

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

Section:	C
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26--SUCCESSFUL EMPLOYMENT OUTCOME

The Division of Services for the Blind (DSB) works with individuals with disabilities to obtain an employment outcome in the most integrated work setting consistent with the individual's unique employment factors: strengths, resources, priorities, concerns, abilities, capabilities, career interests, and Informed Choice.

During the application process, eligible individuals must be informed that DSB services are only provided if they intend to achieve an employment outcome. Individuals with disabilities are active partners with the Vocational Rehabilitation Counselor and together work to establish employment goals and the steps to reach those goals.

Cases may not be closed status 26 "rehabilitated" twice in the same fiscal year.

An employment outcome is considered achieved when all the following criteria are met:

- The individual has achieved an employment outcome that is consistent with the Individual Plan for Employment (IPE) (On-Line DSB-4005b-VR Individual Plan for Employment with instructions) and the individual's strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice.
- The provision of IPE services has contributed to the achievement of the employment outcome that is described in the individual's IPE.
- The employment outcome is in the most integrated work setting possible, consistent with the individual's informed choice.

Integrated Employment (with respect to the provision of services or employment outcome) - means a setting typically found in the community and employs individuals with disabilities and non-disabled individuals at all levels and individuals with disabilities are not congregated into any one position. The individuals with disabilities interact with non-disabled co-workers and other non-disabled individuals to the same extent that non-disabled individuals in comparable or similar positions interact with other persons.

Integrated work settings are typically found in the community. To determine whether any job meets the "employment outcome" regulatory definition of integrated setting, a careful analysis is required and must be done on a case-by-case basis.

The Community Rehabilitation Program or subsidiary (base store, cleaning contractor etc.) can be considered a "typical work setting" for integrated employment. The Vocational Rehabilitation Counselor must document in the case record that a thorough investigation has

been conducted and the placement meets the following eight (8) criteria for integrated employment

1. The individual is employed in a type of job available to the general public.
 2. The individual is employed under the same working conditions as non-disabled employees in similar positions and has access to restroom facilities, lunch or break room arrangements, and entrance and exits that non-disabled employees have.
 3. The individual has an ongoing interaction with other workers, supervisors, and the general public to the same degree as workers without disabilities in the same or comparable occupations.
 4. General working conditions reflect interaction with other workers rather than a segregated environment.
 5. The individual is hired and promoted in the same way as a non-disabled worker.
 6. The individual is supervised the same as a non-disabled worker (supervised by the provider or business).
 7. The individual has comparable wages and benefits.
 8. Consider how employees are assigned to specific production lines, work teams, or shift work (i.e., percentage of disabled workers in relation to non-disabled workers).
- The individual has maintained the employment outcome for at least ninety (90) days, the employment is stable, and the individual no longer needs Vocational Rehabilitation (VR) Services.
 - At the time the case record is closed and the IPE Case Closure (On-Line DSB-4005c-VR Individual Plan for Employment Closure Amendment with instructions) is completed, the individual and the Vocational Rehabilitation Counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job. If the individual obtains an appropriate employment outcome that is closely related to the existing IPE employment goal, but it does not affect the other sections of the IPE, the Vocational Rehabilitation Counselor shall note the reason for the change on the closure form and in the case record. The Vocational Rehabilitation Counselor must obtain supervisor approval before closing a case employed as a Homemaker (HM) or unpaid family worker.
 - The individual is informed through appropriate modes of communication of the availability of Post Employment Services (PES).
 - There shall be an annual review and re-evaluation of the status of each individual with a disability who has achieved an employment outcome in either:
 - (a.) an extended employment setting in a Community Rehabilitation Programs (CRP) or;
 - (b.) in any other employment under authority of the Fair Labor Standards Act.

This review will be conducted for two (2) years after the achievement of the outcome and thereafter if requested by the individual or his/her representative, as appropriate. The purpose of this review will be to determine the interests, priorities, and needs of the individual with respect to competitive employment or training for competitive employment.

The individual with a disability or, if appropriate, the individual's representative, shall have input into this review and re-evaluation along with a signed acknowledgment that such review and re-evaluation were conducted. Maximum efforts to assist these individuals with a disability in engaging in competitive employment should be expended. This includes the identification and provision of VR services, reasonable accommodations, and other necessary support services.

If an individual is closed status 26 in a Community Rehabilitation Program setting, the Area Vocational Rehabilitation Area Supervisor must review and approve at the time of closure.

32--POST-EMPLOYMENT SERVICES

The Vocational Rehabilitation Counselor and the individual should discuss the availability of post-employment services upon development of the IPE. The service is again addressed and specifically planned for, as needed, upon successful attainment of the employment outcome and case closure.

After an individual has achieved an employment outcome, the Vocational Rehabilitation Counselor may provide specific PES necessary to assist the individual to retain, regain, or advance in employment. PE Services are available to meet Vocational Rehabilitation (VR) needs that do not require a complex and comprehensive provision of services and, therefore, should be limited in scope and duration. PES must be consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Post Employment Services are initiated by an IPE Amendment (On-Line DSB -4005d-VR Individual Plan for Employment Amendment with instructions); therefore, a re-determination of eligibility is not required. Another IPE amendment is needed to close PE services upon completion, with the same signature requirements and exceptions allowed as noted above.

The Vocational Rehabilitation Counselor should always address the Financial Responsibilities/Economic Need Requirement (On-Line DSB-4040-VR Economic Needs Survey with instructions) status of an individual seeking PES, since by definition individuals seeking such services are generally employed with income. While PE Services as a category of services do not require a "needs" test, individual services under a PE plan are subject to the same needs test as any other VR services.

08--CLOSURE WITHOUT ELIGIBILITY DETERMINATION

A case record may be closed prior to making an Eligibility determination when the applicant declines to participate in, or is not available to complete an Assessment for determining eligibility. The Vocational Rehabilitation Counselor must make a reasonable number of documented attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

It will be the responsibility of the Vocational Rehabilitation Counselor to document the reasons for the case closure in the case record and to inform the applicant in writing as appropriate.

08--DETERMINATION OF INELIGIBILITY OF AN APPLICANT

A determination of eligibility from applicant status for VR services must occur within a reasonable period of time, not to exceed sixty (60) days, after the individual has submitted an application for services. Exceptions to this are noted below and in each instance require applicant agreement by signing the extension (On-Line DSB-4041-VR Extension of Time to Determine Eligibility with instructions) form:

- The individual has been notified that exceptional and unforeseen circumstances beyond the control of the Agency preclude the completion of the determination within sixty (60) days and the Vocational Rehabilitation Counselor and the individual agree that a specific extension of time is warranted; or
- The Vocational Rehabilitation Counselor is exploring the individual's abilities, capabilities, and capacity to perform in work situations through the use of Trial Work experiences which also requires the individual's agreement for a specific extension.

If an individual who applies for services is determined, following a review of existing data and assessment activities, not to be eligible for services, the ineligibility determination involved shall be made only after providing an opportunity for full consultation with the individual or, as appropriate, the individual's representative.

An individual determined ineligible should be informed in writing of the determination in the most appropriate mode of communication consistent with the individual's informed choice. Notification should include:

- The reasons for such a determination;
- A description of the means by which the individual may express, and seek remedy for, any dissatisfaction with the determination including mediation through the Appeals Process, and the procedures for review by an Impartial Hearing Officer; and
- A description of services available through the Client Assistance Program (CAP) and information on how to contact that program.
- Refer the individual to other training or employment-related program under Workforce Investment.

Whenever an applicant is determined not to be eligible for services based on a finding that he/she is incapable of benefiting in terms of an employment outcome, the case shall be reviewed within twelve (12) months and thereafter, if such a review is requested by the individual or, if appropriate, by the individual's representative. This review need not be conducted in situations in which the individual has refused it, is no longer present in the state, his/her whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

28--CLOSED NOT REHABILITATED AFTER IPE

The Vocational Rehabilitation Counselor shall close the case in Status 28 (Closed, Plan Initiated but Individual Not Rehabilitated) when case is closed from service Status 14, 16, 18, or 20. The decision that an individual is determined to be no longer eligible for services, after an IPE has been developed, shall be made only after providing an opportunity for full consultation with the individual or, as appropriate, the individual's representative. An individual determined to be no longer eligible for services should be informed in writing of the determination in the most appropriate mode of communication consistent with the individual's informed choice. Notification should include:

- The reasons for such a determination;
- A description of the means by which the individual may express, and seek remedy for, any dissatisfaction with the determination including mediation, and the procedures for review by an Impartial Hearing Officer; and
- A description of services available through CAP and information on how to contact that program.

Any ineligible determination made when an individual is no longer eligible to receive services under an IPE, based on a finding that the individual is incapable of benefiting in terms of an employment outcome, shall be reviewed within twelve (12) months and thereafter, if such a review is requested by the individual or, if appropriate by the individual's representative. This review need not be conducted in situations in which the individual has refused it, is no longer present in the state, his/her whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

The reason for closing a case record due to ineligibility must be well documented in the record. This ineligibility determination decision, and the reasons on which it was based, must be documented with an IPE amendment to close the case record.

It is the Vocational Rehabilitation Counselor's responsibility to obtain the individual's signature on the IPE amendment at case closure. Exceptions will be allowed when the individual is unwilling or unavailable to sign. The Vocational Rehabilitation Counselor should always make a reasonable number of documented attempts to obtain the individual's cooperation and signature when an IPE is amended.

In rare instances, it may become necessary to close an active case record for reasons other than ineligibility. The individual may fail to follow through with his/her responsibilities under an IPE, decide not to continue to seek services from the Agency, be uncooperative, or simply unable to be located. In these instances, it is not expected that the individual will always be willing or able to sign the IPE closure amendment. The case can be closed without the individual's signature in these instances after proper documentation of the situation. All case closures without an individual's signature must be approved by the Vocational Rehabilitation Counselor's supervisor.

30--CLOSED NOT REHABILITATED BEFORE IPE

An individual closed in this status will have been declared eligible for VR services (Status 10), but later determined no longer eligible because the individual has been determined incapable of benefiting in terms of an employment outcome due to reasons other than eligibility, or an IPE has been developed and signed (Status 12), but services on the IPE were not actually provided.

The decision that an individual is determined to be no longer eligible for services before an IPE has been initiated or developed, shall be made only after providing an opportunity for full consultation with the individual or, as appropriate, the individual's representative. An individual determined to be no longer eligible for services should be informed in writing of the determination in the most appropriate mode of communication consistent with the individual's informed choice. Notification should include:

- The reasons for the determination;
- A description of the means by which the individual may express, and seek remedy for, any dissatisfaction with the determination including mediation and the procedures for review by an Impartial Hearing Officer; and
- A description of services available through CAP and information on how to contact the program.

Any determination based on the individual not being able to benefit from VR services in terms of an employment outcome shall be reviewed within twelve (12) months, and thereafter, if the individual requests such a review or, if appropriate, by the individual's representative. This review need not be conducted in situations in which the individual has refused services, is no longer present in the state, his/her whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

The reasons for closing a case record because the individual is no longer eligible must be well documented in the record. If the IPE has been developed, but not implemented, the reasons on which the ineligibility was based must be documented on the IPE Amendment. If the IPE was not developed, documentation will be in the form of a letter indicating why the record is being closed.