

**RSM 2**  
**VR & IL POLICIES AND PROCEDURES MANUAL**  
**SECTION 100**

## **DEFINITIONS**

Updated: 3/24

### **Appeal Hearing**

The procedure to review determinations made by a counselor upon the request of an applicant for or recipient of rehabilitation services, consistent with COMAR 13.A.11.07.

### **Applicant**

A person who has completed and signed a **DORS Intake Form** (aka “Application”) or otherwise has requested services; has provided information necessary to initiate an assessment to determine eligibility and priority for services; and is available to complete the assessment process.

### **Application**

The form developed by DORS to obtain basic information needed in assisting an individual to reach a rehabilitation/employment goal. The **DORS Intake Form** (aka “Application”) includes identifying information about the individual, services requested, background information, and legal/income/benefit information. In instances where completion of the form would be burdensome or delay initiation of services, completion of the actual form is not required; however, equivalent information must be provided in order for an individual to be considered a formal applicant for services.

**NOTE:** Within DORS Rehabilitation Services Manuals (RSM), a reference to the “Application” also implies “or equivalent information provided.” The Application may be completed online in AWARE™. Print Application forms are also available.

The Voter Registration Certification Form is included as part of the DORS Application process.

### **Assessment for Determining Eligibility and Vocational Rehabilitation Needs**

A review of existing data to determine whether an individual is eligible for vocational rehabilitation (VR) services and to assign a priority under the order of selection; and

To the extent additional data is necessary to make a determination of the employment outcomes, and the objectives, nature and scope of VR services to be included in the individualized plan for employment of an eligible individual, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual.

### **Assistive Technology (AT) Device**

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 individuals with disabilities.

### **Assistive Technology (AT) Service**

Any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device.

### **AWARE™ (Accessible Web-based Activity and Reporting Environment)**

The case management system used by DORS for documentation and data collection in the VR and independent living (IL) Programs.

**Centers for Independent Living (CILs)**

Consumer-controlled, community-based, cross-disability, non-residential, private non-profit agencies that are designed and operated within a local community by individuals with significant disabilities, and provide an array of IL services.

**Client Assistance Program (CAP)**

A program administered by DORS to provide assistance in informing and advising all applicants for and recipients of DORS services of all available benefits under the Rehabilitation Act, and, upon request, to assist and advocate for individuals in their relationships with projects, programs, and facilities providing services to them under the Act.

This includes assistance and advocacy in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the rights of individuals with disabilities receiving services under the Act and to facilitate access to the services funded under this Act through individual and systemic advocacy. CAP provides information in Title I of the Americans with Disabilities Act of 1990 (ADA) and may provide assistance and advocacy with respect to services that are directly related to facilitating the employment of an individual with a disability.

**Code of Maryland Regulations (COMAR)**

The State rules and regulations governing DORS program operations.

**Community Rehabilitation Programs (CRPs)**

Programs that provide directly or facilitate the provision of VR services to individuals with disabilities, and that provide, singly or in combination, medical, psychiatric, psychological, social, and vocational and other services under one management for individuals with a disabilities to enable such individuals to maximize opportunities for employment, including career advancement.

**Competitive Integrated Employment (CIE)**

To satisfy the definition of “competitive integrated employment” in section 7(5) of the Rehabilitation Act and §361.5(c)(9) of the implementing regulations, the employment outcome must satisfy the criteria of three major components of the definition, including competitive earnings, integrated location, and opportunities for advancement.

**1. Competitive Earnings**

- Wages comparable to the customary wages paid by the employer to employees without disabilities in similar position.
- Benefits provided by the employer to the individual are comparable to the benefits received by an employee without disabilities in the same or similar position.

**2. Integrated Setting**

- Employment typically found in the community.
- Employment in which the employee with a disability interacts for the purpose of performing the duties of the position with other employees with the particular work unit and the entire work site, and as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons.

**3. Opportunities for Advancement**

- The employment setting provides the individual with opportunities for advancement comparable with those available to employees without disabilities in similar position.

**Counselor**

See “Rehabilitation Counselor.”

**Digital Signature**

A type of electronic signature that encrypts documents with verifiable digital codes that are bound to the signed document. When a document is digitally signed, a digital certificate is permanently embedded in the document. The digital signature ensures that the information originated from the signer and was not altered. Any change made to the digitally signed document invalidates the signature.

**Director**

The Assistant State Superintendent for Rehabilitation Services.

**Disability (for the purpose of Title I)**

A physical or mental impairment that constitutes or results in a substantial impediment to employment.

**Disability Determination Services (DDS)**

An organizational unit of the Maryland State Department of Education, Division of Rehabilitation Services, which is contracted by the Social Security Administration to make disability determinations in Social Security Disability Insurance (Title II of the Social Security Act) and Supplemental Security Income (Title XVI of the Social Security Act) disability claims in Maryland.

**Discrete Post-Employment Services (Supported Employment)**

Services that have been unanticipated, are unavailable from an extended service provider and are necessary to maintain the job placement prior to consumer exit from the VR program. Discrete post-employment services may be provided by DORS after the individual transitions to extended services but before the DORS record of services has been closed.

**Division of Rehabilitation Services (DORS)**

The State agency designated to administer the Vocational Rehabilitation Program (Title I), Independent Living Program (Title VII) and Supported Employment Program (Title VI B) authorized by the Rehabilitation Act of 1973, as amended. Also referred to as the “Division” or “Agency.”

**Eligibility for Independent Living Services**

Determined consistent with the Rehabilitation Act of 1973 as amended, the federal Independent Living Regulations, and DORS policy (**RSM 2, Section 505**) by (1) a qualified rehabilitation teacher, for the Independent Living Older Blind program, or (2) a qualified rehabilitation counselor for individuals seeking independent living services not including employment who are not served through ILOB.

**Eligibility for the Vocational Rehabilitation (VR) Program**

Determined by a qualified vocational rehabilitation counselor, consistent with the Rehabilitation Act of 1973, as amended, the federal VR Regulations, and DORS Policy (**RSM 2, Section 501**).

**Employment Outcome**

Entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market; supported employment; or any other type of employment in an integrated setting that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice including self-employment, telecommuting, or business ownership, consistent with the Rehabilitation Act as amended.

In order to be considered an employment outcome in VR:

1. Employment must be maintained for a minimum of 90 days.

2. The employment outcome must be consistent with the employment goal identified in the IPE or most recent IPE amendment and related to substantial services provided to the individual as outlined on the IPE, and
3. The DORS counselor and individual must consult and agree that the employment is satisfactory and the individual is performing well.

**Extended Services (Supported Employment)**

Ongoing support services and other appropriate services needed to support and maintain an individual with the most significant disability in supported employment after time-limited services have been provided by DORS.

**Extreme Medical Risk**

A risk of substantially increasing functional impairment or risk of death if medical services, including mental health services, are not provided expeditiously.

**Family Member or Member of the Family**

A relative or guardian of an individual with disabilities or another individual living in the same household who has a substantial interest in the well-being of the individual.

**Hearing Officer**

An impartial individual who:

- Is not an employee of the Maryland State Department of Education or another public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);
- Has not been involved in any previous decision regarding the furnishing or denial of rehabilitation services to the individual;
- Has knowledge of the delivery of vocational rehabilitation services, the State Plan and the federal and State regulations governing the provision of services;
- Has received training with respect to the performance of official duties;
- Has no personal, professional or financial interest that would be in conflict with his or her objectivity;
- Is not a member of the State Rehabilitation Council;
- Is an Administrative Law Judge assigned by the State Office of Administrative Hearings pursuant to State Government Article, Title 9, Subtitle 16, Annotated Code of Maryland; and
- Is selected from among a pool of qualified persons, identified jointly by the designated State unit and the members of the State Rehabilitation Council.

**Illegal Use of Drugs**

The use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. The term does not include the use of a prescribed drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

**Independent Living (IL) Services**

Any appropriate rehabilitation service (as defined under Section 7(18) of the Rehabilitation Act Amendments of 1998) and any other service that will enhance the ability of an individual with significant disabilities to live independently and function within the family and community and, if appropriate, secure and maintain appropriate employment.

### Individual's Representative

Any representative chosen by an applicant or eligible individual, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the individual's representative.

### Individual with a Disability

For the purpose of Title I, an individual who:

1. Has a physical or mental impairment which, for the individual, constitutes or results in a substantial impediment to employment;
2. Can benefit in terms of an employment outcome from vocational rehabilitation services, and
3. Requires VR services to prepare for, secure, retain or regain employment consistent with the applicant's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

### Individual with a Most Significant Disability

For purposes of the Title I and Title VI-B programs, an individual with a disability:

1. Who is **available and willing** to participate in the DORS VR program;
2. Who has a severe physical or mental impairment which seriously limits **three or more functional capacities** (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
3. Whose VR can be expected to require **multiple VR services**, such as physical and mental restoration, counseling, training (vocational, educational, etc.) and supported employment, over an extended period of time; and
4. Who has **one or more physical or mental disabilities** resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle-cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and VR needs to cause comparable substantial functional limitation.

### Individual with a Significant Disability

For purposes of the Title I program, an individual with a disability:

1. Who has a severe physical or mental impairment which seriously limits **one or more functional capacities** (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
2. Whose VR can be expected to require **multiple VR services** over an extended period of time; and
3. Who has **one or more physical or mental disabilities** resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle-cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and VR needs to cause comparable substantial functional limitation.

**Individual with a Significant Disability (Independent Living)**

For purposes of the Title VII program, means an individual with a severe physical or mental impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of IL services will improve the ability to function, continue functioning, or move towards functioning independently in the family or community or to continue in employment.

**Informed Choice**

The process by which an applicant or eligible individual is provided and/or advised to obtain information about employment, rehabilitation services and providers so that the individual can then choose from feasible, realistic options. "Informed choice" does not imply that DORS will pay all or part of the cost of the goods/services selected by the individual; rather, DORS policy and State regulations apply.

**Integrated Setting**

With regard to the **provision of services**: a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to them;

With respect to an **employment outcome**: a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services to them, to the same extent that non-disabled individuals in comparable positions interact with other persons.

**Institution of Higher Education**

A university, college, community/junior college, vocational school, technical institute, or hospital school of nursing.

**Job Coaching**

For the purposes of Titles I and VI-B, means the provision of community-based services such as job skills training, monitoring, follow-along and case management which are needed to assist an individual with a disability in maintaining employment.

**Job Skills Training**

The provision of a set of specific activities enabling an individual with a disability to become proficient on the job. When needed to maintain the employment, job skills training may be provided by a job coach, skilled job trainers, co-workers and other qualified individuals. Job skills training must be provided at the job site.

**Maintenance**

Authorized payment to an individual for additional costs incurred while participating in an assessment for determining eligibility and VR needs or while receiving services under an IPE.

**Natural Supports**

Supports provided by persons such as family members, co-workers, and others in the natural environment of the individual with a disability. Examples include having a family member, friend or co-worker transport an individual to work or assist in job skills training.

**Office of Administration & Financial Services (AFS)**

An organizational unit of the Maryland State Department of Education, Division of Rehabilitation Services, responsible for fiscal operations, human resources, facilities operations, program income, and management information systems.

**Office for Blindness & Vision Services (OBVS)**

An organizational unit of the Maryland State Department of Education, Division of Rehabilitation Services, responsible for the determination of an individual's eligibility for VR services and the

provision of those services to individuals who are blind, vision impaired and/or deaf/blind, with or without additional disabilities. OBVS also administers the Independent Living Older Blind (ILOB) program and the Business Enterprise Program for the Blind (BEP).

### **Office of Field Services (OFS)**

An organizational unit of the Maryland State Department of Education, Division of Rehabilitation Services, responsible for the determination of an individual's eligibility for VR services and the provision of those services.

### **Ongoing Support Services (Supported Employment)**

Services that are needed to support and maintain an individual with a most significant disability in supported employment as specified in the individualized plan for employment.

Ongoing support must include, at a minimum, twice monthly contact with the individual:

- at the work site, or
- under special circumstances especially at the request of the individual, off-site.

Ongoing support services are provided to make an assessment regarding the employment situation and, based on the assessment, to provide for the coordination or provision of specific intensive services, at or away from the work site, that are needed to maintain employment stability.

Such services include:

- A supported employment assessment supplementary to the comprehensive assessment.
- The provision of skilled job trainers who accompany the individual for intensive job skill training at the work site.
- Job development, job retention, and placement services.
- Social skills training.
- Regular observation or supervision of the individual.
- Follow-up services such as regular contact with the employer, the individuals, the individuals' representatives, and other appropriate persons, in order to reinforce and stabilize the job placement.
- Facilitation of natural supports at the work site.

### **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. Such services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job.

### **Post-Employment Services**

Any VR services provided within the limitations established under the regular VR program that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual with a disability to maintain, regain, or advance in employment, consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. **Post-Employment Services may only be provided prior to case closure.**

### **Record of Services**

The official record of information held by DORS pertaining to an applicant for or recipient of rehabilitation services; also referred to as case or record.

**Regional Director**

A DORS program manager responsible for the administration of rehabilitation programs within a designated geographical area of the State.

**Rehabilitation Counselor (also referred to as a “VR specialist”)**

A State employee responsible for determining eligibility and providing or arranging rehabilitation services for applicants or recipients of these services.

There are three levels based on credentials and experience. They are:

- **Entry Level Rehabilitation Counselor** – This is a VR Specialist with at least a Bachelor’s Degree but who has less than one year experience in the field of rehabilitation. This individual would receive close supervision of their work as they learn to perform the duties of a rehabilitation specialist. The supervisor or designee would be required to approve their work before services could be implemented.
- **Experienced Rehabilitation Counselor** – This is a VR Specialist with at least two years of experience in the field of rehabilitation who has demonstrated that they have developed the skills and ability to make accurate decisions related to eligibility, to utilize assessments to determine needed services, to provide necessary counseling and guidance during the provision of services, and to regularly achieve annual performance goals.
- **VR Technical Specialist** – This is a VR Specialist who, in addition to the skills and ability noted for the Experienced Rehabilitation Counselor, has completed the academic work necessary to achieve a Master’s Degree, as well as developed expertise in a particular disability or program specialty field. (**NOTE:** Individuals beginning employment with DORS prior to January 1, 2005 were not required to achieve a master’s degree to become a VR Technical Specialist.) This individual provides training and technical assistance related to the specialty field to the other counselors in the office. This person may also be designated to perform supervisor duties in the absence of the supervisor.

**Rehabilitation Goal**

The long-range employment or IL objective of the individual.

**Rehabilitation Services**

VR services and IL services.

**Rehabilitation Teacher (also referred to as a “VR specialist”)**

A State employee responsible for determining eligibility and providing or arranging rehabilitation teaching services for blind/visually impaired (B/VI) applicants or recipients of these services.

There are three levels based on credentials and experience. They are:

- **Entry Level Rehabilitation Teacher** – This is a VR Specialist with at least a bachelor’s degree but who has less than one year experience in the field of rehabilitation teaching of the B/VI. This individual would receive close supervision of their work as they learned to perform the duties of a rehabilitation teacher specialist. The supervisor or designee would be required to approve their work before services could be implemented.
- **Experienced Rehabilitation Teacher** – This is a VR Specialist with at least two years of experience in the field of rehabilitation teaching of the B/VI who has demonstrated that they have developed the skills and ability to make accurate decisions related to eligibility, to utilize assessments to determine needed services, to provide necessary counseling, teaching and guidance during the provision of services, and to regularly achieve annual performance goals.
- **VR Technical Specialist, Teacher** – This is a VR Specialist who, in addition to the skills and ability noted for the Experienced Rehabilitation Teacher, has completed the academic work necessary to achieve a Master’s Degree, as well as, developed expertise in a



particular aspect of B/VI or program specialty field. (**NOTE:** Individuals beginning employment with DORS prior to January 1, 2005 were not required to achieve a master's degree to become a VR Technical Specialist.) This individual provides training and technical assistance related to the specialty field to the other counselors in the office. This person may also be designated to perform supervisor duties in the absence of the supervisor.

### **Rehabilitation Technology**

The systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address barriers confronted by individuals with disabilities in areas which include education, rehabilitation, employment, transportation, independent living, and recreation. It includes rehabilitation engineering, assistive technology devices, and assistive technology services.

### **State Plan**

DORS' plan for:

- VR and supported employment services required by Sections 101 and 625 of the Rehabilitation Act of 1973 (Public Law 93-112), as amended; completed and submitted to RSA annually, and
- IL rehabilitation services required by Section 704 of the Rehabilitation Act of 1973 (Public Law 93-112), as amended; completed in collaboration with the Statewide Independent Living Council and submitted to RSA triennially.

### **Substantial Impediment to Employment**

A physical or mental impairment (in light of attendant medical, psychological, vocational, educational and other related factors) which hinders an individual from preparing for, entering into, engaging in or retaining employment consistent with the individual's abilities and capabilities.

### **Supported Employment**

Competitive work in an integrated work setting, or employment in integrated work settings in which individuals are working towards competitive work, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice of the individuals, for individuals with the most significant disabilities:

- 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
- Who, because of the nature and severity of their disability, need intensive supported employment services throughout their work life.

### **Technical Edit**

An administrative change made on the Plan page in AWARE™ that reflects the agreed-upon employment goal and agreed upon services when the Plan was originally initiated.

### **Time-Limited Services (Supported Employment)**

Ongoing support services provided by DORS:

- For a period not to exceed 18 months, unless a longer period to achieve job stabilization has been established in the IPE, before an individual with the most significant disability makes the transition to extended services; and/or
- Are discrete post-employment services following transition that are unavailable from an extended service provider and that are necessary to maintain the job placement, such as job station redesign, repair and maintenance of assistive technology, and replacement of prosthetic and orthotic devices.

**Title I - Vocational Rehabilitation Services**

The section in the Rehabilitation Act that includes the authority for the Vocational Rehabilitation Program, the State Rehabilitation Council and the Client Assistance Program.

**Title VI - Employment Opportunities for Individuals with Disabilities**

The section in the Rehabilitation Act that includes the authority for the Supported Employment Program.

**Title VII - Independent Living Services and Centers for Independent Living**

The section in the Rehabilitation Act that includes the authority for the Statewide Independent Living Council, Independent Living Services, Centers for Independent Living, and Independent Living Services for Older Individuals who are Blind.

**Transition Services**

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

Transition services also include appropriate employment services provided to an individual referred to the VR program at age 19 or younger who is not a secondary school student at the time of application.

The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

**Transitioning Individual**

Eligible individuals identified as "transitioning" include:

1. All individuals who are 19 years old and younger at the time of application to DORS regardless of whether or not they are currently in secondary school; and
2. Individuals who are 20 and 21 years of age if they are currently in secondary school at the time of application to DORS.

**Transitional Employment (Supported Employment)**

A series of temporary job placements in competitive work in an integrated work setting with on-going support services for individuals with serious and persistent mental illness. The provision of ongoing support services includes continuing sequential job placements until job permanency is achieved.

**Workforce & Technology Center (WTC)**

A comprehensive, interdisciplinary facility operated by DORS for the purpose of providing vocational rehabilitation and independent living services to prepare individuals with disabilities for employment and independence.