

**RSM 2
VR & IL POLICIES AND PROCEDURES MANUAL
SECTION 1000**

RECORD OF SERVICES CLOSURE

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1001 Record of Services Closure – Vocational Rehabilitation

1001.01 Reasons for Closure

Records of services shall be closed, as appropriate, when the individual:

- Has achieved an employment outcome.
- Declines services or refuses to participate.
- Is not available for services, to include instances in which the consumer has died.
- Has been determined ineligible.
- Does not wish to remain on the waiting list for services.
- Received services but has not achieved an employment outcome.

In the AWARE™ Referral Module, a referral record may be manually closed when an individual declines services or does not respond to multiple invitations to apply for services. In the AWARE™ Participant Module, VR records are closed either "rehabilitated" or "other than rehabilitated."

Death of a consumer – Within seven days of being notified of the death of a DORS consumer, the DORS counselor shall:

- a. Contact any service providers that have been working with the individual.
- b. In consultation with the supervisor, contact the individual's family if goods have been issued which may be of value to another consumer.
- c. Close the record of services with the appropriate reason for closure.

1001.02 Participation of the Individual

The individual (or, as appropriate, the individual's representative) will be given the opportunity for full consultation in ineligibility closure decisions unless the individual is not available for participation. The DORS counselor shall contact the individual (or, as appropriate, the individual's representative) directly to discuss their employment, their wages and their satisfaction with the job prior to closure resulting from achievement of an employment outcome, consistent with requirements of the Federal VR Regulations, 34 Code of Federal Regulations, section 361.56. Documentation of the participation of the individual shall be included in the "documentation" section of Closure in AWARE™ (see **Section 1001.10**).

1001.03 Reestablishing Contact

A consumer who has received substantial services may fail to maintain contact with their DORS counselor for numerous reasons. For example, in some cases the consumer has become employed. Therefore, the DORS counselor shall seek assistance of the supervisor before concluding that a consumer's record should be determined an unsuccessful closure.

Consideration shall be given to whether the consumer is or has been employed by requesting the assistance of the Regional Designee to access The Work Number website (if the consumer's employer is known and the employer uses The Work Number), and/or the Program Income Branch Chief as necessary in documenting wage history. Such information could be a starting point for the counselor to re-establish contact with the consumer in order to verify current employment status and determine if successful closure is appropriate.

1001.04 Review of Status and Use of Goods Issued

The status and continued use of goods which have been provided to the individual will be reviewed at the time of closure of the record of services, and documented in the "documentation" section of Closure in AWARE™ (see **Section 1001.10**). Appropriate action will be taken in accordance with the findings of the review (see **RSM 3, Section 1000**).

1001.05 Closure From Referral Prior to Application

- a. An individual's referral record may be closed prior to DORS receiving an Application only if the individual declines to apply for services or is unavailable to complete the application, and staff have made a reasonable number of attempts to contact the individual (or, if appropriate, the individual's representative) to arrange an initial interview.
- b. Required documentation:
 - 1. Documentation that at least two attempts were made to contact the referred individual (or, if appropriate, the individual's representative) to arrange an initial interview, and
 - 2. Documentation, through an AWARE™ closure letter (maintained in the electronic record of services—it is not necessary to print letters and keep them in the hard copy record) that the individual was notified in writing, supplemented as necessary by appropriate modes of communication, of the reason for closure and advised to contact the office if still desiring to apply for services and the Client Assistance Program (CAP) if desiring assistance with the application process.

1001.06 Closure without Eligibility Determination ("Other than Rehabilitated")

- a. An applicant's record of services may be closed prior to eligibility determination only if the applicant declines to participate in, or is unavailable to complete an assessment for determining eligibility and priority for services, and staff have made a reasonable number of attempts to contact the applicant (or, if appropriate, the applicant's representative) to encourage the applicant's participation.
- b. Required documentation:
 1. Documentation that at least two attempts were made to contact the applicant (or, if appropriate, the applicant's representative) to encourage participation of the applicant. This may be in the form of letters or Case Notes in AWARE™ which will be retained in the electronic record – it is not necessary to print out letters or case notes and keep them in the hard copy record.
 2. Documentation, through the appropriate AWARE™ closure letter (maintained in the electronic record of services—it is not necessary to print letters and keep them in the hard copy record) that the individual was notified in writing, supplemented as necessary by appropriate modes of communication, of the reason for closure; advised of rights, including the right to an Appeal Hearing; and given a description of the Client Assistance Program (CAP) and information regarding access to CAP.

1001.07 Closure Related to Order of Selection ("Other than Rehabilitated")

- a. The record of services of an eligible individual who does not meet Order of Selection criteria will be closed following a year on the waiting list unless the individual requests that the record be closed sooner, or the individual requests to remain on the waiting list after one year (see **RSM 2, Section 500**).
- b. Required documentation:
 1. Information supporting assignment to the Order of Selection category.
 2. Completed AWARE™ **Delayed Status/Waiting List** letter – copy to be retained in the electronic record (not necessary to keep a print copy in the hard copy record).
 3. A copy of the AWARE™ closure letter in the electronic file (not necessary to keep a print copy in the hard copy record) which demonstrates that the individual was notified in writing, supplemented as necessary by appropriate modes of communication, of the reason for closure; advised of rights, including the right to an Appeal Hearing; and given a description of the Client Assistance Program (CAP) and information regarding access to CAP.

1001.08 Closure – Ineligibility ("Other than Rehabilitated")

- a. An individual's record of services will be closed if it is determined that the individual does not meet or no longer meets eligibility criteria (see **RSM 2, Section 500**).
- b. Required documentation:
 1. Information in the electronic record (in the "Documentation" section of Closure in AWARE™ – see **Section 1001.10**) which reflects that the individual was given the opportunity for full consultation in the closure decision and, if the individual participated, information regarding the individual's views.
 2. The appropriate AWARE™ ineligibility letter retained in the electronic record of services (not necessary to print out copies of letters to file in the hard copy record), demonstrating that the

individual was notified in writing, supplemented as necessary by appropriate modes of communication, of the reason for closure; advised of rights, including the right to an Appeal Hearing; and given a description of the Client Assistance Program (CAP) and information regarding access to CAP.

3. Information substantiating referral to other programs, if appropriate (AWARE™ letters advising applicants of ineligibility because of no impairment/impediment or lack of requirement for VR services include referral information to the local American Job Center).
4. Completion of the **Follow-Up (VR)** report in AWARE™, documenting the annual review of ineligibility determinations based on a finding that the individual is incapable of achieving an employment outcome (due to severity of the disability).

1001.09 Closure – After Eligibility Determination (“Other than Rehabilitated”)

An individual’s record shall be closed if at any time subsequent to eligibility determination any of the following applies:

- a. **The individual chooses not to participate in, or continue participating in the rehabilitation process, or not to pursue competitive integrated employment**, as documented by a statement from the individual to be included in the record. (AWARE™ closure reason: Refused Services or No Further Services)
- b. The individual **cannot be located or contacted or has moved**, and, as a result, fails to participate (see **Section 1001.03**, Reestablishing Contact); the record shall include, as appropriate, documentation of several attempts to contact the individual by all means available, which shall include letters to the last known address, phone and email contacts as applicable. (AWARE™ closure reason: Unable to Locate, Contact or Moved)
- c. Is **unavailable to participate for an extended or indefinite period** due to health problems or a prolonged confinement in a hospital, nursing home, prison, jail, treatment center, or similar facility, or for another reason. Consideration should be given to whether or not the individual may now be ineligible for services (see **Section 1001.08**). The specific circumstances shall be documented in the record. (AWARE™ closure reason: Institutionalized, Incarcerated, Transferred to Another Agency, or Other Reasons)
- d. **Fails to cooperate** at any point in the vocational rehabilitation process, including repeated failure to keep appointments, or carry out other responsibilities associated with development or implementation of the Individualized Plan for Employment (see **RSM 2, Section 600**).

Prior to closing a case where it appears the consumer has failed to cooperate, the DORS counselor shall:

1. Document how the individual's disability-related factors and needs were addressed by the DORS counselor.
 2. Document how the individual was offered adequate support to cooperate with the rehabilitation process and individualized plan for employment. (AWARE™ closure reason: Failure to Cooperate).
- e. **Does not respond to multiple attempts by DORS staff to communicate** with the consumer by letter, phone call or email (AWARE™ closure reason: Did Not Respond to DORS Communications).
 - f. Is **deceased**. (AWARE™ closure reason: Death)

- g. **Required documentation** – The record of services shall contain appropriate documentation specific to the reason progress is not being made, as described above. A copy of the appropriate AWARE™ closure letter (retained in the electronic record not necessary to copy for the hard copy record), unless the individual cannot be located, demonstrating that the individual was notified in writing, supplemented as necessary by appropriate modes of communication, of the reason for closure; advised of rights, including the right to an Appeal Hearing; and given a description of the Client Assistance Program (CAP) and information regarding access to CAP.

1001.10 Closure – “Non-rehabilitated” (“Other than Rehabilitated”)

Consumer prefers employment in a non-integrated or sheltered setting or employment was not a result of substantial VR services.

- a. When, following certification of eligibility for rehabilitation services, it has been determined that:
1. The consumer prefers to remain in competitive, non-integrated employment, or
 2. The consumer prefers to remain in sheltered employment under special certificate provisions of the Fair Labor Standards Act, or
 3. Employment resulted without vocational rehabilitation services having contributed to that outcome, the record of services will be closed as “non-rehabilitated.” (AWARE™ closure: (1) Competitive, Non-Integrated Employment, (2) Extended Employment Requiring Annual Review, or (3) Other Reasons)
- b. Required documentation: A copy of the appropriate AWARE™ closure letter (retained in the electronic record not necessary to copy for the hard copy record) demonstrating that the individual was notified in writing, supplemented as necessary by appropriate modes of communication, of the reason for closure; advised of rights, including the right to an Appeal Hearing; and given a description of the Client Assistance Program (CAP) and information regarding access to CAP.

1001.11 Closure – Achievement of an Employment Outcome (“Rehabilitated”)

Emphasis is placed on entering or retaining competitive integrated employment on a full-time or, if appropriate, part-time basis, consistent with informed choice of the individual and goals and services on the IPE.

- a. The counselor will close an individual’s record of services as "rehabilitated" when the individual has achieved the employment outcome described on the IPE or IPE Amendment, with all required signatures indicating mutual agreement and DORS approval (see **RSM 2, Section 600**) and the following requirements have been met:
1. The provision of substantial services described in the IPE contributed to the achievement of the specific employment outcome. This applies to all closures, **including those which involve an amended plan and employment goal.**
 - **"Substantial services"** refer to guidance and counseling provided by DORS (excluding assessment services only) and the provision of other major services as required by the IPE. Documentation of a support service which it supports may not be considered a "substantial service."
 - **"Contributed to the achievement of the specific employment outcome"** refers to addressing the individual's barriers to employment in such a way as to have a measurable, positive impact on the employment outcome.

Note: While service provision must have been completed at the time of closure, a record need not remain open pending receipt of bills for services. See **RSM 3, Section 1200** for information on paying bills following closure of the record.

2. The employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, interests and informed choice.
3. The consumer is earning competitive wages, which means each of the following are true:
 - i. Earnings are equal or greater than the Federal, State, or local minimum wage, whichever is higher, where the place of employment is located.
 - ii. Comparable to the customary rate paid by the employer to employees without disabilities in similar positions with comparable skills, experience and training.
4. The employment outcome is in an integrated setting which means each of the following are true:
 - i. The consumer is working in a setting typically found in the community (a setting in the competitive labor market).
 - ii. The consumer interacts while performing his or her job duties with employees without disabilities in the work unit and the entire employment site, and other persons (e.g., vendors and customers) without disabilities to the same extent that employees without disabilities in similar positions interact with these persons.
 - iii. The consumer is eligible for the same opportunities for advancement as are available to employees without disabilities in similar positions.
5. The individual has maintained the employment outcome for at least 90 days after achieving job stabilization.
6. At the time of closure or within the previous three weeks, the DORS counselor and the consumer, the consumer's parent/legal guardian, or family member have discussed the employment outcome and agree that it is satisfactory and that the consumer is performing well on the job. The consumer's views are included in the "documentation" section of Closure in AWARE™.
7. In instances where the counselor has made multiple unsuccessful attempts to maintain or establish contact with a consumer who has been provided substantial services and is or may be working, the counselor shall seek assistance of the supervisor. Consideration shall be given to:
 - i. Requesting assistance of the Regional Designee to access **The Work Number** website. If the consumer's employer is known and the employer uses **The Work Number**, this information may be used to complete the employment record in AWARE™ so that achievement of employment may initially be documented, and/or to complete and send the **14-Day Successful Pre-Closure Letter** after the individual has been employed for at least 75 days and the counselor continued to be unable to reestablish contact during that time.
 - ii. Requesting assistance from the DORS Social Security Programs office to obtain a wage history, if available, particularly if an individual has moved out of state or has federal employment. These wage histories are typically insufficient verification for initially documenting achievement of employment, but may assist the counselor to know whether it will be useful to continue reengagement efforts, for instance, by

sending an **Employment Status Inquiry** letter with the **Employment Verification Self-Report (RS-8b)** form for the consumer to complete and return.

- b. Prior to case closure, the supervisor shall complete the **Supervisor Review Prior to VR Successful Case Closure (RS-9q)** form. The supervisor shall approve or disapprove of the successful closure. If approving the closure, the supervisor may enter the closure date in AWARE™ if verification of employment required in "d.2." below was obtained BOTH when employment was achieved AND within three weeks of the requested closure date. In the event that the counselor sent the **14-Day Successful Pre-Closure** letter and the consumer did not respond, the supervisor shall seek review and approval of the case closure from Regional Office Senior Management or the OFS/OBVS Director, and this approval shall be documented in the case record prior to or as of case closure date entry.
- c. The need for post-employment services will be reassessed prior to the determination that the individual has achieved an employment outcome (see **Section 1100**).
- d. Required documentation:
 1. The AWARE™ **Successful Closure – VR** letter retained in the electronic record of services (not necessary to file a print copy in the hard copy record). This letter, supplemented as necessary by appropriate modes of communication, will include:
 - Written notification of the reason(s) for closure.
 - Information about the basis on which the individual has been determined to have achieved an employment outcome.
 - A statement about the need for post-employment services.
 - A statement about the individual's rights, including the right to an Appeal Hearing, and
 - A description of the Client Assistance Program (CAP) and information regarding access to CAP.
 2. Documentation of Employer Name, Employment Start Date, Job Title, Hours Worked Per Week and Salary/Wages both at the start of employment and within the three weeks prior to closure. On each occasion, one of the following forms of documentation must be in the case record, either as an AWARE™ case note or attachment:
 - A case note containing an email from the consumer or employer advising the counselor of the employment, salary/wage and weekly hours
 - Copy of a pay stub
 - Employment Information Request form completed and returned by the consumer
 - Community rehabilitation program (CRP) report containing job title, start date, weekly hours and wages earned
 - WTC Job Placement Report

Note: Prior to closure and after documenting multiple attempts to obtain employment verification within the required three-week timeframe, the counselor may send the **14-Day Successful Pre-Closure** letter to the consumer by mail or, if available, by secure email to verify the information received when the consumer initially achieved employment.
 3. For individuals achieving a competitive integrated employment outcome, evidence that the individual is compensated at or above the minimum wage and that the individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals. In AWARE™ this is included in Employment Browse (see **RSM 2, Section 900**); note that the salary per time frame entered must compute to minimum wage or better or AWARE™ will automatically close the record as "non-competitive."

Note: In obtaining evidence of comparability of wages and benefits, staff will remain sensitive to relationships established with employers and to whether the individual wishes for the employer to know of the individual's association with DORS. Evidence in the record may include a statement by the individual, a copy of a job announcement or job description that includes wage/benefit information, a statement by DORS staff based on knowledge of wages/benefits paid to other individuals by the employer, a statement indicating that the wages/benefits fall within a range of wages/benefits as published by agencies responsible for labor statistics, etc.

In the event that the wages/benefits appear to be substantially below that which is customarily paid by the employer to non-disabled individuals, the DORS counselor will seek guidance from DORS management.

4. The **Supervisor Review Prior to VR Successful Case Closure (RS-9q)** form completed, with a Case Note by the supervisor indicating approval of the closure. If the DORS counselor has sent and the consumer has not responded to the **14-Day Successful Pre-Closure** letter, the Region's Senior Management or the OFS/OBVS Director shall review and document approval/disapproval of the successful rehabilitation before case closure.
- e. Closure for individuals achieving an employment outcome in Supported Employment, see **RSM 2, Section 800**.

1001.12 Partnership Plus Employment Network Connecting Activities Prior To Successful Closure for Ticket Holders

DORS has established cooperative agreements with several Partnership Plus Employment Networks (ENs) approved by the Social Security Administration. These ENs are available to provide continuing support services to DORS consumers who are Ticket holders and who desire to work their way off cash benefits after successful DORS case closure. As appropriate, DORS may use a number of approaches to assist Ticket Holders to connect with ENs during the months between employment stability and case closure.

- a. DORS HQ may endeavor to connect a Ticket holder to a Partnership Plus Employment Network, if the individual agreed to be referred when signing the **Beginning the Job Search: Consent for Disclosure Form (RS-8f)** and the DORS counselor selected "O.K. to Refer to EN" on the Special Programs page.
- b. Benefits Planning Services Phase 3: Developing Supports for DORS Case Closure, provided when employment stability is achieved, may assist beneficiaries, consistent with their informed choice, to connect with a Partnership Plus EN for continued services following case closure.
- c. When a CRP was involved in providing job development and/or job coaching, the DORS counselor, CRP, and benefits planner may work together to assist the Ticket holder to connect with a Partnership Plus EN. This support will be especially helpful for individuals who received supported employment services prior to transitioning to extended service provision via natural supports.

1001.13 Annual Review: Extended Employment in a CRP "Other than Rehabilitated" Closures and Non-competitive Supported Employment "Rehabilitated" Closures

- a. **Time Line and Content of Review** – The status of individuals in extended employment in CRPs (non-rehabilitated closure) and individuals closed in supported employment not earning minimum wage (rehabilitated closure) will be reviewed and re-evaluated annually for two years and subsequently at the request of the individual or the individual's representative.

The review will be conducted to consider the appropriateness of the current position, the individual's desires, advances in assistive technology, and contemporary practices in supported employment prior to a determination to continue in the current employment situation.

The individual (or individual's representative, as appropriate) will choose the type of review, which may be an in-person interview, telephone interview, or team meeting, and will fully participate. The individual (or individual's representative, as appropriate) will sign the **Annual Review (RS-8j)** indicating that the review occurred. The review will consist of:

1. A consideration of the reasons for placement in extended employment or non-competitive supported employment placement.
2. A review of the individual's employment history during the past year, including productivity and work adjustment, including:
 - i. Input from the individual or, if appropriate, the individual's representative, to determine the interests, priorities and needs of the individual for employment in, or training for, competitive employment in an integrated setting in the labor market;
 - ii. For individuals in a CRP, information from CRP staff as appropriate, in accordance with the established Cooperative Agreement; and
 - iii. For individuals in supported employment not earning minimum wage, information from the job coach, as appropriate.
3. An assessment of progress toward competitive employment.
4. A determination of whether the provision of vocational rehabilitation services may lead to competitive employment.

b. Review Procedure:

1. AWARE™ will alert the counselor to "Activities Due," including this annual review, approximately a month ahead of the due date.
2. Go to "Follow Up Browse" by clicking on "Pages," then "Follow Up." Enter information required, based on meeting with the participant and their current status.
3. The review shall be completed within 60 days of the due date. A copy of the follow-up report shall be forwarded to the participant and/or representative, as appropriate.

c. Outcome of Review:

1. If the non-competitive placement is appropriate and satisfactory to the individual and, as appropriate, the individual's representative, the review will be completed again within a year.
2. If the review suggests that the individual has potential for and interest in placement in competitive employment, the counselor will meet with the individual and, as appropriate, the individual's representative, to determine what rehabilitation services may be needed and to determine whether the individual's record of services should be reopened (see **Section 1001.13**).

1001.14 Reopening Closed Records of Services

- a. When an individual whose record of services has been closed within the current reporting quarter of the Program Year fiscal year is in need of comprehensive services, the closure will be

rescinded. Contact, through the Regional Office or OBVS Supervisor, AWARE™ Field Support for assistance.

- b. When an individual whose record of services was closed in a previous reporting quarter is in need of comprehensive services, the record will be reopened as a new referral and an assessment for determining eligibility and priority of services will be completed in accordance with **RSM 2, Section 400** and **Section 500**.

1002 Record of Services Closure – Independent Living

1002.01 Reasons for Closure

Records of services will be closed when a determination is made that the individual is not eligible or is no longer eligible for independent living services; is not available for services, to include instances in which the consumer has died; when the outcome of services is successful; and when the outcome of services is considered to be unsuccessful.

Death of a consumer – In the event a DORS consumer dies, within seven days of being notified, the DORS counselor shall:

- a. Contact any service providers who have been working with the individual.
- b. In consultation with the supervisor, contact the individual's family if goods have been issued which may be of value to another consumer.
- c. Close the record of services with the appropriate reason for closure.

1002.02 Participation of the Individual

The individual (or, as appropriate, the individual's representative) will be given the opportunity for full consultation in ineligibility and successful closure decisions, unless the individual is not available to participate. Document participation in the "documentation" section of Closure in AWARE™.

1002.03 Review of Status and Use of Goods Issued

The status and continued use of goods which have been provided to the individual will be reviewed at the time of closure of the record of services. Document this information in the "documentation" section of Closure in AWARE™. Appropriate action will be taken in accordance with the findings of the review (see **RSM 3, Section 1000**).

1002.04 Ineligibility Closure

- a. An individual's record of services will be closed if it is determined that the individual does not meet or no longer meets the eligibility criteria for independent living services (see **RSM 2, Section 500**).
- b. Required documentation:
 - 1. Information which reflects that the individual was given the opportunity for full consultation in the closure decision.
 - 2. The appropriate AWARE™ closure letter retained in the electronic file (not necessary to print for the hard copy record of services) demonstrating that the individual was notified in writing, supplemented as necessary by appropriate modes of communication, of the reason for closure; advised of rights, including the right to an Appeal Hearing; and given a description of the Client Assistance Program (CAP) and information regarding access to CAP.

3. Information substantiating referral to other agencies and facilities, if appropriate (this is included in AWARE™ letters as appropriate).
4. Statements supporting the review of the ineligibility decision in accordance with **RSM 2, Section 500**.

1002.05 Successful Closure

- a. The outcome will be determined successful when the individual:
 1. Has been provided appropriate and substantial IL services in accordance with an ILP, unless waived; and
 2. Has demonstrated a significant improvement in ability to function independently in family or community, or
 3. Has been referred to the VR (Title I) program and there is no need for additional independent living services, or
 4. Is employed and there is no need for additional independent living services; or
 5. Has reached maximum ability to function independently.
- b. The DORS supervisor will review and approve successful closures. The DORS counselor shall not enter closure information in AWARE™ until the supervisor has approved the closure decision.
- c. Required documentation: The appropriate AWARE™ Successful Closure letter retained in the electronic record (not necessary to print a copy for the hard copy file) demonstrating that the individual was notified in writing, supplemented as necessary by appropriate modes of communication, of the reason for closure and the basis on which the individual has been determined to have achieved a successful outcome; advised of rights, including the right to an Appeal Hearing; and given a description of the Client Assistance Program (CAP) and information regarding access to CAP.

1002.06 Unsuccessful Closure

- a. A record of services will be closed as unsuccessful when documentation supports that the individual was unavailable during an extended period of time and the DORS counselor made repeated efforts to contact the individual, or that improvement in the individual's ability to function was not a result of independent living services.
- b. Required documentation: A copy of the appropriate AWARE™ closure letter retained in the electronic record (not necessary to print a copy for the hard copy record) demonstrating that the individual was notified in writing, supplemented as necessary by appropriate modes of communication, of the reason for closure; advised of rights, including the right to an Appeal Hearing; and given a description of the Client Assistance Program (CAP) and information regarding access to CAP.