (8/1/05 or later)
Business Exploration Agreement (8/1/05 or later)
IPE Supplement for Self-employment (7/31/05 or earlier) or Individualized Plan for Self-Employment (8/1/05 or later)?

QUALITY OF CASE DOCUMENTATION AND DECISION-MAKING

QUALITY STANDARD	AGREE…DISAGREE
1. The initial VR counselor thoroughly evaluated the individual's potential to initiate and sustain self-employment, prior to service record shift to Rehabilitation Counselor for Entrepreneurship (RCE) and development of a formal business plan. Discuss:	☐NA ☐5 ☐4 ☐3 ☐2 ☐1
2. The VR counselor/RCE facilitated the individual's development of a sound business plan that has potential for success. Discuss:	☐5 ☐4 ☐3 ☐2 ☐1
3. The IPE and IPE Supplement for Self-employment (7/31/05 or earlier) or Individualized Plan for Self-Employment (8/1/05 or later) were designed in a way that ensures that the individual has adequate business management and technical skills necessary for operating a successful business. Discuss:	☐NA ☐5 ☐4 ☐3 ☐2 ☐1
4. The IPE and IPE Supplement for Self-employment (7/31/05 or earlier) or Individualized Plan for Self-Employment (8/1/05 or later) allow adequate time to determine whether or not the business will succeed. Discuss:	☐NA ☐5 ☐4 ☐3 ☐2 ☐1

GENERAL COMMENTS

GUIDANCE FOR QUALITY ASSURANCE REVIEWS

APPLIES TO CASES OPENED AFTER MARCH 1, 2005

The review instrument contains three types of questions in several different review categories:

- **Case file documentation** – this section is intended to assess the extent to which certain documentation, regardless of its quality or accuracy, is present in the case file. These questions are rated using "yes", "no", or "NA" responses based on the guidance in this manual.
- **Compliance with Federal Standards** – this section is intended to assess whether or not the service record would pass review questions commonly used in federal monitoring reviews. These questions are also rated using "yes", "no", or "NA" responses based on the guidance in this material. Quality plays a role in the rating of these questions, but to receive a "yes" rating, the documentation must pass only a minimum quality threshold.
- **Quality of Case Documentation and Decision-Making** – this section is intended to assess the sufficiency of the various data obtained by the counselor in terms of quality and scope, and how well the counselor analyzed the data and documented decisions made regarding the case. Although guidance is provided, these questions are more subjective, and are rated using the following anchors:
    - **5** = Strongly agree with the quality statement; the counselor did an outstanding job on this quality standard; the foundational data and/or counselor documentation required to rate this quality standard was excellent (totally complete, accurate, current), leaving the reviewer with a very thorough understanding of how and why decisions related to the quality standard were made.

    - **4** = Agree with the quality statement; the counselor did a good job on this quality standard; most of the foundational data and/or counselor documentation required to rate this quality standard was good, leaving the reviewer with minimal question as to how and why the decisions related to the quality standard were made.

    - **3** = Slightly agree with the quality statement; the counselor did an adequate job on this quality standard; some of the foundational data and/or counselor documentation required to rate this quality standard was good, but the reviewer was left with some question as to how or why the decisions related to the quality standard were made.

    - **2** = Disagree with the quality statement; the counselor's performance on this quality standard was weak; most of the foundational data and/or counselor documentation required to rate this quality standard was weak (many pieces incomplete, inaccurate, outdated), and the reviewer was left with considerable question about how or why the decisions related to the quality standard were made.

    - **1** = Strongly disagree with the quality statement; the counselor's performance on this quality standard was unacceptable; the foundational data and/or counselor documentation required to rate this quality

standard was non-existent, leaving the reviewer with no understanding of how or why the decisions related to the quality standard were made.

Quality questions rated a 5, 2, or 1 must contain some written feedback for the counselor regarding the reason for the rating. Comments on ratings of 3 and 4, especially where there is something that stands out, are encouraged, but optional.

REVIEW PERIODS

First Quarter (July, August, September): Statewide QA will not be conducted in the same format as it will in subsequent quarters. The annual federal monitoring review typically occurs during this period and reviewers will be required to review cases for this purpose, when necessary. For purposes of statewide QA, this quarter will be used as a "reliability" quarter. During this time period, QA training and/or refresher training, depending on the need, will occur to gear up for the next quarter, and a small number of cases will be reviewed together by the team for purposes of ensuring inter-rater consistency. The QA supervisor will determine the criteria for case selection and the sections of the instrument that will be reviewed.

Second Quarter (October, November, December): For QA reviews conducted during this period, the eligibility process will be targeted. A random sample of cases will be pulled that have been determined eligible within the three months prior to the review. Reviewers will answer all questions from the following sections of the review instrument, when they are applicable to the specific case they are reviewing:

- *Application and Eligibility Determination*
- *Severity of Disability*
- *Trial Work Experiences or Extended Evaluation Attachment (if the case was in status 06 at any time)*

Third Quarter (January, February, March): For QA reviews conducted during this period, the IPE will be targeted. A random sample of cases will be pulled where the case entered into status 12 (IPE has been developed) within the three months prior to the review. Reviewers will answer all questions from the following sections of the review instrument, when they are applicable to the specific case they are reviewing:

- *Comprehensive Assessment*
- *IPE Preparation and Content*
- *Supported Employment Attachment*
- *Self Employment Attachment*

In addition, reviewers will answer only the questions in **BOLD, CAPITAL LETTERING** from the following sections:

- *Application and Eligibility Determination*
- *Severity of Disability*

Fourth Quarter (April, May, June): For QA reviews conducted during this period, service delivery and case closure will be targeted. A random sample of cases will be pulled that have entered a closed status within the three months prior to the review. Reviewers will answer all questions from the following sections of the review instrument, when they are applicable to the specific case they are reviewing:

- *IPE Implementation/Service Provision*
- *Trial Work Experiences or Extended Evaluation Attachment (if the disability was determined to be too severe based on services provided under an IPE)*
- *Successful Closure*
- *Unsuccessful Closure*
- *Unsuccessful Closure – Case Closed Ineligible*

In addition, reviewers will answer only the questions in **BOLD, CAPITAL LETTERING** from the following sections:

- *Application and Eligibility Determination*
- *Severity of Disability*
- *Comprehensive Assessment*
- *IPE Preparation and Content*

RELEVANT DATES AND REVIEWER NOTES

This section is provided for the reviewer to record the dates on various documents as well as any notes they wish to make as they review the case file, for later reference. Any notes written on this section are not provided back to the counselor.

APPLICATION AND ELIGIBILITY DETERMINATION (PART I)

This section should be completed for all cases, although some questions in this section will not be relevant if the case was closed before eligibility was established.

CASE FILE DOCUMENTATION

- **Signed and dated application for VR services**. *References: DVR Service Delivery Policy 101.8, 101.9 and 101.10.* A "yes" response indicates that there is an application present in the service record that the individual applying for services (and/or his/her authorized representative) has signed and dated. A "no" response indicates that either there is no application found in the service record, or that the application found in the service record does not contain an appropriate signature and/or date on it. "NA" is not an appropriate response for this question.
- **Signed, dated, and completed Certification of Eligibility**. *References: DVR Service Delivery Policy 104.3*. A "yes" response indicates that a Certification of Eligibility form was found in the service record, and the form is completed, signed, and dated by a VR counselor. A "no" response indicates that either there was no form found in the service record, or the form was not completed, signed and/or dated. "NA"is an appropriate response if the case was closed prior to establishing eligibility.
- Signed, dated, and completed Analysis of Eligibility form. A "yes" response indicates that the Analysis of Eligibility form was found in the service record, and the form is completed, signed, and dated by a VR counselor. A "no" response indicates that either there was no form found in the service record, or the form was not completed, signed and/or dated. "NA" is an appropriate response if the case was determined presumptively eligible based on verification that the client was receiving SSI or SSDI prior to the time that eligibility was determined. "NA" is also an appropriate response if the case was closed prior to establishing eligibility.
- **Written extension of eligibility**. *References: DVR Service Delivery Policy 101.11 B.* This is required if the eligibility determination or movement into status 06 (as indicated on the 911 printout) took longer than 60 days from the date on the application form (as opposed to the date on the 911 printout). A "yes" response indicates that the service record contains documentation that the individual was advised of delays caused by exceptional and unforeseen circumstances in determining eligibility and received written documentation of the need for eligibility extension. A "no" response indicates that evidence that written documentation was provided was not found in the service record. "NA" indicates that the eligibility decision or movement into status 06 was made within 60 days of the date on the application.

COMPLIANCE WITH FEDERAL STANDARDS

1. **Does the information in the service record indicate that the agency made good faith efforts to obtain the information needed for the consumer to submit the application within 30 days?** *References: DVR Service Delivery Policy 101.11(A)(1)(b).* To answer this question, find the date of referral. In some service

records, a referral form will be included. If so, the date on this form is the date of referral that should be used, regardless of the date that is printed on the 911. If no referral form is found in the service record, look for evidence in the case notes or elsewhere in the record that points to the first date of contact with the individual. If there is no evidence elsewhere in the record regarding the first date of contact, locate the referral date on the 911 printout. Once the referral date has been identified, compare it with the date that the individual signed the DVR application form. If the application was signed within 30 days of the referral date, answer "yes" to this question. If the application was turned in after 30 days have elapsed, look for interim contact with the individual and decide whether or not that contact represented a good faith effort to assist the individual in submitting an application within 30 days. If so, answer "yes" to this question. If not, answer "no". "NA" is not an appropriate response to this question.

2. **Does the service record contain acceptable documentation (received prior to the date of eligibility determination) to support that the individual has a physical or mental impairment?** *References: DVR Service Delivery Policy 104.1, 104.2(C)(1)(a), 104.2(C)(1)(b), Appendix B pp. 3-7.* A "yes" answer to this question indicates that the service record includes acceptable documentation (as outlined in DVR's Service Delivery Policy, Appendix B) that the individual *currently* has a medically-recognized physical or mental injury, disease, or other disorder which *currently* materially limits or, if not treated, is expected to materially limit, an individual's ability to function physically or mentally, and that this documentation was available to the counselor prior to the date on the Certification of Eligibility form (proper proof of receipt of SSDI or SSI for disability or blindness is acceptable documentation). A "no" answer indicates that acceptable and current documentation cannot be found in the service record, or that the documentation was not received until after the date on the Certification of Eligibility form. "NA" is an appropriate response to this question if the case was closed prior to establishing eligibility.
3. **Does the service record contain acceptable documentation (received prior to the date of eligibility determination) to support that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment?** *References: DVR Service Delivery Policy 104.1, 104.2(C)(1)(a), 104.2(C)(1)(b), Appendix B pp. 3-7.* A "yes" answer to this question indicates that the service record includes acceptable documentation (as outlined in DVR's Service Delivery Policy, Appendix B) that the individual's physical or mental impairment(s) poses limits that, in concert with applicable attendant vocational, educational, social, and other factors, hinders an individual from preparing for, securing, retaining, or regaining employment consistent with the individual's abilities and capabilities, and that this documentation was available to the counselor prior to the date on the Certification of Eligibility form (proper proof of receipt of SSDI or SSI for disability or blindness is acceptable documentation). A "no" answer to this question indicates that acceptable documentation can not be found in the service record, or that the documentation was not received until after the date on the Certification of Eligibility form. "NA" is an appropriate response to this question if the case was closed prior to establishing eligibility.

APPLICATION AND ELIGIBILITY DETERMINATION (PART II)

This section should be completed if the case entered status 04 or status 10 or higher at any time prior to closure.

COMPLIANCE WITH FEDERAL STANDARDS

1. **Does the service record document that the applicant requires VR services to prepare for, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice?** *References: DVR Service Delivery Policy 104.1, 104.2(C)(1)(a), 104.2(C)(1)(b), Appendix B pp. 3-7.* A "yes" response indicates that the Analysis of Eligibility form or other documentation prior to eligibility determination identifies at least one specific service that will be required to address the identified vocational impediments. A "no" response indicates that the VR counselor did not appropriately document at least one of the individual's impairment-related VR service needs. "NA" is an appropriate response for this question if the case was presumed eligible based on verification that the consumer was receiving SSI or SSDI prior to the time that eligibility was established.
2. **Based on ALL the information in the service record, do you believe the applicant is eligible?** ***References: DVR Service Delivery Policy 104.1, 104.2(C)(1)(a), 104.2(C)(1)(b), Appendix B pp. 3-****7*. A "yes" response indicates that there is enough information in the service record to reasonably believe that the individual is eligible for DVR services, even if eligibility was not documented appropriately by the VR counselor. A "no" response indicates that the service record contains documentation that is contradictory to the VR counselor's determination that the individual is eligible for DVR services. "NA" is not an appropriate response to this question.
3. **For individuals verified to be receiving SSI or SSDI for disability or blindness at application, was the individual presumed eligible?** ***References: DVR Service Delivery Policy 104.2(C)(1), Appendix B p.6****.* If there is appropriate documentation in the service record indicating that the individual is currently receiving SSI or SSDI for disability or blindness, and that documentation is received and dated prior to the date of eligibility determination, the certification of eligibility should reflect that the individual was presumed eligible, as opposed to determined eligible through the regular eligibility process. A "yes" response indicates that this occurred. A "no" response indicates that, even though there was verification in the service record that the individual is currently receiving SSI or SSDI for disability or blindness, the VR counselor did not conduct a presumptive eligibility determination. "NA" is an appropriate response if the service record does not contain documentation verifying that the individual is a current recipient of SSI or SSDI for disability or blindness, even if the applicant stated that he/she is a current recipient.
4. **For individuals stating that they receive SSI or SSDI for disability or blindness at application, but were not presumed eligible, was an attempt made to obtain verification of SSI or SSDI?** ***References: CFR 361.42(3)(ii***). This question applies only when the individual stated on his/her applicant information form that he/she is a current recipient of SSI or SSDI for disability or blindness, but the VR counselor did not follow the presumptively eligibility process for eligibility determination. A "yes" answer indicates that the service record contains documentation that DVR made an attempt to obtain verification within a reasonable period of time to determine the individual's eligibility within 60 days of application, but was unsuccessful in obtaining this documentation. A "no" answer indicates that there was no documented attempt on the part of DVR to obtain verification of SSI or SSDI. "NA" is an appropriate response if the individual did not state that they were receiving SSI or SSDI and there is no evidence in the service record to reasonably believe that they were.

QUALITY OF CASE DOCUMENTATION AND DECISION MAKING

1. **The VR counselor analyzed data obtained to adequately and accurately describe the impairment's limitation(s) on general functioning, corresponding vocational impediments, and need for DVR services in the Analysis of Eligibility**. *References: DVR Service Delivery Policy 104.2, 105.1, 105.2.* To answer this question, review the information contained in the service record *up to the point of eligibility determination*. The service record should reflect that the data gathered by the counselor is appropriate and sufficient in terms of its accuracy, comprehensiveness, and recency, such that the counselor can make an appropriate assessment of the individual's current impediments to employment. The limitations, vocational impediments, and required services described in the Certification of Eligibility should be supported by the information contained in the preliminary assessment and in the medical documentation in the service record, and the reviewer should be able to see a clear link back to these supporting documents. At a minimum, the Certification of Eligibility must describe enough limitations and impediments to establish eligibility, and if there is an order of selection waiting list in effect, enough limitations and impairments to determine the severity of the individual's disability. "NA" is an appropriate response only if the individual was presumed eligible based on verified receipt of SSI or SSDI.

SEVERITY OF DISABILITY

Severity of disability must be determined at the time of eligibility (prior to the case's movement into status 10) when DVR is operating under an Order of Selection waiting list, or no later than the date on the letter informing the consumer that it is time to begin preparing the IPE when DVR can serve all eligible individuals. Therefore, this section should be completed for cases that have reached status 10 or higher when an waiting list was in effect on that date, or status 12 or higher when there was no OOS waiting list in effect on the date that the individual was determined eligible.

Case File Documentation

- **Signed, dated, and completed Determination of Severity of Disability Form.** *References: DVR Service Delivery Policy 105.2, 105.3.* A "yes" response to this question indicates that the service record contains the form, the form was complete, and that it was signed and dated by the VR counselor, regardless of the date, which should also be recorded by the reviewer in the space provided on the review form. A "no" response indicates that the form was either missing from the service record altogether, or that it was not completed, not signed, and/or not dated by the VR counselor.

COMPLIANCE WITH FEDERAL STANDARDS

1. **Does the service record documentation support the VR counselor's determination of the level of significance of the individual's disability?** *References: DVR Service Delivery Policy 105.1.* To answer this question, review the information contained in the service record *up to the point when the severity of disability was determined*. The counselor's determination of the severity of the individual's disability, as documented on page 6 of the Determination of Severity of Disability form, should be consistent with and supported by the information contained in the preliminary assessment, the medical documentation, the Analysis of Eligibility form, and when there is no waiting list in effect, the information obtained during the comprehensive assessment process. A "yes" response indicates that the reviewer

would have made the same overall determination given the information contained in the service record. Even if there are some inconsistencies in the counselor's documentation of the limitations to functional capacity areasor VR services required, answer "yes" to this question as long as the determination would have remained unchanged if the documentation was more detailed. A "no" response indicates that the documentation contained in the service record prior to the point of determination does not support the determination made on the severity of disability form; the reviewer would have made a different determination, given the information obtained during the preliminary assessment. "NA" is not an appropriate response to this question.

2. **The determination of the level of significance of the individual's disability was made and documented by the VR counselor in a timely manner.** *References: DVR Service Delivery Policy 105.1.* To answer this question, determine a) whether or not DVR was on an OOS wait list at the time the individual was determined eligible, and b) whether or not the individual was presumed eligible based on receipt of SSI/SSDI benefits. If a wait list was in effect and the individual was NOT presumed eligible, the date on the Determination of Severity of Disability form should be the same or near the date on the Certification of Eligibility form, or no later than the date that the case moved into status 10. If a wait list was in effect and the individual WAS presumed eligible, answer "yes" as long as the 911 printout at movement into status 10 shows a determination of "S" or "MS". If no wait list was in effect, the date on the Determination of Severity of Disability form should be no later than date on the letter sent to the consumer indicating that it is time to prepare the individual's IPE.

Quality of Case Documentation and Decision Making

1. **The VR counselor reconciled all data obtained during the preliminary and/or comprehensive assessment to accurately describe the severity of the individual's disability.** *References: DVR Service Delivery Policy 105.1.* To answer this question, review the information contained in the service record up to the point when the severity of disability was determined. Even if the overall determination of the severity of the individual's disability was accurate, determine the extent to which the counselor's documentation on the Determination of Severity of Disability form of the limitations to functional capacity areas and the VR services required by the individual are consistent with and supported by the information contained in the preliminary assessment, the medical documentation, the Analysis of Eligibility form, and when there is no waiting list in effect, other information obtained during the comprehensive assessment process. Determine how well the counselor brought together the information from these sources to determine the severity of disability. If the answer to the previous question is "NO", the rating on this question should not be higher than a "2".

COMPREHENSIVE ASSESSMENT

This section should be completed for cases where an IPE was developed (status 12).

Case File Documentation

- **Completed Employment Outcome and Service Needs form.** *References: DVR Service Delivery Policy 107.1.* A "yes" response indicates that the service record contains an Employment Outcome and Service Needs form that was completed by the VR counselor. A "no" response indicates that the Employment Outcome and Service Needs form is missing from the service record, or that it is present, but not completed. "NA" is not an appropriate response to this question.
- **Properly completed Financial Need Analysis signed and dated prior to the date on the comprehensive assessment summary, when available, or prior to the date on the IPEwhen no CAS was completed.** *References: DVR Service Delivery Policy, Appendix B, pp. 20-32.* If the individual may require services that are based on financial need and he/she is not a verified SSI/SSDI recipient, a financial need analysis must be conducted. A "yes" response indicates that the completed financial need analysis was necessary, and it is contained in the service record, uses the proper DVR financial need analysis document, and was signed and dated prior to the date of the IPE preparation letter. A "no" response indicates that the financial need analysis is missing from the service record or present, but not completed, or is present, but was dated after the IPE preparation letter was sent out. "NA" is an appropriate response if the planned VR services are not based on financial need (even if the analysis was present in the file), or if the individual is a current, verified recipient of SSI or SSDI for disability or blindness.
- **Completed, Signed, and Dated Comprehensive Assessment Summary, when required.** *References: DVR Service Delivery Policy 107.1(B)(1)(f).* A "yes" response indicates that the individual chose to complete the IPE without help from his/her DVR counselor, and that the service record contains a one-page summary briefly describing the results of the comprehensive assessment that is signed and dated by the VR counselor and includes the occupational and/or career goal chosen by the eligible individual, his or her financial contribution to goods and services under the IPE, and the VR needs for achievement of the employment outcome. A "no" response indicates that this summary is missing from the service record, or that it is present, but does not include one or more of the criteria listed above, or it is not signed and/or dated. "NA" is an appropriate response to this question if the consumer chose to complete the IPE with the help of his/her DVR counselor.

COMPLIANCE WITH FEDERAL STANDARDS

- **Does the documentation of the comprehensive assessment process identify and describe all of the individual's VR needs to the extent necessary?** *References: DVR Service Delivery Policy 107.1.* To answer this question, review the VR needs that were described in various places during the comprehensive assessment process (Analysis of Eligibility, Severity of Disability form, Employment Outcome and Service Needs form, etc.). A "yes" response indicates that the VR counselor described all of the individual's needs that could have been reasonably expected to be necessary to obtain the chosen employment outcome, based on medical documentation contained in the service record, data obtained during comprehensive assessment process, etc. A "no" response indicates that the VR counselor failed to identify certain needs <u>that would be critical</u> to the individual

obtaining the chosen employment outcome. "NA" is not an appropriate response to this question.

- **Does the assessment material support the identification of an employment goal that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice?** *References: DVR Service Delivery Policy 107.3(A)(1).* To answer this question, review data obtained during the comprehensive assessment process and documented on the Employment Outcome and Service Needs form that provides information about the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These data could include interest and/or aptitude inventories, documented conversations with the individual, school records, etc. A "yes" response indicates that the chosen employment goal was consistent with the documentation found in the service record regarding the individual's strengths, resources, priorities, etc. A "no" response indicates that there is evidence in the service record implying that the chosen employment goal was not appropriate. "NA" is not an appropriate response to this question.

QUALITY OF CASE DOCUMENTATION AND DECISION-MAKING

1. **The VR counselor thoroughly identified all additional critical impairments, their associated functional limitations, and subsequent vocational impediments that were not described during eligibility determination.** *References: DVR Service Delivery Policy 107.1.* The VR counselor should gather data for and describe any impairment that could reasonably be assumed to create an impediment to employment for the individual. To answer this question, review the medical and other information contained in the service record. Determine the extent to which it was sufficient in terms of its accuracy, comprehensiveness, and recency for the counselor to analyze all of the individual's critical impairments, limitations, and impediments. Then, determine whether or not ALL of the individual's impairments, associated functional limitations, and subsequent vocational impediments were described on the Analysis of Eligibility form. If so, "NA" is an appropriate response to this question. If the individual has additional impairments, limitations, and/or vocational impediments, determine the extent to which they were described on the Employment Outcome and Service Needs form. The impairments, limitations, and vocational impediments described during the comprehensive assessment process should be supported by the information contained in the preliminary assessment and in the medical and other documentation in the service record and the reviewer should be able to see a clear link back to these supporting documents.
2. **The VR counselor identified the non-impairment-related barriers to employment.** *References: DVR Service Delivery Policy 107.1(C)(2)(b).* To answer this question, review the assessment and self-reported information obtained during the comprehensive assessment process. Determine whether or not the individual has any additional barriers to employment that are not due to his or her disability. Examples of non-impairment-related barriers could include command of the English language, criminal background, financial need, lack of family support, transportation needs, etc. Assess the extent to which the counselor considered these needs when working with the individual to select an employment outcome and the VR services required to achieve it. "NA" is an appropriate response if the reviewer feels that, after reading the information in the case file, the individual does not present any non-impairment-related barriers.
3. **The VR counselor facilitated the individual's exploration of his/her strengths, resources, priorities, concerns, abilities, capabilities, interests, vocational**

impediments, and VR needs to help the individual select an appropriate employment goal. *References: DVR Service Delivery Policy 107.1(B)(1), 107.3(A)(1).* To answer this question, read all of the information contained in the service record. Determine the extent to which you feel that the VR counselor encouraged the individual to explore the areas identified in this question and that this exploration was what resulted in the chosen employment goal. This could be documented as the inclusion of interest or aptitude inventories, thorough analysis during the comprehensive assessment process of these areas and proper documentation on the Employment Outcome and Service Needs form, and/or by documenting in case notes how the individual was encouraged to explore these areas.

4. **The VR counselor provided opportunities for the individual to exercise informed choice during the comprehensive assessment process.** *References: DVR Service Delivery Policy 107.1(B)(2), Appendix B, p. 1.* The service record should describe assistance and alternatives provided by the DVR counselor to support the individual's exercise of informed choice during the comprehensive assessment process. The reviewer should feel that the VR counselor ensured that the individual had opportunities for new experiences when necessary to develop preferences, provided necessary support services to assist individuals in understanding preferences in light of their strengths, resources, concerns, priorities, abilities, capabilities, and interests, and ensured that the individual had opportunities to choose among known preferences.

IPE PREPARATION AND CONTENT

This section should be completed for all cases that entered status 12 at some point prior to case closure.

Case File Documentation

- **Completed, signed, and dated Individualized Plan for Employment.** *References: DVR Service Delivery Policy 107.2(D), 107.4(B), 107.4(C).* A "yes" response indicates that the service record contains an IPE on the appropriate DVR IPE form that was signed and dated by both the consumer and the counselor. A "no" response indicates that the IPE was not found in the service record, or that it was not signed and/or dated by the consumer and/or VR counselor. Please indicate the date that the IPE was signed.
- **Written extension of time to complete the IPE.** *References: DVR Service Delivery Policy 101.11(C).* This is required if the IPE took longer than 120 days from the date that the certification of eligibility was signed if the IPE is prepared jointly with the VR counselor, or 90 days from the date that the certification of eligibility was signed if the IPE is prepared without the assistance of the VR counselor. A "yes" response indicates that the service record contains documentation that the individual was provided written information regarding the need for more time to fully assess the individual's strengths, resources, priorities, concerns, abilities, interests, and vocational rehabilitation needs, and to determine a specific employment outcome. A "no" response indicates that no written documentation was found in the service record. "NA" indicates that the IPE was developed and signed by both parties within the timeframes indicated above.

COMPLIANCE WITH FEDERAL STANDARDS

1. **Were timelines identified for the initiation of services listed on the IPE?** *References: DVR Service Delivery Policy 107.4(A)(4).* A "yes" response indicates

that the IPE includes a projected date for the initiation and the anticipated duration of each vocational rehabilitation service identified on the IPE. A "no" response indicates that timelines were not identified on the IPE for one or more services. "NA" is not an appropriate response for this question.

2. **Are all the goods/services that are identified in the IPE necessary for the achievement of the chosen employment outcome?** *References: DVR Service Delivery Policy 108.1(A).* A "yes" response indicates that it is reasonable to assume that the individual would not be able to achieve the chosen employment outcomes without all of the services listed on the IPE, given the information obtained during the preliminary and comprehensive assessments. Even if all services were not provided, answer "yes" if it was reasonable to believe them necessary at the time the IPE was written. A "no" response indicates that there are one or more services listed on the IPE that, at the time the IPE was written, did not appear to be necessary for the achievement of the employment outcome, given information obtained during the preliminary and comprehensive assessment. "NA" is not an appropriate response for this question.
3. **The VR counselor searched for comparable services and benefits when necessary, and incorporated them into the IPE when they were available.** *References: DVR Service Delivery Policy 107.3(A)(6)(b), 107.2(D)(5)(a), 109.3, Appendix B, pp. 18-19.* To answer this question, determine whether or not the services planned on the IPE would require a search for comparable services and benefits, as described in Appendix B, pp. 18 and 19 of the DVR Service Delivery Policy manual. If no search was necessary, answer "NA" for this question. If a search was necessary and the counselor documented the results of the search on the IPE AND included them as funding sources on the IPE, answer "yes" to this question. A "no" response indicates that a search was necessary, but the counselor either did not document the search on the IPE, or did not include the funding sources on the IPE.
4. **The consumer's required contributions toward his or her employment plan are appropriately identified on the IPE.** *References: DVR Service Delivery Policy 107.3(A)(6)(c).* To answer this question, review the service record and determine whether or not a financial needs analysis was necessary, based on the services planned on the IPE. If so, review the analysis and determine the extent to which it was completed accurately. Answer "yes" if the amount(s) that the individual must contribute to the costs of goods and services, if any, and how his or her contributions will be used to pay for necessary goods and/or services are identified accurately on the individual's IPE. "NA" is an appropriate response for this question if planned services did not require a financial needs analysis or if the individual was not required to contribute financially toward his or her IPE.

QUALITY OF CASE DOCUMENTATION AND DECISION-MAKING

1. **The IPE reflects a thorough plan for progress toward achieving the chosen employment outcome that includes appropriate objectives.** *References: DVR Service Delivery Policy 107.3(A)(2).* To answer this question, review the initial IPE in its entirety and determine the extent to which the objectives appropriately and logically represent a sequence of events that, if completed, will lead the individual toward his/her chosen employment outcome, and iare consistent with the assessment of vocational rehabilitation needs and the individual's informed choice.
2. **The IPE includes evaluation criteria that are measurable and procedures and schedules to be used for periodic evaluation and monitoring of progress.** *References: DVR Service Delivery Policy 107.3(A)(5).* To answer this question,

review the entire IPE and determine the extent to which the objectives identified on the IPE can be adequately measured using the methods and criteria identified on the IPE. These methods and criteria should be clear and understandable to the reviewer, and timeframes for their evaluation should provide for sufficient periodic review of progress and be clearly identified on the IPE.

3. **The VR goods and services on the IPE are appropriate for the individual, and the terms and provisions of providing them are clearly identified.** *References: DVR Service Delivery Policy 107.3(A)(3), 107.3(A)(6).* To answer this question, review the goods and services identified on the IPE and determine the extent to which they are appropriate for the completion of the objectives with which they are associated, and consistent with the assessment of vocational rehabilitation needs, as made during the comprehensive assessment process. The IPE should also clearly identify the entities that will render each good and service, and the funding sources for each good and service.
4. **The IPE clearly identifies all appropriate responsibilities of the eligible individual with regard to implementing the IPE, given the individual's circumstances.** *References: DVR Service Delivery Policy 107.3(A)(6)(d).* In some cases, the pre-printed responsibilities on the IPE will be sufficient. To answer this question, determine whether or not additional responsibilities should be identified on the IPE in order for the individual to fully understand his or her part in completing the action steps on his/her IPE. Then, determine the extent to which the IPE includes a meaningful description of the steps the individual needs to take to fulfill these responsibilities. Examples where additional responsibilities should be described when applicable include applying for comparable services or benefits, picking up out-of-state tuition responsibilities, applying for Colorado residency, paying for alternative sources of medication, etc. "NA" is an appropriate response to this question when the pre-printed responsibilities on the IPE are sufficient.
5. **The VR counselor documented how the individual had opportunities to exercise informed choice during the preparation of the IPE.** *References: DVR Service Delivery Policy 107.1(B)(2).* To answer this question, determine the extent to which the service record describes assistance and alternatives provided by the DVR counselor to support the individual's exercise of informed choice.

IPE IMPLEMENTATION / SERVICE PROVISION

This section should be completed for all cases where an IPE was implemented, even if the case was closed shortly after implementation. For open cases, respond to questions only up to the date of the review.

Case File Documentation

- **Case notes and/or other reports documenting progress with the eligible individual.** *References: DVR Service Delivery Policy 101.12(A).* A "yes" response indicates that the service record contained evidence that the VR counselor monitored the individual's progress toward completion of the IPE. This can include direct contact between the individual and the VR counselor as documented in the case notes, or contact with third party service providers. A "no" response indicates that the service record contains no evidence that the VR counselor monitored progress with the individual after the development of the IPE. "NA" is not an appropriate response for this question.
- **IPE amendments/revisions (if necessary).** *References: DVR Service Delivery Policy 107.5.* A "yes" response indicates that a revision or amendment was necessary, as described in 107.5, and the service record contained a signed, dated,

and completed revision or amendment. A “no” response indicates that a revision or amendment was necessary, but the VR counselor did not complete one. “NA” indicates that no amendment or revision was necessary, regardless of whether or not one was completed.

Compliance with Federal Standards

1. **Were all significant goods and services that were provided to the individual identified in the original IPE or revisions/amendments to the IPE?** *References: DVR Service Delivery Policy 108.1(E)(1).* A “yes” response indicates that all of the significant goods and services that were actually provided to the consumer (identified through case notes, communication with service providers, and/or copies of authorizations and expenditure reports) were included in the original IPE or amendments to the IPE. A “no” response indicates that one or more significant services that the individual received were not identified in the IPE or amendments. “NA” is not an appropriate response to this question.
2. **Were all goods and services necessary for the achievement of the employment outcome provided**. *References: DVR Service Delivery Policy 108.1(A).* A “yes” response to this question indicates that the individual received all of the services that were necessary to achieve the employment outcome planned on the IPE, even if they were not originally identified on the IPE. A “no” response indicates that there were one or more services that the individual should have, but did not, receive that would have assisted the individual to achieve the employment outcome, even if these services were not planned on the IPE. Typically, if you are reviewing a successful closure, the answer to this question will be “yes”. When reviewing a case that was closed into status 28, consider whether the necessary goods and services were provided in a timely manner up to the point at which the case was closed. Services that were planned to be provided after the date the case was closed should not be considered in your analysis. “NA” is an appropriate response to this question if the case is still open.
3. **Does the service record indicate that services were initiated according to the timelines identified on the IPE and/or IPE revisions/amendments?** *References: DVR Service Delivery Policy 107.3(A)(4).* A “yes” response indicates that the individual began receiving services during the month agreed upon in the IPE. A “no” response indicates that the services were not initiated in a timely manner in accordance with the agreed-upon dates in the IPE. “NA” is not an appropriate response to this question.
4. **Once services listed on the IPE were initiated, did services continue to be provided in accordance with the dates on the IPE and/or IPE revisions/amendments without undue delays or interruptions on the part of DVR?** *References: DVR Service Delivery Policy 101.12(A), 108.1(E)(1).* A “yes” response indicates that there were no undue delays or interruptions to service provision, or that any delays or interruptions that occurred were not caused by DVR. A “no” response indicates a delay or interruption to service provision occurred and that it was caused, in part or whole, by DVR. “NA” is not an appropriate response to this question.
   a) **If no, were reasons for delays or interruptions documented in the service record?** *DVR Service Delivery Policy 101.12(A), 108.1(E)(1).* A “yes” response indicates that there were delays or interruptions on the part of DVR, but the VR counselor documented legitimate reasons for the delays in the service record. A “no” response indicates that the reasons for the delays were not documented.

"NA" is an appropriate response to this question if no delays or interruptions occurred.

5. **Does the service record indicate that the VR counselor maintained contact with the individual?** *DVR Service Delivery Policy 110.3, 107.5(A)(4).* A "yes" indicates that the service record contains written documentation that DVR had direct contact with the eligible individual and, if appropriate, the employer after the initiation of services on the IPE as often as needed to effectively monitor progress under the plan and to assure job stability. The service record must contain documentation of the persons contacted and the outcomes of these contacts. Contact with a third party, such as SWAP or another service provider, does not replace the need for DVR's periodic and direct contact with the individual. A "no" response indicates that the reviewer finds insufficient evidence of direct contact between DVR and the eligible individual. "NA" is not an appropriate response to this question.
   a) **If no, were reasons for extended periods without contact justified?** *References: DVR Service Delivery Policy 107.5(A), 107.7(E).* A "yes" response indicates that there were extended periods without contact, but the VR counselor documented legitimate reasons for the period in the service record. A "no" response indicates that the period without contact was not legitimate or not documented in the service record. "NA" is an appropriate response to this question if the VR counselor maintained sufficient contact with the individual.

QUALITY OF CASE DOCUMENTATION AND DECISION-MAKING

1. **The service record reflects an active and meaningful partnership between the VR counselor and the eligible individual, with timely interventions by the VR counselor, when necessary.** ***Assess this question here ONLY if the service record you are reviewing is for a case that is currently in an open status. Otherwise, you will assess this question as part of the closure review questions*****.** To answer this question, review the entire service record. The reviewer should perceive that the parties are working well together to achieve the employment outcome and that both parties are fulfilling their responsibilities as described on the IPE. Documentation should indicate that contact is occurring frequently enough for the VR counselor to intervene in a timely manner should events requiring the VR counselor's involvement arise or if the individual gets off track from his or her employment plan. "NA" is an appropriate response if the case is closed.
2. **The service record reflects that the VR counselor monitored, or is monitoring, the individual's progress toward the attainment of the employment goal, as was planned in the evaluation sections of the IPE.** *References: DVR Service Delivery Policy 107.5(A).* To answer this question, review the entire IPE paying special attention to the evaluation criteria and schedules that were planned for each action step. Determine the extent to which the data sources are included and/or documented in the service record, and the extent to which the VR counselor monitored, or is monitoring, progress according to the planned schedule. "NA" is an appropriate response only if the IPE has not progressed to the point at which monitoring would be required according to the planned schedule.
3. **The service record reflects creativity and flexibility in looking for options, dealing with consumer issues that arose, and properly amending employment plans when necessary.** *References: DVR Service Delivery Policy 107.5.* The entire IPE must be reviewed at least annually. To answer this question, identify any issues that arose during the life of the case based on information in the service record, and determine how well the VR counselor responded to and addressed those issues. Determine whether or not an amendment/revision was needed based on

additional information in the service record and whether or not the VR counselor completed the amendment. "NA" is an appropriate response only if the case was very straight-forward and the service record does not indicate that there were any issues to address after the IPE was initiated.

4. **The casework shows teamwork with other agencies and programs in planning, paying for, and delivering goods and services.** *References: DVR Service Delivery Policy 101.14, 108.1(E).* The VR counselor should maintain regular contact with other service providers, as necessary, and work effectively together toward the individual's employment outcome, in accordance with the working agreements in place with these providers. Evidence of teamwork can include documentation showing that the counselor received reports from the service provider in a timely manner, documentation showing that the service provider and DVR discussed and jointly resolved issues that arose, when necessary, documentation showing that the service provider continued to pay for contracted services, etc.

SUCCESSFUL CLOSURE

This section should be completed for all cases that were closed in status 26, even when the case was re-opened in status 32.

Case File Documentation

- **26 Closure: Successfully Rehabilitated form.** *References: DVR Service Delivery Policy 110.3(A).* A "yes" response indicates that the service record contains a successful closure form that has been appropriately completed. A "no" response indicates that the successful closure form is missing from the service record altogether or that it has not been appropriately completed. "NA" is not an appropriate response to this question."

Compliance with Federal Standards

1. **Did the goods and services provided to the individual contribute substantially to the employment outcome?** *References: DVR Service Delivery Policy 110.3(A)(1).* A "yes" response indicates that the individual would not have been able to achieve the employment outcome without having been provided the services that he or she was provided through DVR. A "no" response indicates that the individual could have attained the same employment outcome without one or more of the services that were provided through DVR. "NA" is not an appropriate response to this question.

2. **Does the service record document that the individual has achieved an employment outcome that is described in the individual's IPE and/or IPE amendments?** *References: DVR Service Delivery Policy 110.3(A)(1), 107.3(A), 107.5(b)(1)(a), 107.5(C)(2)(a).* A "yes" response indicates that the individual's job at the time of case closure was consistent with the specific employment outcome planned in the IPE and/or the most recent IPE amendment, and for which services were provided. A "no" response indicates that the individual's job at the time of case closure was in an occupation different from the one planned on the IPE and/or IPE amendments, and for which services were provided. "NA" is not an appropriate response for this question.
3. **Does the service record indicate that the individual has achieved an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice?** *References: DVR Service Delivery Policy 107.3(A)(1)(b), 110.3(A)(3).* A

"yes" response indicates that the employment outcome that the individual achieved, regardless of whether or not the it was the one planned in the IPE and/or amendments, was consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. To determine this, review the information contained in the comprehensive assessment and any subsequent documentation of the individual's current priorities, concerns, etc. If the outcome was not the most appropriate outcome, but the individual chose it, look for evidence that the counselor provided enough opportunity for the individual to make an informed choice about that outcome. A "no" response indicates that the employment outcome that the individual achieved is not a good match for his or her strengths, resources, priorities, concerns, etc., based on the information contained in the comprehensive assessment and subsequent documentation. "NA" is not an appropriate response for this question.

4. **Is it clear that the individual has maintained the employment outcome for an appropriate amount of time but not less than 90 days?** *References: DVR Service Delivery Policy 110.3(A)(2).* A "yes" response indicates that the date that the individual began working at a job that is consistent with the planned employment outcome was greater than or equal to 90 days prior to closure, employment is considered to be stable and suitable by both the VR counselor and the individual. If the individual switched jobs during those 90 days, there was no significant lapse in time between jobs and the new job is also consistent with the planned employment outcome. A "no" response indicates that the individual has been in a suitable job for less than 90 days prior to closure or that the job stability is not assured at the time of closure. "NA" is not an appropriate response for this question.
5. **At the end of the appropriate maintenance period, do the individual and the VR counselor consider the employment outcome to be satisfactory?** *DVR Service Delivery Policy (A)(5).* A "yes" response indicates that, based upon a joint assessment of job stability, the individual and the VR counselor agree that the employment outcome is satisfactory. Documentation should reflect that a direct conversation occurred when possible. However, in cases where a direct conversation was clearly not possible according to the counselor's documentation, a letter can be sent to the consumer stating that if the counselor does not hear back, he or she will assume that the individual considers the employment outcome to be satisfactory. A "no" response indicates that either the VR counselor or the individual do not agree that the employment outcome is satisfactory, that no conversation occurred when it should have, or that the counselor made no effort to determine the individual's satisfaction with the employment outcome. "NA" is not an appropriate response for this question.
6. **At the end of the appropriate maintenance period, do the individual and the VR counselor agree that the individual is performing well in employment, and is expected to continue to do so without further DVR goods and services?** *DVR Service Delivery Policy 110.3(A)(5).* A "yes" indicates that the service record contains documentation that the VR counselor and individual both agree that the individual is performing well in employment, and is expected to continue to do so without further DVR goods and services. Documentation should reflect that a direct conversation occurred when possible. However, in cases where a direct conversation was clearly not possible according to the counselor's documentation, a letter can be sent to the consumer stating that if the counselor does not hear back, he or she will assume that the individual is performing well in employment and expects to continue to do so without further DVR goods and services. A "no" response indicates that the agreement was not documented in the service record, and/or that the counselor

made no attempt to determine the individual's assessment of his/her job performance. "NA" is not an appropriate response for this question.

7. **For employment outcomes at sub-minimum wage, does the service record document compensation in accordance with the Fair Labor Standards Act?** *DVR Service Delivery Policy (110.3)(B)(4)(a).* A "yes" response indicates the individual is employed in an integrated employment setting covered by Section 14(c) of the Fair Labor Standards Act, earning less than the minimum wage (currently $5.15 per hour), but is covered by a valid sub-minimum wage certificate. A "no" response indicates that the individual is employed in an integrated employment setting covered by Section 14(c) of the Fair Labor Standards Act, is earning less than the minimum wage (currently $5.15 per hour), but is NOT covered by a valid sub-minimum wage certificate. "NA" is an appropriate response if the individual is earning at least minimum wage.

Quality of Case Documentation and Decision-Making

1. **The service record reflects that the counselor made appropriate efforts to engage the consumer in an active and meaningful partnership between the VR counselor and the eligible individual, with timely interventions by the VR counselor, when necessary.** To answer this question, review the entire service record. The reviewer should perceive that the parties worked together well to achieve the employment outcome, maintained productive communication, and partnered well to conduct planning activities and to carry out the responsibilities of the IPE. If the case record indicates that a partnership did not evolve, it should reflect that the counselor made appropriate efforts to improve the working relationship. Documentation should indicate that the VR counselor intervened in a timely manner when events requiring the VR counselor's involvement arose or the individual got off track from his or her employment plan.
2. **The service record reflects that the VR counselor monitored job stability during the period of employment.** ***References: DVR Service Delivery Policy 110.3(B)(1).*** To answer this question, determine the date that the individual was placed into employment. Review the case notes and other documentation in the service record after that date. DVR should have made contact with the individual and, when appropriate, the employer, at least once per month to monitor job stability. The service record should contain documentation of the persons contacted as well as the content and outcome of each contact.

UNSUCCESSFUL CLOSURE

This section should be completed for all cases that were closed in status 08, 28, 30, or 38.

CASE FILE DOCUMENTATION

- **Written explanation of the basis for closure**. *References: DVR Service Delivery Policy 110.1.* A "yes" response indicates that the reason and corresponding rationale for closure is documented in the service record. A "no" response indicates that documentation of the reason and rationale for closure is not found in the record. "NA" is not an appropriate response for this question.
- **Appropriate written notification to the individual of the closure action**. *References: DVR Service Delivery Policy 110.2(D).* This question is applicable only if the case closure results from a DVR reduction, suspension or premature termination of services, from an ineligibility determination, or the case was closed from a wait list. A "yes" response indicates that there is evidence in the service record that the VR counselor provided written notification when required, signed and dated, and through appropriate modes of communication, of the closure action that includes the reason for closure and information about the individual's appeal rights and how he or she can request an administrative review, mediation, and a formal appeal; and, a description of the resources available from the Client Assistance Program and how it can be contacted. A "no" response indicates that the reviewer can find no evidence of written notification to the individual under those circumstances when it is required, or that it was not written in accordance with policy 103.3. "NA" is NOT an appropriate response when case closure results from a DVR reduction, suspension or premature termination of services , from an ineligibility determination, or the case was closed from a wait list

Quality of Case Documentation and Decision-Making

1. **The service record reflects that the counselor made appropriate efforts to engage the consumer in an active and meaningful partnership between the VR counselor and the eligible individual, with timely interventions by the VR counselor, when necessary.** To answer this question, review the entire service record. The reviewer should perceive that the parties worked together well to achieve the employment outcome, maintained productive communication, and partnered well to conduct planning activities and to carry out the responsibilities of the IPE. If the case record indicates that a partnership did not evolve, it should reflect that the counselor made appropriate efforts to improve the working relationship. Documentation should indicate that the VR counselor intervened in a timely manner when events requiring the VR counselor's involvement arose or the individual got off track from his or her employment plan.
2. **The written explanation/rationale for closure is consistent with all the information contained in the service record.** To answer this question, review the written explanation/rationale for closure that the counselor gave, as well as the documentation contained in the service record (i.e., case notes, SWAP progress reports, etc.). Determine the extent to which the counselor's explanation for closure was consistent with the supporting evidence in the service record.

UNSUCCESSFUL CLOSURE – CASE CLOSED INELIGIBLE

This section should be completed for all cases that were closed where the reason for closure was ineligibility.

CASE FILE DOCUMENTATION

- **A signed and dated written Certification of Ineligibility that documents that one or more of the eligibility criteria were not met**. *References: DVR Service Delivery Policy 110.2(C).* A "yes" response indicates that the Certification of Ineligibility is completed, signed and dated by the VR counselor. A "no" response indicates that either the Certification of Ineligibility was missing from the service record, or that it was not signed, dated, and/or completed. "NA" is not an appropriate response to this question.
- **Documentation of the VR counselor's attempt to fully consult with the individual prior to the ineligibility closure.** *References: DVR Service Delivery Policy 110.2(B).* A "yes" response indicates that the service record contains evidence that the ineligibility decision was made only after full consultation with the individual or, when appropriate, his or her authorized representative, or after giving clear opportunity for such consultation. A "no" response indicates that there is no evidence in the service record regarding an opportunity for full consultation with the individual. "NA" is not an appropriate response for this question.

Quality of Case Documentation and Decision-Making

1. **The information contained in the service record supports the VR counselor's determination of ineligibility.** To answer this question, review the medical and other information contained in the service record. Determine the extent to which it was sufficient in terms of its accuracy, comprehensiveness, and recency for the counselor to analyze all of the individual's impairments, limitations, impediments, and/or need for DVR services. When sufficient, determine whether the foundational data and documentation described in the service record are consistent with the VR counselor's determination of ineligibility.

TRIAL WORK EXPERIENCES OR EXTENDED EVALUATION ATTACHMENT

This section should be completed when the case entered status 06 at any point or if the disability was determined to be too severe based on services provided under an IPE.

CASE FILE DOCUMENTATION

- **Signed and dated Trial Work Experience (TWE) Plan or Extended Evaluation (EE) Plan.** *References: DVR Service Delivery Policy 104.4(D), 104.5(D).* A "yes" response indicates that the individual entered status 06, is not receiving services under and Individualized Plan for Employment or an IPE amendment, and that the service record contains the appropriate Trial Work Experiences Plan or Extended Evaluation Plan. A "no" response indicates that the individual is not receiving services under and Individualized Plan for Employment or an IPE amendment, and that no TWE or EE plan is contained in the service record. "NA" is an appropriate response if goods and services provided under and Individualized Plan for Employment or and IPE amendment provide sufficient information to establish continued eligibility or ineligibility.
- **Clear and convincing evidence, in accordance with the TWE plan, EE plan, or IPE, that the individual cannot obtain an employment outcome.** *References: DVR Service Delivery Policy 104.4 (A), 104.5(A), Appendix A p.4.* A "yes" response indicates that a TWE or EE plan was implemented, the case was closed with a closure reason of "disability too severe" and the documentation in the service record

reflects a high degree of certainty that the individual cannot attain and/or maintain an employment outcome with the provision of a specialized program of vocational rehabilitation services, including all necessary assistance and on-the-job supports. Clear and convincing evidence includes a functional assessment of skill development activities, when appropriate. A "no" response indicates that the case was closed with a closure reason of "disability too severe" but the documentation in the service record does not reflect a high degree of certainty that the individual cannot attain and/or maintain an employment outcome with the provision of a specialized program of vocational rehabilitation services, including all necessary assistance and on-the-job supports. "NA" is an appropriate response when the case moved into status 10 after a period of trial work experiences or extended evaluation, or when the case was closed with a reason other than "ineligible" prior to the completion of trial work experiences or extended evaluation.

Quality of Case Documentation and Decision-Making

1. **The VR counselor's justification for trial work experiences or extended evaluation is consistent with the information obtained during the preliminary and/or comprehensive assessment.** *References: DVR Service Delivery Policy 104.4(B), 104.5(B).* To answer this question, review the information contained during the preliminary and comprehensive assessments and the VR counselor's written justification of the need for TWE or EE on the plan itself. Determine the extent to which the VR counselor's justification is thorough and references facts based on medical information and other documentation in the service record. Determine whether or not you feel that the number, duration, and variety of planned trial work experiences (when applicable), and the VR services and supports that the VR counselor suggests are appropriate and sufficient given the individual's history and characteristics of his or her disability. If the VR counselor used Extended Evaluation, the reason he or she gives regarding the individual not being able to take advantage of trial work experiences should be convincing based on the information obtained during the assessment phase. "NA" is an appropriate response when the evidence that the individual cannot obtain an employment outcome is gathered under an IPE.
2. **The Trial Work Experiences Plan, Extended Evaluation Plan, and/or the IPE explored the individual's abilities, capabilities, and capacity to perform in a work situation.** *References: DVR Service Delivery Policy 104.4(E)(2)(a).* To answer this question, review the written plan and determine the extent to which it was consistent with the information contained in the justification and sufficient to fully explore the individual's abilities, capabilities, and capacity to perform in a work situation, given all the information in the service record.
3. **The written Trial Work Experience Plan (if applicable) adequately describes the nature and scope of each work experience and/or service to be provided, and the level of performance necessary to meet the work requirement.** *References: DVR Service Delivery Policy 104.4(E)(2)(d).* To answer this question, review the work experiences and/or the services identified on the TWE plan and determine the extent to which the entities which will render each service, the funding sources for each service, including comparable service and benefit providers, and the amount the individual must contribute to the costs of goods or services, if any, are clearly identified. "NA" is an appropriate response if a TWE plan was not used.
4. **The written Extended Evaluation Plan (if applicable) adequately describes the work requirements being assessed, the nature and scope of the goods and services to be provided, and the criteria that establish the individual's capacity to perform in a work situation.** *References: DVR Service Delivery Policy*

104.5(E)(2)(c). To answer this question, review the goods and services identified on the EE plan and determine the extent to which the entities which will render each good and service, the funding sources for each good and service, including comparable service and benefit providers, and the amount the individual must contribute to the costs of goods or services, if any, are clearly identified. The work requirements should be clearly identified and the plan should describe criteria that will be used to establish whether or not the individual can meet the work requirements and perform in a work situation. "NA" is an appropriate response if extended evaluation was not planned.

5. **The individual was provided opportunities to exercise informed choice during the preparation of the Trial Work Experience Plan or Extended Evaluation Plan (if applicable).** *References: DVR Service Delivery Policy 104.4(E)(2)(b), 104.5(E)(2)(c)(1).* To answer this question, determine whether there is documented evidence that the individual had opportunities to exercise informed choice in selecting the trial work experiences and/or the vocational rehabilitation services and providers to be included in the IPE, and methods to provide and/or procure goods and services. The individual should be provided information, when necessary, concerning alternatives in the above areas to assist them in making informed choices. "NA" is an appropriate response if a Trial Work Experience Plan or Extended Evaluation Plan is not contained in the service record.

SUPPORTED EMPLOYMENT ATTACHMENT

This section should be completed when the case is a supported employment case in status 12 or higher. To determine if the case is a supported employment case, look at the 911 printout.

CASE FILE DOCUMENTATION

- **Severity of Disability form that accurately identifies the individual as having a most significant disability.** *References: DVR Service Delivery Policy 107.1(C)(4)(a), 104.2(C)(1)(c)(1).* A "yes" response indicates that the Severity of Disability form is included in the service record, that it indicates that the individual has a most significant disability, and that the determination is consistent with the information contained in the service record. A "no" response indicates that the form was missing, that it shows the individual as having something other than a most significant disability, or that it shows that the individual has a most significant disability but the determination is inaccurate based on other information contained in the service record. "NA" is not an appropriate response for this question.
- **Evidence that the applicant has a history of non-competitive employment or interrupted competitive employment due to the severe impairment.** *References: DVR Service Delivery Policy 107.1(C)(4)(b), 104.2(C)(1)(c)(2).* A "yes" response indicates that the data contained in the service record at the point at which the decision to use supported employment was made reflects that non-competitive employment or interrupted employment was due to the severe impairment. A "no" response indicates that the data contained in the service record at the point at which the decision to use supported employment was made reflects that the individual's work history was competitive and continuous, or that the non-competitive or interrupted competitive employment was NOT due to the individual's severe impairment. "NA" is not an appropriate response to this question.
- **A completed Justification for Supported Employment form.** *References: DVR Service Delivery Policy 107.1(C)(4)(c), 104.2(C)(1)(c)(3).* A "yes" response indicates that the VR counselor documented the individual's need for supported employment AND extended services on a Justification for Supported Employment form, as it

relates to the individual's ability to perform productive work in an integrated setting. A "no" response indicates that the service record did not contain appropriate documentation regarding the need for either supported employment or extended services. "NA" is not an appropriate response to this question.

- **IPE Supplement for Supported Employment.** *References: DVR Service Delivery Policy 107.3(C)(2).* A "yes" response indicates that a completed IPE Supplement for Supported Employment is included in the service record. A "no" response indicates that an IPE Supplement for Supported Employment is not contained in the service record, or that it is not completed. "NA" is not an appropriate response to this question.

Quality of Case Documentation and Decision-Making

1. **The VR counselor clearly justified the need for both supported employment services and extended support services.** *References: DVR Service Delivery Policy 107.3(C)(2).* To answer this question, review the information obtained during the preliminary and comprehensive assessments, and when applicable before supported employment is planned, during the period of time when the individual was receiving services under an IPE . Determine how well the VR counselor described the reasons why the individual, due to his or her disability, will need supported employment and extended support services to be able to perform productive work in an integrated work setting. "NA" is not an appropriate response to this question.
2. **The VR counselor's documentation and analysis contained in the Comprehensive Assessment adequately supports the individual's weekly work goal.** *References: DVR Service Delivery Policy 107.3(C)(2)(b).* To answer this question, determine the extent to which the weekly work goal specified in the IPE Supplement for Supported Employment is supported by the strengths, resources, priorities, concerns, abilities, capabilities, and interests that were identified during the Comprehensive Assessment, and/or during the period of time before supported employment is planned when the individual was receiving services under an IPE. "NA" is not an appropriate response to this question.
3. **The VR counselor's rationale for determining that extended services are or will be available at the appropriate time is convincing.** *References: DVR Service Delivery Policy 107.3(C)(2)(e).* To answer this question, determine whether or not the resources who will render and pay for extended services were identified at the time that the IPE Supplement was prepared. If not, review the documentation for a statement describing the basis upon which it is believed that these services will become available by the time of transition from supported employment services. Determine the extent to which you are convinced by the statement. "NA" is not an appropriate response to this question.

SELF EMPLOYMENT ATTACHMENT

This section should be completed when an outcome of self-employment has been determined appropriate for an individual, and that individual reached status 12 sometime prior to the date of the QA review. An employment outcome of Self Employment would be identified on the Comprehensive Assessment Summary or an IPE amendment should be written to reflect a change in the employment outcome to Self Employment.

CASE FILE DOCUMENTATION

- **A comprehensive business plan approved by the VR counselor.** *References: DVR Service Delivery Policy 107.1(C)(3).* A "yes" response indicates that the service

record contains a comprehensive business plan and that it was approved by the VR counselor in accordance with the requirements established by DVR before the Individualized Plan for Employment or amendment for a self-employment outcome was prepared. A "no" response indicates that the service record does not contain a comprehensive business plan or that it was not approved properly by the VR counselor. "NA" is not an appropriate response to this question.

- **IPE Supplement for Self-Employment.** *References: DVR Service Delivery Policy 107.3(B).* A "yes" response indicates that an IPE Supplement for Self-Employment is contained in the service record and that it is signed and dated by both the VR counselor and the individual. A "no" response indicates that the service record does not contain the supplement or that it was not signed or dated by either the VR counselor or the individual. "NA" is not an appropriate response to this question."

Quality of Case Documentation and Decision-Making

1. **The VR counselor thoroughly evaluated the individual's potential to initiate and sustain self-employment, prior to developing a formal business plan.** *References: DVR Service Delivery Policy 107.1(C)(3), Appendix B, pp. 37-40.* Before agreeing on a self-employment outcome, the eligible individual's potential to sustain a successful business enterprise and the individual's proposed business idea must be assessed. To answer this question, determine how well the counselor worked with the individual to thoroughly complete to complete a Self-employment Questionnaire, to encourage the individual to conduct market surveys with potential customers, and to complete a Product and Cost Analysis spreadsheet to get an accurate estimation of the potential demand of the product or service and to get a realistic understanding of the financial demands and rewards of the business. "NA" is not an appropriate response to this question.
2. **The VR counselor facilitated the individual's development of a sound business plan that has potential for success.** *References: DVR Service Delivery Policy 107.1(C)(3), Appendix B, pp. 37-40.* To answer this question, determine the extent to which the counselor assisted the individual, as necessary, to choose a business plan development training and coaching course that fits his or her needs and circumstances. "NA" is not an appropriate response to this question.
3. **The IPE and IPE Supplement for Self-employment were designed in a way that ensures that the individual has adequate business management and technical skills necessary for operating a successful business.** *References: DVR Service Delivery Policy 107.3(B)(2), Appendix B, pp. 37-40.* To answer this question, determine the extent to which the IPE and IPE Supplement for Self-employment identifies services and resources such as vocational training, training in business management, development of business consultative resources, and other services necessary to ensure an adequate skill level, when necessary. "NA" is an appropriate response to this question if the individual already possessed adequate skills prior to the development of the IPE.
4. **The IPE and IPE Supplement for Self-employment allow adequate time to determine whether or not the business will succeed.** To answer this question, review the evaluation schedule and determine whether or not enough time was provided for the business to succeed, given the nature of the business. "NA" is not an appropriate response to this question.