

2.00 THE VOCATIONAL REHABILITATION PROCESS

Introduction

This chapter describes the procedures involved when an individual is moving through the rehabilitation process from referral to closure. Statuses were created to show what stage of the rehabilitation process an individual is involved. There are 14 statuses coded in even numbers beginning with 02 and ending with 38.

Contents of This Chapter

This chapter describes each of the VR statuses listed below as well as the guidelines to be used when an individual transfers from one NYSCB counselor to another within an office and between offices, the guidelines for interstate transfers and guidelines for reopening services for individuals who have previously been involved with NYSCB.

| | |
|-----------|---|
| Status 02 | Applicant |
| Status 06 | Extended Evaluation |
| Status 08 | Closed from Applicant or Extended Evaluation |
| Status 10 | Individualized Plan for Employment (IPE) Development |
| Status 18 | Individualized Plan for Employment (IPE) Implementation |
| Status 20 | Ready for Employment |
| Status 22 | In Employment |
| Status 26 | Closed Rehabilitated |
| Status 28 | Closed, Other Reasons After Individualized Plan for Employment Initiated |
| Status 30 | Closed, Other Reasons Before Individualized Plan for Employment Initiated |
| Status 32 | Receiving Post-Employment Services |
| Status 34 | Post-Employment Services Completed: Employment Maintained |
| Status 36 | Post-Employment Services Discontinued: Case Reopened |
| Status 38 | Post-Employment Services Discontinued: Other Reasons |

2.01 STATUS 02 - APPLICANT

Introduction to Status 02

An individual enters Status 02 when she/he either signs a document requesting vocational rehabilitation services or requests services in a telephone conversation with NYSCB, after receiving information about VR services. In order to be considered an applicant, the individual must also be available to complete the assessment process to determine eligibility for vocational rehabilitation services. When an individual enters

Status 02 on the basis of a "phone application" their signature should be obtained at the initial interview. The phone application should be initiated by the NYSCB staff member completing the form.

Generally, the document will be an agency application form, but a letter signed by the applicant which provides the minimum basic referral information and requests service should also be considered as a basis for placing the individual in Status 02.

While the individual is in Status 02, sufficient information is gathered during the intake process to make a determination of:

1. eligibility for vocational rehabilitation services (Status 10)
2. ineligibility for vocational rehabilitation services (Status 08) or,
3. a need for an extended evaluation (Status 06).

Referral for VR Services

An individual is considered to be referred for NYSCB services when the following minimum information has been provided to NYSCB by letter, telephone, by direct contact, or by an other means:

1. name and address
2. disability
3. date of birth
4. sex
5. date of referral
6. referral source.

Within four weeks of receiving the referral information, NYSCB will make a good faith effort to inform the individual of application requirements and to gather information necessary to initiate an assessment for determining eligibility.

When to Move Into 02

Individuals referred for VR services enter Status 02 as soon as they submit a:

1. signed Application for Services (OCFS-1002X) or,
2. a letter, (signed by the individual or the individual's representative, as appropriate) with the minimum basic information requesting VR service, or
3. as soon as a counselor has completed the application information in the boxed area on page 2 of the "Request for Information/Report of Legal Blindness" (OCFS 4599)

In addition, the person must be available to complete the assessment process to determine eligibility for vocational rehabilitation services.

When to Move Out of 02

An applicant leaves Status 02 when a determination has been made that he/she is:

1. eligible for VR services or
2. ineligible for VR services, or
3. in need of an extended evaluation to determine eligibility

Rule

Movement out of 02 may only proceed to 06, 08, 10.

The Intake Process

Intake is the process of gathering information about a person who applies for services. Intake is completed while an individual's case is in Status 02.

The following procedures are to be completed by the NYSCB counselor as part of the intake process:

1. Schedule a face-to-face initial interview with the applicant.
2. At the face-to-face interview, review the informational materials in the NYSCB Intake Packet (Forms: NYSCB Brochures, NYSCB Handbook, IL Brochure, CAP Brochure, community resource information).
3. Complete the Intake Packet Forms:
 - a. Application for Services (OCFS-1002X), if not already completed)
 - b. Intake Summary (Form-1004)
 - c. Confidential Health Assessment (Part I Only)

Completion of a form includes securing all required signatures on the form.

4. Ask the individual if he/she wants to register to vote and complete the necessary paperwork.
5. Complete the applications for community resources which were selected by the applicant from the Intake Packet.
6. Obtain Releases of Confidential Information (Form-3446), as needed (a separate Release of Confidential Information is required with each request for information).
7. Obtain information documenting legal blindness (See page 3.03.01 - Time

Frames for Medical Information.)

The Medical Eye Report, the Report of Legal Blindness/Request for Information (OCFS-4599) or a narrative/letter from an ophthalmologist or an optometrist may be acceptable. The counselor determines if the content of the report is adequate to verify legal blindness and to determine eligibility.

8. Complete an Economic Status Report (Form -1018), if services contingent on economic need are going to be provided.
9. If additional medical information is necessary to make a determination of eligibility, send a copy of the Confidential Health Assessment to the physician for completion of Part II - Physician's Appraisal of Current General Health. If the physician must examine the individual, authorize the fee for a general medical examination. If the physician can complete the form based on information from a recent medical examination, authorize the \$10.00 fee for existing medical information. An existing general medical examination report is an acceptable substitute for Part II of the Confidential Health Assessment.
10. Enter the status and appropriate documentation into the record of services.
11. Enter any status change on the Client Profile Form.

Time Frames for Making an Eligibility Determination

Counselors must make a determination of eligibility or ineligibility within 60 days of receipt of an application for services.

This period can only be extended for a specific period of time due to exceptional and unforeseen circumstances beyond the control of NYSCB when the individual agrees to the extension or if an extended evaluation is needed to determine eligibility.

Procedure for Documenting Legal Blindness

To document legal blindness for the purpose of determining eligibility, the counselor will follow these procedures:

1. Review the Medical Eye Report, the Request for Information/Report of Legal Blindness (OCFS 4599) or equivalent report by an ophthalmologist or optometrist.

An optometrist's report may be acceptable for eligibility determination if it provides the counselor with adequate information to make determinations regarding the eligibility criteria.

2. Determine if the description of visual acuity and/or visual fields provided by the ophthalmologist or optometrist meets the definition of legal blindness.

If the medical report is incomplete or contains unclear, complex or conflicting information, the counselor should request a review by the medical consultant or contact the ophthalmologist or optometrist for clarification. The medical consultant may determine whether or not the applicant meets the definition of legal blindness. This determination should be entered on the medical report.

3. Document the outcome of the review in a case note clearly stating whether or not the applicant is legally blind.

Use of the NYSCB Registry for Legal Blindness

If the individual has a registry number that can be verified, this can serve as establishing the presence of a disability, as necessary to meet the first condition of eligibility.

Procedure for Obtaining Additional Medical Information

Once legal blindness is established, the counselor may supplement information obtained in the Confidential Health Assessment (Part I) and ophthalmological or optometric reports by following this procedure:

1. Obtain Part II of the Confidential Health Assessment from the individual's primary physician.
2. Obtain recent medical information from sources identified during the initial interview (e.g.: doctors, hospitals, clinics and referring agencies).
3. Obtain any specialist examinations and assessments that have been requested by the medical consultant or that the counselor feels are necessary to determine eligibility.

See the section on specialist examinations for more information.

4. Obtain required psychiatric/psychological examination if applicant is developmentally disabled or has a mental or emotional disability.

See the section on psychological evaluations for more information.

5. Obtain required audiometric examination in cases of known or suspected hearing loss.

See the section on audiological examinations for more information.

Comparable Benefits

The availability of comparable benefits must be determined by the counselor when the individual is in Status 02. Assessment services in Status 02 are provided without a full consideration of comparable benefits. However, Medicaid benefits and other comparable benefits known to be available must be used in accordance with policies and procedures regarding the use of comparable benefits. See Chapter 9.00 - Comparable Benefits for further information.

Comprehensive Services Contract

In October, 1998, NYSCB entered into outcome based contracts with private agencies for the blind. One of the contract components, the Adaptive Living Program, provides a comprehensive package of rehabilitation services to individuals who are not seeking paid employment. In ALP 1, individuals age 55 and older receive an assessment to determine eligibility for NYSCB services. Individuals who meet the eligibility criteria for vocational rehabilitation services who have developed a goal of homemaker, are served through ALP 3. For individuals who will be served through ALP 3, NYSCB counselors are responsible for determining eligibility for VR services, for approving the IPE and for assuring consumer satisfaction with services. The contractor is responsible for intake activities.

Specific procedures for individuals served through the ALP component of the contract are contained in the NYSCB Comprehensive Services Contract Manual.

2.02 STATUS 06 - EXTENDED EVALUATION

Introduction to Status 06

An individual enters Status 06 when the counselor determines that an extended evaluation is necessary to determine eligibility. Individuals placed in Status 06 may not remain in this status for more than eighteen months. These individuals must leave Status 06 at any time prior to the expiration of the eighteen month period if a determination can be made that there is:

1. a reasonable expectation that the individual can benefit in terms of an employment outcome and that the individual requires vocational rehabilitation services (Status 10)

2. clear and convincing evidence that the individual cannot benefit in terms of an employment outcome due to the severity of the their disability (Status 08)

No additional time allowances can be made for interruptions during the eighteen month period regardless of the nature of, or reason for, the interruption.

When to Move Into 06

An individual enters Status 06 upon certification for extended evaluation evidenced by:

1. the presence of a physical or mental disability which for the individual constitutes or results in a substantial impediment to employment, and
2. an inability to make a determination that VR services may or may not benefit the individual in terms of employability due to the severity of the individual's disability.

When to Move Out of 06

An individual must leave Status 06 at the earliest possible time but no later than eighteen months after being placed in Status 06 when it is determined that there is:

1. a reasonable expectation that VR services can benefit the individual in terms of employability, or
2. clear and convincing evidence that she/he cannot benefit in terms of employability, or
3. a change that makes projected evaluative services no longer appropriate (e.g. death, moved to another state, etc.)

Eighteen months is the maximum amount of time that an individual can remain in Status 06 Extended Evaluation. An individual must be moved from Status 06 as soon as an eligibility determination can be made.

Rule 1

Vocational rehabilitation services provided under extended evaluation must be assessed by the counselor at least once during every 90 day period.

Rule 2

An individual in 06 may progress only to Statuses 08 or 10.

Procedure for Status 06

Follow this procedure for Status 06:

1. Document the reason for extended evaluation in a case note, including the questions that need to be answered in order to determine eligibility.
2. Prepare an IPE that describes the specific vocational rehabilitation services that will be provided for determining eligibility and for determining the nature and scope of services required to achieve an employment outcome. During extended evaluation, NYSCB may only provide those services necessary to make these two determinations.
3. Complete Part II of the Client Profile Form.
4. Inform the individual in writing of the need for an extended evaluation and provide a copy of the written plan for vocational rehabilitation services or the IPE.
5. When appropriate, inform the referral source of the individual's need for an extended evaluation.
6. After each 90 day review, complete a case note indicating the progress of the individual.

Economic Need

All services provided in Status 06 are considered to be assessments and are provided without regard to the consumer's economic need status.

Use of Comparable Benefits

Assessment services in Status 06 are provided without a full consideration of comparable benefits. However, Medicaid benefits and other comparable benefits known to be available must be used in accordance with policies and procedures for regarding the use of comparable benefits. See Chapter 9.00 - Comparable Benefits for further information.

2.03 STATUS 08 - CLOSED FROM REFERRAL, APPLICANT OR EXTENDED EVALUATION

Introduction to Status 08

Status 08 provides a means for identifying all persons not accepted for or refusing vocational rehabilitation services whether closed from applicant status (Status 02) or extended evaluation (Status 06).

Basic Criteria

The basic criteria for closing an individual's program from applicant (Status 02) or extended evaluation (Status 06) status are:

1. one or both of the criteria for eligibility for VR services are not met and the individual is ineligible for services, or
2. other reasons unrelated to disability (e.g. individual is not interested in services, counselor is unable to locate applicant.)

When to Move Into 08

Movement into Status 08 should be made when an applicant or individual in extended evaluation has either refused services or is found to be ineligible for services.

Certificate of Ineligibility

A Certificate of Ineligibility (FORM-1024) must be completed when the closure is based on the decision that the individual does not meet the criteria for eligibility.

Rule

Closure in Status 08 may only occur from Statuses 02 and 06.

Note

Closure letters should not be sent to individuals who have applied for VR services who will instead be receiving services through the ALP 2 or Independent Living Program. sent.

Procedures for Status 02 - 08

1. When the counselor has been unable to contact the individual:
 - a. hold the individual's case open for 60 days,

- b. document efforts to contact the individual in the record of services
- c. send one closure letter to the individual (in the individual's preferred format, if known)
- d. Complete Parts II and III of the Client Profile Form

The counselor can also attempt to contact the applicant's representative, if appropriate, to encourage participation.

2. When the individual declines services:

- a. document the reason in the record of services,
- b. send a letter to the individual, in their preferred format if known, notifying them of the closure,
- c. when appropriate, and with the individual's consent, inform the referral source of the closure and indicate other appropriate services you feel may meet the applicant's needs.
- d. Complete Parts II and III of the Client Profile Form.

3. When an individual has been determined ineligible for VR services:

- a. If you believe the individual is ineligible for VR services on the basis of:
 - 1. severity of disability, or
 - 2. a rapidly progressive or terminal medical condition

review the information with the senior counselor or medical consultant. If the senior counselor or medical consultant agree, proceed to Step 2.

If you are basing an ineligibility decision on the severity of individual's disability, you must provide an extended evaluation prior to the determination.

- b. Complete a Certificate of Ineligibility (FORM-1024) if the reason for closure is:
 - 1. severity of disability, or
 - 2. a rapidly progressive or terminal medical condition
- c. Prepare a case note that gives the reason for the decision and enter the status change and any additional, relevant documentation into the record of services.
- d. Schedule a review of the ineligibility decision with the individual within 12 months from the date of the ineligibility determination if the ineligibility determination was based on a finding that the individual is incapable of achieving an employment outcome. Reviews must be held annually if

requested by the individual or, as appropriate, the individual's representative. The review does not need to be held if the individual refuses the review, is no longer present in the State, the individual's whereabouts are unknown, or if the individual's medical condition is rapidly progressive or terminal.

- e. Inform the individual in writing, in their preferred format if known, of the:
 - 1. ineligibility determination and the reasons for that determination;
 - 2. appeals process;
 - 3. availability of and a description of services from the local Client Assistance Program.
- f. Provide the individual or, as appropriate, the individual's representative, with information regarding other services which may meet his/her needs.
- g. When appropriate and with the individual's consent, inform the referral source of the closure.
- h. Complete Parts II and III of the Client Profile Form.

Procedure for Status 06 - 08

- 1. If you decide the individual is ineligible for VR services on the basis of:
 - a. severity of disability , or
 - b. a rapidly progressive or terminal medical condition

review the information with the medical consultant or senior counselor. If the medical consultant or senior counselor are in agreement, proceed to Step 2.
- 2. Complete a Certificate of Ineligibility (FORM-1024) if the reason for closure is:
 - a. severity of disability
 - b. a rapidly progressive or terminal medical condition
 - c. no disabling condition
 - d. no impediment to employment
- 3. Prepare a case note that explains the reason for the decision and enter the status change and any additional, relevant documentation, such as referral action to other sources, into the record of services.
- 4. Schedule a review of the ineligibility decision with the individual within 12 months from the date of the ineligibility determination if the ineligibility determination was based on a finding that the individual is incapable of achieving an employment

outcome. Reviews must be held annually if requested by the individual or, as appropriate, the individual's representative. The review does not need to be held if the individual refuses the review, is no longer present in the State, the individual's whereabouts are unknown, or if the individual's medical condition is rapidly progressive or terminal.

5. Send a letter to the individual, in their preferred format, informing them of the:
 - a. closure decision
 - b. appeals process;
 - c. availability of and a description of services from the local Client Assistance Program.

6. Complete the required sections of the Client Profile Form.

Note

Whenever counselors inform a referral source, a parent/guardian or an individual's representative of the disposition of a case, the individual's best interests should be kept in mind and confidentiality of information maintained. The counselor will notify the applicant or eligible individual of any such contact and whenever possible provide the consumer with a copy of any disposition notification letter sent.

2.04 STATUS 10 - INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE) DEVELOPMENT

Introduction to Status 10

While an individual is in Status 10, an assessment is completed to provide information for the development of the Individualized Plan for Employment (IPE). The counselor and consumer jointly formulate and plan the vocational rehabilitation services necessary to meet the consumer's vocational goal.

When to Move Into 10

An individual enters Status 10 after a determination of eligibility for VR services as is made.

When to Move Out of 10

An individual leaves Status 10 when:

1. an IPE has been approved (Status 18), or
2. their case is being closed (Status 30)

Time Frame for Developing an IPE

1. An IPE will be developed with every individual who is eligible for services as soon as possible but no later than 90 days after they have been determined eligible for VR services.
2. IPEs must also be developed for students who are eligible for services, within 90 days after they have been determined eligible for VR services. However, if the student will be leaving the school setting before the 90 day timeframe, the IPE must be developed by the time the student leaves the school setting.

Procedure for Entering Status 10

Follow this procedure for entering Status 10:

1. Open and complete a VR Eligibility Determination Worksheet. Include narrative information in the appropriate fields describing the individual's disability, the documentation used to substantiate the disability and how the functional limitations resulting from the disability cause a substantial impediment to employment. Additional information related to eligibility should be entered into a case note at the bottom of the Eligibility form.
2. If the applicant receives SSI or SSDI, enter a Y and "today's date" in the "Presumed Eligible for Services" field. If the applicant does not receive SSI or SSDI, enter a Y and "today's date" in the "Eligible for Services" field.
3. If assessment information is complete, the counselor and consumer jointly prepare the Individualized Plan for Employment (IPE) See Chapter 6 for information on IPE development. Proceed to Step 5.
- 4a. If assessment information is not complete and the consumer will need to participate in assessments in order to develop the IPE, open and complete the VR Needs Determination form. Include a case note explaining why the IPE cannot be developed at this time and the plans for gathering information needed to develop an IPE. Assessments needed to assist in the development of the IPE can be purchased while the consumer is in Status 10.
- 4c. When the counselor and consumer have enough information to determine the consumer's vocational goal, complete the IPE.

5. Obtain the consumer's signature on the approved IPE and attach the scanned copy of the signature page to the IPE.
6. Provide the consumer with a copy of the completed and approved IPE (in their preferred format).

CIS Procedures for Entering Status 10

1. Select the VR Eligibility Determination form from the pick list of available forms (if the applicant is in Status 06, the form will already be loaded into the ECF).
2. Complete the "significant disability" fields. Both fields need to be completed to correctly gather the information for the federal RSA 911 report.
3. Enter information to document that the individual is eligible or is not eligible for VR services.
4. If the applicant is a recipient of SSI or SSDI, complete the "Presumed Eligible for Services" field and enter a date in the "Presumed Eligibility Date" field.
5. If the applicant is not a recipient of SSI or SSDI, complete the "Eligible for Services" field and enter a date in the "Eligibility Date" field.
6. The consumer's case is now in Status 10.
7. If assessments need to be provided to assist the counselor and consumer to develop the IPE, open and complete the VR Needs Determination Form.

2.05 STATUS 18 - INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE) IMPLEMENTATION

Introduction to Status 18

Status 18 represents implementation of the IPE and the start of services needed by the consumer to prepare him/her for employment. These services may include counseling and guidance, medical restoration services or training.

Counseling and Guidance as a Separate Service

Some individuals have IPEs which include counseling, guidance and placement as the only services required to prepare for employment. This differs from the counseling

and guidance which take place during the course of plan development or the counseling and guidance provided by counselors during the course of training or medical restoration services.

Medical Restoration Services

Medical restoration services refer to the provision of medical treatment, psychological or psychiatric treatment, surgical treatment, or the fitting of an appliance or aid.

Training

Training services refers to any training services such as: vocational training, college training, orientation and mobility training, rehabilitation teaching training, etc.

When to Move Into 18

A consumer enters Status 18 when she/he begins receiving one or more of the following planned services:

1. training in vocational, technical and business schools
2. college training
3. other academic training
4. training in a community rehabilitation program
5. daily living skills training
6. on-the-job training
7. work experience training
8. counseling and guidance as a separate service
9. medical restoration services.

Procedure for Entering Status 18

When a consumer enters Status 18, enter the status change and any additional relevant documentation into the record of services.

When to Move Out of 18

A consumer leaves Status 18 when counseling and guidance (as a separate service), medical restoration and/or training has either been completed, interrupted, or terminated.

If implementation of the IPE is interrupted, the individual can remain in Status 18 if the

interruption is expected to be short. If the interruption is expected to be long, the individual should return to Status 10 and a new IPE developed when the individual is ready to resume services or the individual's case should be closed in Status 28.

Procedure for Leaving Status 18

Prior to moving a consumer from Status 18 to Status 20, prepare a case note in the record of services that describes the individual's progress and readiness for employment.

Rule

Movement out of Status 18 may proceed to Statuses 20, 22, or 28. If medical restoration services were provided, a report must be obtained from the service provider to insure that no activity contrary to medical recommendations is undertaken, and proper post-treatment procedures are followed.

2.06 STATUS 20 - READY FOR EMPLOYMENT

Introduction to Status 20

A consumer enters Status 20 when she/he has completed preparation for employment, including job seeking skills training, resume preparation, etc. and is ready to accept a job but has not yet obtained employment, or has secured employment but has not yet begun working.

When to Enter Status 20

A consumer enters Status 20 when planned services have been completed the consumer is ready to obtain employment (e.g. has a high probability for successful job placement).

When to Move Out of Status 20

A consumer should be moved out of this status:

1. once employment actually begins,
2. if the rehabilitation plan is interrupted, or
3. if the individual's record of services is closed in Status 28.

Rule

Movement out of Status 20 may proceed to Statuses 22, or 28.

Note

Status 20 is not to be used solely to assess the consumer's job seeking, resume preparation or interviewing skills. Ideally, these skills should be assessed at an earlier stage in the VR process. Placement services to address job seeking skills needs can be provided either prior to reaching Status 20 or while an individual is in Status 20.

Procedure

Follow this procedure for entering Status 20:

1. Enter the status change and any additional relevant documentation into the record of services.
2. Enter the status change on the Client Profile Form.
3. Implement the consumer's placement plan or continue placement plan developed in Status 18 (Chapter 10 - Employment Outcome: Placement in Competitive Employment).

2.07 STATUS 22 - IN EMPLOYMENT

Introduction to Status 22

An individual enters Status 22 when she/he begins employment. Follow-up with the consumer and the employer (as appropriate) takes place while an individual is in Status 22 to ensure that the employment is working out for the consumer and the employer. Follow-up must take place for a minimum of 90 days prior to closing the individual's program in Status 26.

Homemakers and unpaid family workers must also enter Status 22 and remain there for the 90 day follow-along period.

When to Move Into Status 22

Entrance into Status 22 is made when an individual is actually working and all planned VR services have been completed insofar as possible. In some situations, certain services such as services to family members or job retention counseling may continue until closure.

Individuals with the goal of homemaker enter Status 22 when training is complete and the individual is functioning as a homemaker.

When to Move Out of Status 22

An individual leaves Status 22 when:

1. she/he is satisfactorily and continuously employed for at least 90 days and meets the criteria for closure (Status 26),
2. closure as not rehabilitated is indicated due to a change in circumstances (Status 28),
3. the employment is not maintained and a new IPE needs to be developed (Status 10); additional training is required (Status 18); or the individual begins a new job search (Status 20).

Rule

Movement from Status 22 may proceed only to Statuses 10, 18, 20, 26 or 28.

Procedure

Follow this procedure for entering Status 22:

1. Enter the status change and additional relevant documentation into the record of services.
2. Enter the status change on the Client Profile Form.
3. Follow-up on the placement, assessing:
 - a. if the individual is meeting the performance standards of the job;
 - b. the employee's satisfaction with the placement and, if appropriate, the employer's (or supervisor's) satisfaction with the employee; and
 - c. any issue(s) which may have arisen and the possible need for post-

employment services.

2.08 STATUS 26 - CLOSED REHABILITATED

Introduction

Status 26 represents successful achievement of a consumer's vocational goal.

Basic Criteria

An individual is determined to have achieved an employment outcome if the following conditions are met:

1. the services provided under the individual's IPE have contributed to the achievement of the employment outcome;
2. the employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice;
3. the employment outcome is in the most integrated setting possible, consistent with the individual's informed choice;
4. the individual has maintained the employment outcome for a period of at least 90 days; and,
5. the individual, the employer and the counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.

When to Enter Status 26

A consumer enters Status 26 when the conditions listed above have been met.

Definitions of Employment Outcome, Competitive Employment and Integrated Setting

In accordance with the Rehabilitation Act amendments of 1998, an **employment outcome** means, with respect to an individual

- a. entering or retaining full-time or, if appropriate, part-time competitive employment

- in the integrated labor market;
- b. satisfying the vocational outcome of supported employment; or
 - c. satisfying any other vocational outcome the Secretary may determine to be appropriate (including satisfying the vocational outcome of self-employment, telecommuting, or business ownership).

Federal regulations implementing the Rehabilitation Act amendments of 1992 define competitive employment and integrated setting as follows:

Competitive employment is work in the competitive labor market that is performed on a full-time or a part-time basis in an integrated setting; and for which the individual is compensated at or above 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. Competitive employment is the optimal employment outcome under the VR program and should be considered for each individual who receives services under the program.

An **integrated setting**, for purposes of a job placement, is a setting typically found in the community, in which the individual with a disability interacts with non-disabled individuals, other than service providers, to the same extent that non-disabled workers in comparable positions interact with other persons. The best measure of integration in an employment setting for individuals with disabilities is the degree of parity with the integration experienced by non-disabled workers in similar positions.

Procedure

Follow this procedure for entering Status 26:

1. Assess the need for post-employment services with the consumer.
2. Describe the reason for the closure in a summary note, indicating the status change and additional relevant documentation in the record of services, including how the consumer meets the criteria for closure .
3. Submit the record of services to the senior VR counselor for review.
4. Inform the consumer in writing of the closure (see Consumer Notification of Case Closure below), include reasons for closure, the right to appeal, the availability of CAP and notification of post-employment services.
5. For individuals who are in the Business Enterprise Program, notify the Business Services Supervisor of the case closure.

6. Complete all of Part II and the required portions of Part III of the Client Profile Form.

Consumer Notification of Case Closure

Upon case closure a letter and rights statement should be mailed to the consumer in his/her preferred format. A copy of the letter should be maintained in the consumer's record of services. Where appropriate, notice should be provided to the consumer's parent, guardian or other representative. Documentation of case closure should be included in the record of service as a case note.

Letters acknowledging successful closure should:

1. list highlights of services provided
2. state that equipment is now owned by the consumer and NYSCB is no longer responsible for its care and maintenance
3. state that "if your equipment is still in good condition but you are no longer using it, please consider returning it to NYSCB so that others might benefit from its use"
4. state that "you may be able to receive services following employment if you are experiencing difficulties which jeopardize your employment"
5. state that "replacement of low vision devices is now your responsibility"
6. attached is information regarding your right to appeal this decision.

In addition, for individuals closed in competitive employment, the letter should identify the employer name, address, wages and start date.

2.09 STATUS 28 - CLOSED, OTHER REASONS AFTER IPE INITIATED

STATUS 30 - CLOSED, OTHER REASONS BEFORE IPE INITIATED

Status 28

A consumer closed in Status 28 has not achieved his/her vocational goal after having received at least one planned VR service.

A consumer moves into Status 28 when the following criteria have been met:

1. the consumer has been determined eligible;
2. the consumer has received an assessment to determine vocational rehabilitation needs;

3. an IPE has been completed;
4. at least one service planned in the IPE has been initiated; and
5. for some reason the consumer was unable to achieve the vocational goal.

Movement into Status 28 can occur only from Statuses 18, 20 or 22.

Status 30

A consumer closed in Status 30 has been determined eligible for VR services but is unable to achieve the vocational goal and has not received any planned VR services.

A consumer will enter Status 30 if:

1. no IPE has been developed, or
2. no service planned in an IPE has been provided, and
3. for some reason, circumstances preclude participation in the VR program as outlined in the IPE.

Movement into Status 30 can occur only from Status 10.

Prior to Closure

Prior to closure, the counselor should inform the consumer of the pending closure and that he/she may reapply for services in the future if circumstances change.

Procedure for Statuses 28 or 30

Follow this procedure when closing an individual's case in Status 28 or 30:

1. If you decide the individual is ineligible for VR services on the basis of:
 - a. severity of disability, or
 - b. a rapidly progressive or terminal medical conditionreview the information with the senior counselor or medical consultant. If the senior counselor or medical consultant agree, proceed to Step 2.
2. Complete a Certificate of Ineligibility (FORM-1024) if the reason for closure is:
 - a. severity of disability, or
 - b. a rapidly progressive or terminal medical condition
3. Prepare a case note in the record of services that describes the reason for the

closure decision. Enter the status change and additional relevant documentation into the record of services.

4. Schedule a review of the ineligibility decision with the consumer within 12 months from the date of the ineligibility determination, if the ineligibility determination was based on a finding that the individual is incapable of achieving an employment outcome. Reviews must be held annually if requested by the individual or, as appropriate, the individual's representative. The review does not need to be held if the individual refuses the review, is no longer present in the State, the individual's whereabouts are unknown, or if the individual's medical condition is rapidly progressive or terminal.
5. Notify the individual, in their preferred format of the closure (See Consumer Notification of Case Closure below) and, of the:
 - a. ineligibility determination, if applicable, and the reasons for that determination;
 - b. appeals process;
 - c. availability of and a description of services from the local Client Assistance Program.
6. Provide the individual or, as appropriate, the individual's representative, with information regarding other services which may meet his/her needs.
7. Complete all of Part II and the required portions of Part III of the Client Profile Form.

Consumer Notification of Case Closure

Upon case closure a letter and rights statement should be mailed to the consumer in his/her preferred format. A copy of the letter should be maintained in the consumer's record of services. Where appropriate, notice should be provided to the consumer's parent, guardian or other representative. Documentation of case closure should be included in the record of service as a case note.

Letters acknowledging unsuccessful closure should state:

1. "After providing you the opportunity to discuss your interest in services, I am closing your case at this time because" (examples: I was unable to locate you and haven't heard from you; you have moved out of state; you advised me that you no longer want to participate in services; you are no longer legally blind; you do not require vocational services; you are unable to benefit from vocational rehabilitation services at this time because of the severity of your disability).
2. "Upon request of NYSCB, any equipment which has been provided to you must

be returned to NYSCB".

3. "If you received low vision devices while your case was open, replacement of these devices is your responsibility".
4. "If your case is being closed due to the severity of your disability, this decision will be reviewed with you on or about (enter date) to see if change in your circumstances will allow you to benefit from services.
5. Attached is information regarding your right to appeal this decision.

2.10 STATUS 32 - RECEIVING POST-EMPLOYMENT SERVICES (PES)

Introduction to Status 32

An individual is placed in Status 32 when the following criteria have been met:

1. the individual has been determined to have achieved an employment outcome;
2. post-employment services are necessary for an individual to retain or regain employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities and interests; and,
3. the services to address the individual's rehabilitation needs are limited in scope and duration and can be provided under an amended IPE.

Post-employment services do not entail a complex and comprehensive rehabilitation effort (e.g., a new and distinct rehabilitation need which may be handled more effectively under a new determination of eligibility and a new individualized plan for employment).

Post-employment services can be used to enable an individual to advance in employment when the employment is no longer consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities and interests, if the above criteria are met.

When to Move Into 32

A consumer enters Status 32 when she/he needs supplemental services to retain or regain employment. Movement into Status 32 can only be from Status 26 or Status 34.

When to Move Out of 32

A consumer leaves Status 32 when it is reasonably assured that:

1. the consumer has achieved the rehabilitation objectives established during PES and has retained or regained employment (Status 34);
2. the scope and duration of services to address the rehabilitation needs are such that a new rehabilitation effort should be considered starting with a redetermination of eligibility given current circumstances. (Status 36)
3. the condition or situation becomes such that post-employment services cannot enable the individual to retain or regain employment (Status 38).

Procedure

Follow this procedure for cases in Status 32:

1. Complete and implement the IPE for PES (FORM-3500)
2. Where appropriate, complete a new Economic Status Report (FORM-1018)
3. Enter a case note that explains the reasons for post-employment services, the status change and any additional relevant documentation into the record of services.
5. Enter the status change on the Client Profile Form.
6. Provide a copy of the IPE for PES to the consumer (FORM-3500) in their preferred format.

Note

See Chapter 11.00 - Post-Employment Services for further guidance.

**2.11 STATUS 34 - POST-EMPLOYMENT SERVICES COMPLETED: EMPLOYMENT MAINTAINED
STATUS 36 - POST-EMPLOYMENT SERVICES DISCONTINUED: CASE REOPENED
STATUS 38 - POST-EMPLOYMENT SERVICES DISCONTINUED: OTHER REASONS**

Introduction

Statuses 34, 36 and 38 represent closure from Post-Employment Services. The appropriate closure status is based upon the outcome of the post-employment services.

Status 34

Post-Employment Services Completed: Employment Maintained. A case is closed in Status 34 when the post-employment services provided under an IPE have resulted in the consumer's retaining or regaining employment.

When to Move Into 34

A consumer should enter Status 34 when:

1. services which were identified in the IPE for PES were completed, and
2. the individual retains or regains employment.

Status 36

Post-Employment Services Discontinued: Case Reopened. The case is closed in Status 36 when the planned post-employment services were not successful and the consumer's case was reopened.

When to Move Into 36

A consumer enters Status 36 when:

1. the planned post-employment services were not sufficient to aid the consumer in retaining or regaining employment, and
2. a determination is made that a comprehensive rehabilitation effort unrelated to the original IPE may be indicated (reopen in Status 02).

Status 38

Post-Employment Services Discontinued - Other Reasons. A consumer is closed in Status 38 when the planned post-employment services are not successful and are discontinued due to other reasons (e.g. death; unavailable due to movement out of state; services are not feasible or no longer desired).

Procedure

Follow this procedure for cases in Statuses 34, 36, and 38:

1. Enter the reasons for the closure, the status change and additional relevant documentation into the record of services.
2. Inform the consumer in writing of the closure (see Consumer Notification of Case Closure below), include reasons for closure, the outcome of the post-employment services, information regarding the right to appeal, the availability of CAP and notification of the availability of additional post-employment services, if needed.
3. Enter the status change on the Client Profile Form.
4. Where appropriate, initiate action to reopen the individual's case in Status 02 (Status 36 closures only).
5. Where appropriate, provide the individual or, as appropriate, the individual's representative, with information regarding other services which may meet his/her needs.

Consumer Notification of Case Closure

Upon case closure a letter and rights statement should be mailed to the consumer in his/her preferred format. A copy of the letter should be maintained in the consumer's record of services. Where appropriate, notice should be provided to the consumer's parent, guardian or other representative. Documentation of case closure should be included in the record of service as a case note.

Letters acknowledging successful closure (Status 34) should:

1. list highlights of services provided,
2. state that equipment is now owned by the consumer and NYSCB is no longer responsible for its care and maintenance,
3. state that "if your equipment is still in good condition but you are no longer using it, please consider returning it to NYSCB so that others might benefit from its use",
4. state that "you may be able to receive services following employment if you are experiencing difficulties which jeopardize your employment",
5. state that "replacement of low vision devices is now your responsibility",
6. Attached is information regarding your right to appeal this decision.

In addition, for individuals who have obtained paid employment, the letter should identify the employer name, address, wages and start date.

Letters acknowledging unsuccessful closure (Status 38) should state:

1. "After providing you the opportunity to discuss your interest in services, I am closing your case at this time because" (examples: I was unable to locate you and haven't heard from you; you have moved out of state; you advised me that you no longer want to participate in services; you are no longer legally blind; you do not require vocational services; you are unable to benefit from vocational rehabilitation services at this time because of the severity of your disability),
2. "Upon request of NYSCB, any equipment which has been provided to you must be returned to NYSCB",
3. "If you received low vision devices while your case was open, replacement of these devices is your responsibility",
4. "If your case is being closed due to the severity of your disability, this decision will be reviewed with you on or about (enter date) to see if changes in your circumstances will allow you to benefit from services,
5. Attached is information regarding your right to appeal this decision.

2.12 INTRAOFFICE AND INTEROFFICE TRANSFERS

Introduction

Consumers should be reassigned to a different counselor or district office when a transfer is in the best interest of the consumer. The transfer will be done with the informed choice of the consumer, and in accordance with the following policy and procedure. Generally, consumers are served by a district office, and subsequently a particular counselor, based upon the consumer's address and the assignment of that city or county to a specific district office.

When to Transfer a Consumer's Case

Intraoffice transfer should be considered when:

1. the counselor currently working with the consumer permanently leaves NYSCB or is absent for an extended period of time;
2. another counselor has particular expertise to work with the consumer; or,
3. the consumer requests a transfer.

Interoffice transfer of a case should be considered when:

1. the consumer permanently relocates from one NYSCB district office service area to another; or
2. a transfer is in the best interest of the consumer as determined by a review by the senior counselors or district managers involved and with the informed choice of the consumer.

Counselor Responsibilities

The counselor originally responsible for services to the consumer is responsible for:

1. discussing the transfer with individuals involved such as the consumer, supervisory staff, receiving counselor, and other appropriate interested individuals,
2. assuring that the record of services is complete and accurate,
3. reconciling all statistical and reporting documents, which they maintain, to reflect the transfer.
4. keeping the consumer informed on a periodic basis of the status of the transfer and the impact, if any, on services that may be in progress.

Senior Counselor Responsibilities

The senior counselor is responsible for making the decision to transfer an individual's case and for:

1. reviewing the record of services;
2. reviewing the documentation in the record of services and providing any additional relevant documentation needed to reflect the transfer, including entering information into the Client Utilization Tracking System (CUTS) to reflect the transfer;
3. notifying the receiving senior counselor of the transfer;
4. sending the record of services to the receiving office.

Receiving Staff Responsibilities

The receiving staff, usually the senior counselor to whose office the consumer has been

transferred, is responsible for:

1. a review of the transferred record of services to assure that it is complete and accurate;
2. reconciling any incompleteness and inaccuracies with the transferring office; and
3. assignment of the consumer to a counselor for appropriate action.

Temporary Relocations: No Transfer

When it is necessary for a consumer to temporarily reside away from his/her permanent residence in order to participate in a VR service, his/her counselor should:

1. arrange with the district office covering the area where the consumer is temporarily residing to provide ongoing services and supervision, and
2. provide all appropriate information and assistance to enable the receiving office to meet its responsibilities.

Sending a Record of Services

When a consumer's record of services is transferred between offices, the record will be sent by receipted mail, e.g. Federal Express, UPS, U.S. Postal Service or other carrier.

2.13 INTERSTATE TRANSFERS

Introduction

Certain circumstances mandate the transfer of responsibility for a consumer's vocational rehabilitation program from NYSCB to the appropriate VR agency in another state. The intent of the Rehabilitation Act is that all individuals determined to be eligible for VR services be provided services regardless of their state of residence. It is the policy of NYSCB to cooperate with agencies in other states to assure continuity of services with a minimum of interruption.

When to Initiate a Transfer

An interstate transfer should be made when:

1. the consumer is not able to begin or complete an IPE within New York State because of relocation to another state, and
2. the consumer is interested in receiving VR services in the new location.

Continuity of Service

The NYSCB counselor should make an effort to facilitate the completion of an existing IPE for consumers transferring out-of-state. This effort may include payment for services provided in the state of the consumer's destination when:

1. that state agency cannot pay for services, and
2. the IPE is still feasible and can be fulfilled with a minimal amount of services.

Such payment may continue until:

1. the other state agency assumes payment for services under the IPE developed by NYSCB,
2. services are completed, or
3. a new IPE is formulated by the state the consumer is relocating to.

When NYSCB authorizes payment for services, the other state agency should provide liaison services, coordination, information, counseling, and other related services which do not require the authorization of expenditures, and make necessary reports back to the NYSCB counselor having responsibility for VR services to the consumer.

Status 26 Closures

When NYSCB and another state agency are both providing services at the time of closure as rehabilitated, the agency which has made the greatest investment should be the one to report the closure.

Transfer Procedures

The counselor should follow these procedures when transferring a consumer's record of services:

1. When movement to another state is imminent and the consumer is interested in VR services, contact the state agency in the state of the consumer's destination

to jointly plan for continuation of the existing IPE.

2. Provide the consumer with the name and address of the rehabilitation office nearest his/her new residence and instruct the consumer to contact the office as soon as possible.
3. After obtaining the consumer's written consent to release the information, provide the VR agency of the state in which the consumer plans to live with copies of relevant consumer information (do not send originals), such as VR program summaries, reports, referral information.
4. Close the consumer's VR program in Status 28 or 30 as appropriate, when:
 - a. you are assured that the Record of Services sent was received by the state agency to which the consumer was referred,
 - b. the consumer has made contact with the state agency and
 - c. the consumer is receiving services in the new state of residence, and
 - d. NYSCB involvement is no longer needed by the consumer.

Closure in Status 28 or 30 can also occur, as appropriate:

- a. after a reasonable period of time, and
- b. when after reasonable effort on the part of the NYSCB counselor to encourage the consumer to connect with VR services, the consumer does not make contact with VR agency in his/her new state of residence.

Sending A Record of Services

The Record of Services can only be sent:

- a. after the consumer signs a release of information form, and
- b. by receipted mail, e.g. Federal Express, UPS, U.S. Postal Service or other carrier.

Receiving a Transfer from Another State Agency

When another state agency initiates the transfer of an individual to NYSCB, the NYSCB counselor (or senior counselor) should work with the originating agency to ensure a smooth transition for the consumer.

Requesting Records

For all incoming consumers, the NYSCB counselor should contact the originating

agency to obtain relevant information from the individual's record of services.

Providing Services

Individuals transferring to NYSCB may participate in the VR program in accordance with established policies and procedures.

When an individual has an existing IPE which is deemed to be feasible by the NYSCB counselor, the counselor should provide services to facilitate completion of that IPE.

Post-Employment Services

When an individual who is transferring to NYSCB needs only post-employment services, the counselor will follow these procedures:

1. Assess the individual's post-employment service needs.
2. Attempt to arrange for the originating agency to sponsor the needed services.
3. If the originating agency will sponsor the needed post-employment services, then provide the agency with the information on vendors, fees and the expected duration of services and coordinate the provision of services with the originating agency. If the originating agency does not agree to sponsor the services or does not respond within a reasonable period of time, then initiate a new rehabilitation effort for the individual, starting with a determination of eligibility given the current circumstances. If eligible, proceed with the development of an IPE and provide services as necessary to retain the current employment.

2.14 GUIDELINES FOR REOPENING SERVICES FOR INDIVIDUALS PREVIOUSLY CLOSED

Purpose

This section provides an overview of issues to be addressed when reopening services for individuals previously closed. It does not provide a step-by-step method. See Chapter 2.00, Section 2.03, Status 02 - Applicant for additional information.

Reopening Cases Closed in Status 08, 28 or 30

When services for an individual who was previously closed in Status 08, 28 or 30 are

reopened, the counselor will follow the application process in the same manner as would be used for an individual applying for services for the first time.

Be aware that an individual's circumstances and/or environment may have changed substantially since services ended; thus, every effort must be made to assess the individual's circumstances based on current information and arrive at an eligibility determination based on present rather than on previous conditions.

Document information regarding changes which have occurred in the consumer's situation relevant to their vocational rehabilitation needs and the achievement of an employment outcome, and obtain the information required on an initial Status 02 contact (See Chapter 12.00 - Record of Services).

Reopening Services for Individuals Previously Closed in 26

If an individual previously closed in Status 26 contacts NYSCB requesting further services, the counselor should make a determination as to whether the basic conditions for provision of post-employment services are met, or circumstances warrant opening a new rehabilitation effort.

If services can be provided as post-employment services, follow the procedures outlined in Chapter 11.00 - Post-Employment Services; if services cannot be provided under post-employment, the individual can reapply for services and begin an assessment to determine eligibility.