

Chapter 5 PLAN Individualized Plan for Employment

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Chapter 5. - PLAN (Individualized Plan for Employment)

1. IPE Development

A. IPE Development Requirements

A1. [Mandatory Client Notifications During IPE Development](#)

[REVISED: 11/22/16]

The counselor shall advise the individual (or representative, as appropriate) in writing and in an appropriate mode of communication of (per 2016 [Federal Regulation 34 CFR § 361.5](#)) and (per 2016 [Federal Regulation 34 CFR § 361.45](#)):

1. The availability of appropriate modes of communication if required to develop the Individualized Plan for Employment (IPE or Employment Plan),
2. The timeframe for developing the IPE,
3. Any additional needs assessment information needed,
4. All the components that are required in an IPE. For use of RS-4b form and AWARE Eligible and IPE Appointment letter as client notification, see [Chapter 4.01, ELIGIBILITY, Policy 1, Section D2](#)). For policies on IPE components, see [Policy 2](#) of this chapter.
5. If the individual (or representative) wishes to take the lead in developing all or part of the IPE, ways the counselor may provide assistance upon request (e.g., explaining DRS policies, obtaining additional information or identifying sources, providing DRS forms and assisting in completing them, etc.),
6. DRS policies regarding eligibility criteria and consumer responsibilities for specific services under consideration, informed choice (see [Chapter 1.6, INFORMED CHOICE, Policy 1](#)), consumer financial participation (see Chapter 14.3, FINANCIAL), and comparable benefits (see Chapter 14.2 COMPARABLE).
7. Consumer rights and avenues of appeal and Client Assistance Program (which are pre-printed on the RS-4b form and IPE).
8. Individuals receiving SSI or SSDI who become eligible for a Ticket to Work anytime during the VR process will automatically have their Ticket assigned to DRS if they have a signed IPE. The counselor shall (per agency mandate) inform the client of this prior to the signing of the IPE and shall document this notice in the case record.

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A2. Deadline to Complete and Sign the IPE in Eligible status

[REVISED: 11/22/16]

1. If DRS is operating under an Order Of Selection (OOS) and the case is not moving to the Delayed status waiting list (see [Chapter 2.2 ORDER, Policy 2](#)), the case is moved into Eligible status and the Individualized Plan for Employment (IPE) shall be developed and signed as soon as possible, but within 90 days of the Eligible Date. For required IPE format, see Policy 1: Section D of this chapter. When the IPE is finalized, mutually agreed to, and signed, the counselor shall complete the AWARE Plan screen and move the case into Service status. To extend the deadline, including for PERT and Transition cases, the counselor shall complete the AWARE Plan Development Extension screen to justify the IPE delay and move the case into Eligible - E status.
2. For students with disability who are VR clients
To continue to provide pre-employment transition services already initiated before Eligible status, whether the assigned Order of Selection priority category is open or closed, see [Chapter 2.2, ORDER OF SELECTION, Policy 2 Section B](#)

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A3. [Eligible - E status](#)

[REVISED: 11/22/16]

As often as necessary, but at least every 90 days the case remains in Eligible - E status, the case record must demonstrate casework, IPE planning, vocational counseling and guidance, or justification for the IPE delay. If the IPE for a transition case (per 2016 [Federal regulation 34 CFR § 361.22](#)) is not finalized and signed before the student leaves the school setting, the counselor shall (per agency policy) document supervisor consultation.

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A4. [Counseling Relationship and Client Informed Choice during IPE Development](#)

[REVISED: 5/1/16]

For vocational counseling and guidance see [Chapter 8.03, VR COUNSELING, Policy 1](#). For informed choice see [Chapter 1.6, INFORMED CHOICE, Policy 1](#).

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A5. [IPE Development Participants and Signature Requirements](#)

[REVISED: ~~11/22/169/16/21~~]

- ~~1.~~ By signing, the parties agree to abide by the contents. ~~DARS maintains final approval of the IPE as required by the Rehabilitation Act.~~
- ~~2.~~1. _____ For counselor qualified to develop and sign the IPE for a Workers Compensation case, see [Chapter 2.1, APPLICATION, Policy 1, Section A1](#).
- ~~3.~~2. _____ The counselor shall not sign the IPE or substantial amendment on behalf of the client (per 2016 [Federal Regulation 34 CFR § 361.45](#)).
- ~~4.~~3. _____ For clients with SSA Ticket to Work, the client name and signature on the IPE must exactly match the name as it appears on the documentation of SSI or SSDI Disabled Worker benefits (SSA-1099, Award Letter, etc.).
- ~~5.~~4. _____ A client who cannot manually affix the legal signature or mark, must designate someone (other than the counselor) legally competent and age 18 or older to sign the client legal name followed with "by" and the designee printed legal name and signature.
- ~~6.~~5. _____ The signatures must be in writing. "Verbal signatures" by telephone are unacceptable
- ~~7.~~6. _____ The client and counselor are not required to sign in the presence of each other.
- ~~8.~~7. _____ It is acceptable for the parties to sign a mutually agreed-upon draft IPE or amendment when there are no changes between the draft and final document; the counselor shall keep the signed draft and shall provide the signatories a copy of the signed draft and final document.
- ~~9.~~8. _____ The counselor shall ask, using an appropriate mode of communication (per 2016 [Federal Regulation 34 CFR § 361.5\(c\)\(5\)](#)), if the client has read the document and understands each section. It is not necessary to review every right and responsibility and term and condition that has previously been reviewed and understood. However, it may be appropriate for the counselor to probe to ensure the client understands the IPE contents and implementation.

~~10-9.~~ For clients at least age 18 and not declared legally incompetent, informed written consent/release is required for others (parent, spouse, etc.) to participate with them and sign the IPE (see [Chapter 1.1, CONFIDENTIALITY, Policy 1, Section A6](#)). If the counselor professional judgment is that this client does not understand the IPE development process, contents, and implementation, then the counselor may inform the client of support services available to exercise informed choice and the right to include legally competent adults (not the counselor) to participate and sign the IPE along with the client.

~~11-10.~~ Clients under 18 years old (unless legally emancipated) require a custodial parent or court-appointed legal guardian participation and signature on the IPE.

~~12-11.~~ For students with disabilities (those receiving special education services and those who are not), appropriate individuals in the school system (e.g., IEP team, 504 Coordinator) shall participate in the IPE development process but are not required to sign the IPE or substantial amendment.

~~13-12.~~ Individuals declared legally incompetent require a court-appointed legal guardian participation and signature on the IPE.

~~14-13.~~ Wilson Workforce and Rehabilitation Center (WWRC) counselor shall participate (but is not required to sign the IPE or substantial amendment) when the client is at WWRC for vocational evaluation and all parties agree the client will stay at the Center for training services (per agency mandate).

~~15-14.~~ In developing IPE for a Supported Employment case, the participants should consider the ancillary circumstances surrounding the employment, such as family support, work disincentives, medication effectiveness, residential environment, etc. For more information on Supported Employment, see the Virginia DRS Supported Employment Guide.

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A6. [IPE Development and Individuals Jointly Served by DARS and the Department for the Blind and Vision Impaired \(DBVI\)](#)

[REVISED: 12/3/18]

1. For cases jointly served by DARS and DBVI, each agency develops an IPE with the individual. See [Chapter 16, INDIVIDUALS JOINTLY SERVED BY DARS AND THE DEPARTMENT FOR THE BLIND AND VISION IMPAIRED \(DBVI\), Policy 16, Section 7.](#)

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B. Scope of Services During IPE Development

[REVISED: 11/22/16]

1. For each individual certified eligible for the Vocational Rehabilitation program (or if DRS is under Order Of Selection, each individual certified eligible for the Vocational Rehabilitation program to whom DRS is able to provide services), an Individualized Plan for Employment (IPE) must (per 2016 [Federal Regulation 34 CFR § 361.45](#)) be developed and agreed to and signed by the vocational rehabilitation counselor and the eligible individual (or representative, as appropriate. The counselor shall not provide, or commit to providing, non-diagnostic, non-evaluation, non-assessment goods or services (e.g., college training, vehicle or home modification, supported employment, occupational tools and equipment, etc.) before the IPE is completed and signed. During Eligible and Eligible –E status, the counselor may provide only the services listed in [Chapter 4.02, TRIAL WORK, Policy 1, Section A2](#) that are needed to develop the IPE. The counselor shall evaluate with each client the need for post-employment services.

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C. Use of Forms and Screens

C1. Use of Employment Plan Form (RS-5) and AWARE screen

[REVISED: 11/22/16]

1. The RS-5 form may be used to draft the individualized Plan for Employment (IPE), but the final IPE shall (per 2016 [Federal Regulation 34 CFR § 361.54](#), be entered and saved in AWARE and the signature page saved.
2. The counselor shall (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c) (e) and 2016 [Federal Regulation 34 CFR § 361.45](#)) promptly provide a copy, in the native language or appropriate mode of communication, of the signed IPE and any amendments (per 2016 [Federal Regulation 34 CFR § 361.18](#) (e) and).
3. From Service status the case may be moved into Service-J, or directly into Employed status, or may be closed.

C2. Use of Client Financial Statement (RS-13)

[REVISED: 2/15/05]

The individual and counselor shall complete the RS-13 form, or update it, before the individual receives any fee-based services (per 2016 [Federal Regulation 34 CFR § 361.54](#)).

C3. Use of Student Need and Aid Assessment (RS-25)

[REVISED: 1/21/99]

See [Chapter 7, SCHOOL, Policy 1, Section D3](#) for use of RS-13 and RS-25 forms when authorizing post-secondary training services.

C4. Use of Consumer Information on Development of The Employment Plan (RS-4b)

[REVISED: 10/1/01]

See [Chapter 4.01, ELIGIBILITY, Policy 1, Section D2](#).

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2. IPE Content Requirements

A. IPE Contents

[REVISED: 11/22/16]

1. The Individualized Plan for Employment (IPE) is a written, signed agreement. The IPE is not a legal contract and DRS will pay for services as long as there is money available to do so, the laws affecting the VR program do not change, and the client makes satisfactory progress toward reaching the employment goal on the IPE. For requirements when developing the IPE, see [Policy 1](#) of this chapter. For IPE review requirements, see [Policy 4 of this chapter](#).
2. At a minimum, the IPE shall (per 2016 [Federal Regulation 34 CFR § 361.46](#)) contain:
 - a. **An employment goal** (for requirements, see [Policy 2: Section B](#) of this chapter)

b. Projected time frame for achieving the employment goal.

c. Progress measures.

Progress measures are a description of criteria to evaluate progress toward achieving the established employment goal. Each must be a specific measurable outcome (skill, behavior change, etc.) needed to reduce or remove the documented impediments to employment/serious functional limitations and achieve the IPE employment goal, and way to measure it (grades, vendor report, etc.). In developing progress measures, consider changes needed in educational level, job skills, interpersonal skills, physical or mental condition, environmental conditions and accessibility issues, and other relevant factors. Try to use a positive tone (e.g., maintain sobriety, acquire a degree or skill, increase a specific behavior, etc.). Progress measures may used to address ancillary issues that support achieving the IPE employment goal. For example, a progress measure to acquire skills to manage child care issues may be appropriate for an individual. However, if the individual simply needs child care services to access DRS-approved services (e.g., training) a progress measure regarding child care may not be necessary. For samples of progress measures, see [Policy 2: Section C](#) of this chapter.

d. Specific vocational rehabilitation services.

- i. The IPE shall include specific vocational rehabilitation services to be provided. For example, if rehabilitation technology services are required, the IPE must identify the specific rehabilitation technology service. The IPE shall include the projected service start date, service provider name, cost (if known), and funding source(s) including any client financial contribution and any comparable benefits. The anticipated service end date is optional and, if used, must (per agency mandate) be based on the specific vocational rehabilitation needs of the individual.
 - ii. The IPE shall include, at a minimum, 1) vocational counseling and guidance as an essential VR service (per RSA Manual Transmittal RSA-MT-92-27) and 2) job search assistance and follow up for at least 90 days after Employed Date. See [Chapter 8.03, COUNSELING, Policy 1](#) for counseling and guidance requirements.
- ii. Counseling and guidance IPE**
- This means the primary planned service is substantial counseling and guidance. While counseling and guidance is provided throughout the vocational rehabilitation process, a counseling and guidance IPE is written when the individual and counselor agree that i) planned, substantial counseling and guidance is the primary service the individual requires to achieve the established employment goal, and ii) the provision of counseling

and guidance services will remove or substantially reduce the impediment to employment and will enable the individual to achieve the established employment goal. Specific counseling issues (see) shall be included in the progress measures. See [Chapter 8.03, COUNSELING, Policy 1](#) for frequency of scheduled sessions, C and G progress measures, and other requirements. Unplanned sessions may also occur when a counseling and guidance issue needs immediate attention. Other progress measures and services required for the individual to achieve the established employment goal or to remove or reduce the documented impediment to employment/serious functional limitation may be included as appropriate.

iii. Physical or mental restoration IPE

This means the primary planned services are medical or mental services and related services. A physical or mental restoration IPE is written when the individual and counselor agree that i) the individual's substantial impediment to employment is caused by an identified physical or mental condition, and ii) the provision of physical or mental restoration services will remove or substantially reduce this impediment to employment and will enable the individual to achieve the established employment goal. Specific counseling issues (see [Chapter 8.03, COUNSELING, Policy 1](#)) shall be included in the progress measures. See [Chapter 8.03, COUNSELING, Policy 1](#) for frequency of scheduled sessions, progress measures, and other requirements. For samples of physical or mental restoration progress measures, see [section C of this policy](#). Other progress measures and services required for the individual to achieve the established employment goal or to remove or reduce the documented impediment to employment/serious functional limitations may be included as appropriate.

iv. Training IPE

This means the primary planned service is vocational training, academic training, supported employment (SE) training, Work Adjustment Training (WAT), on-the-job training (OJT), training at Wilson Workforce and Rehabilitation Center (WWRC), or other type of training program. A training IPE is written when the individual and counselor agree that the client i) does not have a marketable skill or the current employment is not consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities and functional limitations of the individual based on the results of the eligibility determination assessment and any additional needs assessments needed to develop the IPE, and ii) training will remove or substantially reduce this impediment to employment and will enable the individual to achieve the established employment goal. For multi-year training programs (e.g., college degree program), the IPE shall list services, costs, providers, etc. for year 1 only. The IPE must be amended annually. Specific training-related counseling issues and progress measures (see [Chapter 8.03, COUNSELING, Policy 1](#)) shall be included in the progress measures. See [Chapter 8.03, COUNSELING, Policy 1](#) for frequency of scheduled sessions, training progress measures,

and other requirements. For samples of progress measures, see [section C of this policy](#). Other progress measures and services required for the individual to achieve the established employment goal or to remove or reduce the documented impediment to employment/serious functional limitations may be included as appropriate. For training services for Workers Compensation cases, see paragraph m below.

- v. The counselor shall be responsible for identifying providers of comparable benefits and for assisting the individual in obtaining those resources. The individual shall be responsible for applying for appropriate comparable benefits identified by the counselor. For policy, see [Chapter 14.2, Comparable Benefits](#).
- vi. Consumer financial participation in the cost of fee-based services is based on the Client Financial Statement RS-13 form see [Chapter 14.3, FINANCIAL, Policy 1](#)), and RS-25 when applicable (see [Chapter 7, SCHOOL, Policy 1](#), and [Section D3](#)).
- vi. If it is not possible to identify all the information for a planned service that will be provided at a future date (i.e., transition services to be provided after the students with an IEP exits school, extended services to be provided following time-limited supported employment services, anticipated post employment services to be provided following successful rehabilitation and reassessment for post-employment services) to avoid delays in the IPE development and implementation, it is acceptable to record the information that is known (i.e., the anticipated extended services service provider and basis for determining that extended services will be available) and then note on the IPE that missing information will be determined later.
- vii. Planned services include services funded by another resource that DRS staff plans, arranges, or coordinates (i.e., work site accommodation paid by employer under P.L. 101-336 Americans with Disabilities Act of 1990, physical or mental restoration paid by insurance carrier, college training paid by federal student financial aid, etc.).
- viii. Planned services include services funded by DRS VR Program but provided by a vendor (i.e., job coach training services paid by DRS and provided by an Employment Services Organization, etc.).
- ix. Planned services include services provided at no charge by DRS staff, such as counseling and guidance and job placement services.
- x. The IPE should include VR support services (i.e., dependent or childcare, PAS, maintenance, and transportation) that are necessary to access another VR service on the IPE.
- xi. The IPE shall (per 2016 [Federal Regulation 34 CFR § 361.46](#)) include statements concerning the expected need (yes, no/unknown) for VR services under a Post-

Employment Services (PES) Plan after case closure and anticipated services needed. **Cross-reference:** For definition of post-employment services (PES) and procedure to provide PES after case is Closed- Rehabilitated, see [Chapter 8.22, POST EMPLOYMENT, and Policy 1](#).

- xii. For each service on the IPE, the counselor must document in the client record that the service is vocationally necessary to achieve the established employment goal and the client meets eligibility criteria for the service (see Chapters 7, 8, and 9).
 - xiii. Each service on the IPE shall (per 2016 [Federal Regulation 34 CFR § 361.46](#)) be provided in the most integrated setting possible, consistent with client informed choice, or the IPE shall include a brief justification why it is not provided in an integrated setting. For example, "Client requires a non-integrated setting for work adjustment before moving to an integrated setting."
- e. **Schedule for periodic review and evaluation of progress.**
 - f. **How, in the words of the individual** (or individual's representative, as appropriate), how the individual was informed about and involved in choosing among alternative employment goals, progress measures, services, providers, and methods used to procure or provide services (for informed choice policy, see [Chapter 1.6, CHOICE, Policy 1](#)). This statement should include the manner in which the individual was informed about the level of integration of services and job placement options. The individual should complete this section as independently as possible.
 - g. The individual's **rights, avenues of appeal, responsibilities, terms, and conditions** regarding the provision of vocational rehabilitation services.
 - h. **Signatures** (for requirements, see [Policy 1: Section A5](#) of this chapter).
 - i. **For a student with an Individualized Education Program (IEP)**, the DRS IPE, at a minimum, must be consistent with the transition components (goals, objectives and services related to transition from school to post-secondary activities, such as further education, vocational training, employment, and independent living) of the student's IEP (per 2016 [Federal Regulation 34 CFR § 361.22](#) and 2016 [Federal Regulation 34 CFR § 361.45](#) and 2016 [Federal Regulation 34 CFR § 361.46](#)). The counselor shall keep a copy of the IEP (or Individualized Transition Plan, if available) in the client record as documentation that the IPE and IEP transition components are consistent. The counselor may (per 2016 [Federal Regulation 34 CFR § 361.47](#)), but is not required to, summarize on the DRS IPE the transition components of the IEP. Planned services include any VR fee-based services to be provided as well as any school-sponsored services in which DRS is not involved (i.e., vocational awareness/readiness services), but

are required to achieve the established employment goal. The DRS IPE may include, as appropriate, other progress measures in addition to those relating to the transition components of the student IEP.

- j. **For Supported Employment (SE) cases**, the IPE shall include (per 2016 [Federal Regulation 34 CFR § 361.46](#)) the IPE contents required in [Chapter 8.16, SE, Policy 1](#).
- k. **For Self-Employment Enterprise (SEE) cases**, see additional IPE requirements and SEE approval process in [Chapter 8.17, SEE, Policy 1](#).
- l. **For alcohol or substance abuse cases**,
 - i. The individual must agree, as part of the IPE, to voluntarily participate in a treatment program or a support group. Due to limited DRS resources, DRS shall not (per [Chapter 2.1, APPLICATION, Policy 1, Section A11](#)) pay for treatment.

Guidance: All issues pertaining to the individual's other responsibilities (e.g., transportation, VR counseling sessions, etc.) should be listed in the IPE.

- ii. The individual must agree to a progress measure to maintain abstinence from alcohol/substances and agree that no fee-based services shall be authorized until the individual has demonstrated, to the counselor's satisfaction, abstinence for a period of time specified in the IPE (per agency mandate).
- iii. If the individual has a relapse, the counselor shall initiate an evaluation at DRS expense. Continuation of services on the IPE shall generally be contingent upon the individual's participation in the evaluation and recommended treatment, and abstinence from alcohol or substances. DRS shall not pay for any recommended treatment and the counselor shall refer the individual to other community resources for treatment.

Guidance 1: The recommended period of time for abstinence before authorizing fee-based services is at least 90 consecutive days. The 90 days may be counted from a date before the IPE is signed (e.g., from the date of application or date of certification of eligibility is the individual has not used alcohol or substances since that time).

Guidance 2: If the individual has a relapse and refuses to abstain, even after counseling and guidance and referral to community resources, the counselor may close the case.

Guidance 3: More than one relapse within a six (6) month period, even when the individual agrees to abstain, may be an indication that the individual cannot benefit from vocational rehabilitation services in terms of an employment outcome due to the

severity of the disability.

- iv. Sample progress measures (or written as client responsibilities) may be:

Progress Measure: Individual will abstain from alcohol or drugs or any substances not currently prescribed by a physician familiar with the individual's alcohol/substance abuse diagnosis. No services subject to consumer financial participation will be authorized until the individual has demonstrated abstinence for at least (enter appropriate time period) consecutive days. This will be measured through the treatment records or consulting with the case manager on an ongoing basis [use if individual is involved in treatment] and counselor observations of arrival time for appointments [add other behaviors consistent with abstinence].

Progress Measure: Individual agrees to voluntarily participate in a treatment program or support group (but DRS shall not pay for treatment). This will be measured through attendance.

Progress Measure: Individual agrees to meet with the counselor at least twice a month for the first (enter appropriate time period) consecutive days of this IPE. This will be measured through attendance at scheduled counseling sessions.

- l. **For all Workers' Compensation cases**, the IPE shall contain this statement: "The carrier will be notified at time of employment and any termination or addition of services for which the carrier is paying some or all of the cost."
- m. **For Workers' Compensation cases, before planning training services**, the counselor must send the insurance company a letter containing:
- i. Documentation from the former employer indicating there is no job (without restructuring) available within the company for the injured worker,

- ii. The proposed training program, duration, and the rationale for such a program,
- iii. Projected costs of the training program itemized (e.g., tuition and fees, textbooks and supplies, transportation, etc.),
- iv. Projection, insofar as possible, of the injured workers earning potential after the completion of the training program as compared to the current/continuing Workers' Compensation benefits,
- v. Job Market Survey showing jobs that will exist upon completion of training, and
- vi. Name and address of the individual at the training institution to whom the carrier payment checks should be forwarded.

Note: The Virginia Workers' Compensation Act requires that the carrier provide for reasonable and necessary rehabilitative training services for claimants if so directed by the Workers' Compensation Commission. If the carrier is so directed but refuses to voluntarily participate in DRS recommended program, the injured worker can appeal the carrier decision to the Workers' Compensation Commission. The injured worker must do this in writing and should include the above letter the DRS VR counselor sent the insurance carrier.

Guidance: For guidelines on working with these cases, visit the Virginia Workers' Compensation Web site

at <http://www.vwc.state.va.us/sites/default/files/documents/Vocational-Rehabilitation-Guidelines.pdf>

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B. IPE Employment Goal

B1. Requirements for the Employment Goal

[REVISED: ~~11/22/16~~9/16/21]

1. Recorded on IPE.

The established employment goal shall (per 2016 [Federal Regulation 34 CFR § 361.45](#) (d)) be recorded on the Individualized Plan for Employment (IPE) (or amendment to the Plan).

2. Specific.

At a minimum, the established employment goal shall (per 2016 [Federal Regulation 34 CFR § 361.46](#) (a)) describe a particular type of profession or occupation (i.e., clerical work). Use the O*Net code listing in AWARE Employment Plan screen. An employment goal of "supported employment" or "self-employment" is too vague. (per Federal Register Vol. 62, No. 28, February 11, 1997, page 6326).

3. Employment outcome.

The established employment goal shall (per Public Law 113-128, Title IV, Section 404, Sec 7) be competitive integrated employment (including customized employment) or supported employment. For definition of competitive integrated employment, see Chapter 11, CLOSURE, Policy 1, Section A2.) For definition of customized employment, see Chapter 11, CLOSURE, Policy 1, Section A2. For definition of supported employment, see Chapter 8.16, SUPPORTED EMPLOYMENT, Policy 1, Section A1.

4. Mutually agreed upon.

The established employment goal shall (per 2016 [Federal Regulation 34 CFR § 361.45](#) (d)) be mutually agreed-upon by the client and VR counselor. It shall (per 2016 [Federal Regulation 34 CFR § 361.46](#) (a)) reflect the client career interests and informed choice to the extent that those factors are consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual based on the results of the eligibility determination assessment and any additional needs assessments needed to develop the Employment Plan (see Chapter 6). It shall consider the client current (and projected, if the disability is of a progressive nature) physical and mental condition and functional limitations (such as diminishing or increasing strength and energy). The counselor shall not agree to a goal that is inconsistent with these factors.

Guidance 1: For a high school student with a disability (students in special education programs and those who are not), reflects the current status since strengths, resources, priorities, concerns, abilities, and capabilities may change significantly during the transition years (per agency mandate). For example, assessment information older than three years from the date the student applies for the Vocational Rehabilitation program may require updating.

Guidance 2: The client may be able to keep/return to same job, choose a different job goal not requiring re-training/school by using marketable or transferable skills, be qualified for other jobs with the current employer, etc. However, underemployment, certain changes in the job market or prognosis/functional limitations, etc. may make the work history become less of a factor in choosing an appropriate employment goal.

Guidance 3: If the client has no work history or has a work history that does not include a recent job consistent with the client unique strengths, resources, priorities, concerns, abilities, and capabilities, consider job opportunities in the following order, consistent with the individual's informed choice:

Competitive integrated employment, then

Supported employment

Guidance 4: Resources to assist the consumer and counselor to establish the employment goal include OnetOnline.org, Virginia Career View, VaView.VT.edu, Virginia Employment Commission, vocational evaluation, school counselors, local job market survey, etc.

5. Is not precluded by a felony conviction.
A felony conviction precludes employment in certain occupations. A criminal background check is required by state law for the following:
 - a. applicants for ABC license and certain ABC employees,
 - b. applicants for explosives blaster certification or handling permit,
 - c. applicants for mental health provider license,
 - d. employees and volunteers providing care to children, the elderly, and people with disabilities (specifically child care facilities, day care centers, child welfare agency, family day homes, nursing homes, juvenile residential facilities),
 - e. fire departments,
 - f. law enforcement officers,
 - g. gun dealers,
 - h. hospital pharmacy employees,

- i. lottery employees and sales agents,
- j. private school employees,
- k. private security services businesses, and
- l. pari-mutuel wagering on horses.

Note: This Web site lists of some of the regulated occupations <http://www.dpor.virginia.gov/ProfessionsAndOccupations/>

6. Substance Use Considerations

Substance use, including marijuana (medical or recreational) may disqualify an individual from certain kinds of employment. Many employers mandate drug-free workplaces and require drug testing as a condition for employment. The counselor will need work with the individual on a case-by-case basis to determine whether the individual can obtain their desired employment goal consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Counseling and guidance should be provided that includes information on Virginia's occupational and regulatory requirements regarding substance/marijuana use that could affect employment including the denial, revocation, suspension, or restriction of a license, certificate, or registration. For additional information, see Chapter 8.03 Counseling and Guidance, Policy 1A. For information about Alcohol and Substance Abuse Assessment during Eligibility, See Chapter 4.01 Eligibility, Policy 2: Section A10. For client legal issues, see Policy 2 of this chapter.

7. Job Market.

The fact that the local job market for the client desired employment goal may be limited should not by itself affect the appropriateness of that goal if the individual is willing to relocate to a market in which the particular job is available. On the other hand, if there is a limited local job market for the individual's desired employment goal and the individual is unwilling to relocate, then local job market conditions become a relevant factor in identifying employment options (per federal policy RSA-PD-97-04 issued August 19, 1997).

8. Cost is not a consideration in goal selection.

The counselor shall not consider the cost or the extent of vocational rehabilitative services that the client may need to achieve a particular employment goal. For example, the fact that an employment goal may require an advanced degree, while another may only require job retraining or job placement assistance, should not affect the

determination of an employment goal. This does not preclude DRS from enforcing its consumer financial participation and comparable benefits policies (per federal policy RSA-PD-97-04 issued August 19, 1997).

9. Maximize employment outcome.

If the client is interested in one employment goal requiring an associate degree and another goal requiring a bachelor degree, and the client has the ability and capability and interest to earn a bachelor degree, the counselor cannot use service cost as the reason to reject the latter goal.

10. Entry-level job.

Entry level employment is an appropriate employment goal if the client is only capable of performing entry level work or if the client chooses an entry level job as the employment goal (per federal policy RSA-PD-97-04 issued August 19, 1997).

11. Advancement in employment.

[See Policy 2: Section B2](#) of this chapter.

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B2. Advancement in Employment as an Employment Goal

[REVISED: ~~11/22/169/16/21~~]

The extent to which DRS should assist individuals who are determined eligible to advance in their careers depends upon whether the individual has achieved employment consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual. Vocational rehabilitation services to an individual whose job is not consistent with these factors must assist that individual to obtain employment consistent with these factors and informed choice (~~per Federal Register, Vol. 66, No. 11, issued January 17, 2001, Page 4419~~[per 2016 Federal Regulation 34 CFR § 361.52, see Chapter 1.6 Informed Choice](#)).

Guidance 1: There should be evidence (vocational evaluation, comparison of job description to individual's qualifications, situational assessment, etc.) that the individual

is underemployed, there are disability-related barriers to advancement in employment, and the individual cannot remove or substantially reduce these barriers on their own but needs vocational rehabilitation services provided within a counseling and guidance relationship. DRS should not assist individuals who are in a job consistent with the individual's strengths, etc. and who are choosing to change careers/occupations/jobs for reasons other than disability-related barriers to employment.

Guidance 2: Advancement in employment is not restricted to those in competitive employment. DRS may assist an individual in extended employment when an integrated setting becomes appropriate.

Guidance 3: Advancement in employment may include, but is not limited to, better employee benefits, part-time to full-time, increased salary or wages that reduces some or all public assistance amount received (but not doing same job for more money elsewhere), job promotion, change from unskilled or semi-skilled to skilled job, change from "dead end" job to one with career path or in a growth industry, change from employee to self-employment, when they reach retirement age during competitive employment and need VR services to remove or substantially reduce disability-related barriers to becoming self employed, etc.

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B3. Homemaker as an Employment Goal

[REVISED: 11/22/16]

1. Definition.
Homemaker is a man or woman whose activity is keeping house for persons in their household, or for him- or herself if living alone (per federal policy directive RSA-PD-00-06 Reporting Manual for Case Service Report RSA-911, March 16, 2000).
2. Homemakers do not earn a wage and homemaker is not competitive integrated employment (per 2016 Federal regulation 34 CFR 361.5(c)(9) and preamble to 2016 Federal regulation 34 CFR 361.5(c)(15).
3. Beginning September 19, 2016, the counselor and supervisor shall not (per preamble in 2016 Federal regulation 34 CFR 361.5(c)(15)) approve an IPE with homemaker employment goal or an IPE amendment that changes the IPE goal to homemaker. For clients with homemaker employment goal on the IPE approved and signed before September 19, 2016, the case is grandfathered and the counselor shall continue to provide services until June 30, 2017.

4. Closure as homemaker.

All grandfathered (see item 3 above) homemaker cases shall (per 2016 [Federal Regulation 34 CFR § 361.47](#)) be closed on or before June 30, 2017. For Closed – Rehab status, the counselor shall document the individual's pre-IPE and post-IPE homemaker skills and abilities, and how services were required and contributed to achievement of the employment outcome. A grandfathered case that does not meet those criteria, and a grandfathered case in which the client lives in a nursing home, rest home, or assisted living residence shall be closed in Closed – Other status.

Cross-reference: For Closed – Rehab status criteria and definition of competitive integrated employment, see [Chapter 11, CLOSURE, Policy 1, Section A2](#).

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C. Sample Progress Measures

[REVISED: 4/9/18]

Guidance: The following sample progress measures are provided only to show how to: phrase them in a positive tone, focus on changes or outcomes, and include measurable criteria and progress evaluation methods. Counselors should customize the progress measures on a case-by-case basis and are not restricted to the wording shown in these samples. Additional examples of how to relate counseling and guidance service to progress measures and serious functional limitations are in [Chapter 8.03, COUNSELING, Policy 1](#).

1. Progress measure: I will acquire drafting skills by taking appropriate courses and maintaining a 'C' average or better during the academic year. This will be measured by my school grades which I will share with my counselor immediately when I receive them. I will promptly advise my counselor of any difficulty with my school assignments or schedule.
2. Progress measure: During pre-vocational training, I will increase my concentration and work tolerance to 6 hours a day over 8 consecutive weeks. This will be measured through vendor reports to my counselor.
3. Progress measure: I will learn effective job interview skills and demonstrate eye contact, personal hygiene, and appearance at job interviews. This will be measured through my self-report, my counselor's observations, and feedback to my counselor from employer interviewers and my job placement counselor.

4. Progress measure: I will acquire understanding of the functional limitations of my disability and become as independent as possible in my self-care. This will be measured through my self-report, my counselor's observations, and feedback to my counselor from service providers regarding my demonstrated increased independence in self-care.
5. Progress measure: I will maintain the mental health required for me to be successful in my vocational rehabilitation program and stable in employment. I will take my medication as prescribed and continue to attend monthly counseling sessions with my therapist for at least 1 year. This will be measured through my counselor's contact with my therapist and case managers and my counselor's review of physician and therapist reports.
6. Progress measure: My driving options will be assessed. This will be measured through successful completion of classroom and on-the-road training and vendor recommendation to counselor regarding driving potential.
7. Progress measure: I will improve my speech and language skills to communicate more effectively. This will be measured through counselor observations, feedback to counselor from speech therapist, and vendor reports to counselor.
8. Progress measure: I will learn how to use checklists, alarm watch, and other compensatory strategies to assist in satisfactory completion of job-related duties. This will be measured through vendor reporting to counselor on completion of required job tasks within an acceptable time frame.
9. Progress measure: I will interact appropriately with supervisor and co-workers at my job site in one-on-one and group situations. This will be measured through feedback to counselor from job supervisor.

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[3. IPE Implementation](#)

[REVISED: 5/1/16]

1. Implementation of the Individualized Plan for Employment (IPE) begins within 90 days after the signature date. If additional time is required, the counselor must provide written justification in the case notes and further justification every 90 days thereafter.
2. Case note is required every 90 days to justify why the case remains in any service status over 90 days, to ensure the client is receiving services appropriately.

3. C&G scheduled sessions are required for all IPEs. For policy, see [Chapter 8.03, VR COUNSELING, Policy 1](#).
4. To implement other services on the IPE, see the chapter for the specific service.

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[4. IPE Review](#)

[REVISED: 11/22/16]

1. Annual review.
At least once a year (per 2016 [Federal Regulation 34 CFR § 361.45](#)), a multi-year Individualized Plan for Employment (IPE) shall be reviewed for satisfactory client progress towards employment, PAS and AT needs assessment shall be considered and authorized if appropriate (per 2016 [Federal Regulation 34 CFR § 361.46](#)), progressive disabilities shall be considered for changes affecting vocational rehabilitation, and the review results shall be recorded in the AWARE Plan Review screen. The review is conducted by the counselor and individual (and others who signed the IPE).
2. The counselor shall update the Client Financial Statement RS-13 form when required (see [Chapter 14.3, FINANCIAL, Policy 1](#)) and Student Need and Aid Assessment RS-25 form for school training if required (see [Chapter 7, SCHOOL, Policy 1, Section D3](#)).
3. Amendments.
To amend the IPE, see [Policy 6](#) of this policy. For formal appeals, see [Chapter 15, APPEALS, Policy 1](#).

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[5. Services Interrupted](#)

[REVISED: 8/1/15]

1. The counselor shall place the case in Service – I status in AWARE when all planned services in the Individualized Plan for Employment (IPE) are interrupted.
2. The counselor shall (per 2015 Public Law 114-18, Title I, Section 102 (c) (2)) provide the Services Interrupted letter to notify the client in writing of the service suspension, the reason, and the right and avenues to appeal.

3. Services shall not be provided while the case is in Service - I status, except PAS may be provided consistent with PAS policy (see [Chapter 8.13, PAS, Policy 1](#)).
4. Supervisor pre-approval shall be required for the case to remain in Service - I status more than 18 months over the life of the case.
5. The counselor shall write a case progress note in AWARE at least every 90 days.
6. Reasons for Service – I status include, but are not limited to:
 - a. Incarceration less than 18 months
 - b. Medical issues
 - c. Mental health issues
 - d. Alcohol or substance abuse relapse
 - e. Emergency in client family
 - f. Waiting for Grades and GPA to go back up
 - g. Client request - definite VR return date
 - h. Client request - indefinite VR return date
 - i. Lack of client progress

- j. Lost contact with client
- k. Other (specific reason must be noted in AWARE and letter to client)

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6. [Amending the IPE](#)

[REVISED: 11/13/17]

1. Timing.
The Individualized Plan for Employment (IPE) may be amended any time. For IPE amendments needed at closure, see Chapter 11, CLOSURE, Policy 1.
2. Mutual agreement.
The IPE amendment shall (per 2016 [Federal Regulation 34 CFR § 361.45](#)) require the client (or representative, as appropriate) and DRS VR counselor mutual agreement. The counselor may obtain the individual's agreement by telephone call documented in the case notes, Certified Mail — Return Receipt Requested, fax, e-mail, or other appropriate method. However, for any substantial changes to the IPE signatures are required. For formal appeals and continuation of services pending appeal, see Chapter 15, APPEALS.
3. Signatures.
The amendment shall not (per 2016 [Federal Regulation 34 CFR § 361.45](#)) take effect until the new signature page is signed by the required signatories (see [Policy 1: Section A5](#) of this chapter), unless this policy does not require a signature. At closure, see [Chapter 11, CLOSURE, Policy 1, Section A2](#).
4. Employment goal amendment.
 - a. Signatures shall (per 2016 [Federal Regulation 34 CFR § 361.45](#)) be required to change the employment goal, even when there are no changes to progress measures, services, or service providers. At closure, see [Chapter 11, CLOSURE, Policy 1, Section A2](#).
 - b. The counselor shall update the Occupational Information Network (O*NET-SOC) Titles in AWARE when an employment goal is changed.

5. Services amendment.

- a. Signatures shall be required to discontinue or delete a service already on the IPE, whether before or after the service is initiated. However, signatures are not required when canceling hospital days authorized but not needed or fully utilized, or for an ancillary service not funded by DRS that is not directly related to achieving the employment goal. The counselor should try to recognize as early as possible when a planned service will not be necessary and should amend the IPE at that time rather than waiting until case closure. To delete services at case closure, see [Chapter 11, CLOSURE](#).

Cross-reference: For Service - I status when services provided under the IPE are interrupted after IPE implementation, [see Policy 5](#) of this chapter.

- b. The counselor shall (per agency mandate) document in the client record (e.g., letter, case note, etc.) the justification for deleting or discontinuing the planned service, and cancel any unused authorized amount. If all services are being temporarily discontinued, use Service-I status and see [Policy 5](#) of this Chapter.
- c. Signatures shall be required to add a new core service (e.g., training, school training, physical restoration services, vehicle or home modification, etc.). Signatures are not required when:
 - i. Authorizing additional diagnostic, evaluation, and assessment services.
 - ii. While client is hospitalized for VR services, authorizing a specialist or additional hospital days when recommended by the physician.
 - iii. Adding a short-duration service required to support a service already being provided under the IPE. Examples include: transportation, additional PAS hours and maintenance costs, interpreting and reader services, hearing aids, eyeglasses, work clothing.

6. Service provider amendment.

Signatures shall be required to change the service provider.

7. Financial participation.

Signatures shall be required to increase the client financial participation amount, but are not required to decrease it.

8. Other amendments.

If the counselor anticipates consumer misunderstanding or disagreement regarding a change to the IPE that does not specifically require signatures, the counselor may, but is not required to, obtain signatures and initial each change before implementing the change.

9. Distribution of IPE amendment.
 - a. The counselor shall (per 2016 [Federal Regulation 34 CFR § 361.45](#)) provide a copy to all signatories in the native language, or appropriate mode of communication, and keep the signature page in the client record. AWARE stores the other pages either as a cloned plan or a new plan.
 - b. The counselor shall notify others (or provide a copy of the amendment) as appropriate (e.g., for Workers' Compensation case immediately notify the insurance carrier only when the carrier is paying all or part of the VR cost).

Chapter 8.03 VR Counseling and Guidance

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Chapter 8.03. - VR COUNSELING AND GUIDANCE

1. VR Counseling and Guidance

A. VR Counseling and Guidance

[REVISED: ~~11/1/139/16/21~~]

1. Guidance means the counselor gives information and acts as a coordinator and advocate or mediator.
2. Vocational rehabilitation counseling means assisting the client through **verbal interaction appropriate modes of communication** to deal effectively with important issues or concerns related to vocational rehabilitation, which differentiates it from other types of counseling.
3. Counseling techniques may vary based on client needs and counselor approach.
4. To enable the client (and custodial parents or legal guardians) to comprehend and respond to information being communicated, and make informed VR decisions, in all VR counseling and guidance sessions and planned communications, the counselor shall:
 - a. Use client mode of communication and supplement written information as needed
 - b. Use the native language of client with limited English proficiency (to authorize this service, see [Chapter 8.07, INTERPRETER, Policy 2](#))
 - c. Use a qualified interpreter for the deaf for client who uses sign language (per P.L. 101-336 Americans with Disabilities Act of 1990), unless the counselor is a DRS regional counselor

for the deaf (to authorize this service, see [Chapter 8.07, INTERPRETER, Policy 1](#))

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- d. Provide support and assistance (for suggestions, see [Chapter 1.6, CHOICE, Policy 1](#)) needed by client with a cognitive disability (such as intellectual disabilities, learning disabilities, head injury, stroke, etc. or disability as a result of organic brain damage or mental illness or medications, etc.), or client with no experience in making decisions for him or herself, or client with significant impairment in communication skills
5. All casework communications or contact with, or assistance rendered to, the client should be documented in the case record to give an accurate and complete picture of client-agency staff interaction. If professional opinions and subjective conclusions are necessary to understand the case, they must be supported by objective data, information from vendor reports or other third parties, client behaviors observed, client spoken words heard, etc.
6. At the end of each VR counseling and guidance session, the counselor shall document in a case note in AWARE, at least: the date, counseling issue addressed, any required client or counselor follow-up, and impact of the session on client vocational rehabilitation. If client contact involves service planning, include the opportunity for client informed choice (per ~~2001~~2016 [Federal Regulation 34 CFR § 361.52](#)). From Service status and beyond, include the impact on removing or substantially reducing an impediment to employment or achieving the employment outcome (per ~~2001~~2016 [Federal Regulation 34 CFR § 361.47](#) (a)(14)) to demonstrate how services provided under the Individual Plan for Employment (IPE) substantially contributed to achieving the employment outcome.
7. VR counseling and guidance issues may include: the vocational rehabilitation (VR) process; roles and responsibilities and expectations of client and counselor; confidentiality and signed informed consent; order of selection; explanation of agency policies, procedures, forms requiring client signature, and counselor decisions affecting the case; consumer right to appeal and avenues; comparable benefits available; assessment of client real and perceived disabilities, functional abilities and limitations and other impediments to employment; client vocational knowledge, skills, and abilities; resources; family support; VR services needed for eligibility assessment and employment goal; client motivation level; planning the client job search or placement; self-disclosure; employer expectations; client salary expectations; job or workplace modification and attitudinal barriers; local job market and occupational growth trends; client relocation, criminal history, and other factors affecting client employment; transportation needed to access VR services; client job performance; accessible primary living quarters; availability of support services and referral to other agencies and programs; client self-advocacy skills; understanding and following medical advice; personal adjustment counseling; progress in job training or work adjustment training, school training grades and graduation requirements; and other issues

appropriate to client vocational rehabilitation. For client legal issues, see [Policy 2](#) of this chapter.

~~7.8.~~ If an individual discloses that they are using a substance, the counselor shall provide counseling and guidance to educate the client so they understand the implications regarding the substance use as it pertains to employment. For example, the individual may disclose that they are using marijuana. The counselor will want to advise the individual that marijuana use remains illegal at the federal level; therefore, the counselor will want to discuss the impact of marijuana use upon federal employment. In addition, employers are permitted to maintain policies and hiring practices that prohibit marijuana use, even when the employee is away from the workplace. Counseling and guidance would include information on Virginia's occupational and regulatory requirements regarding substance/marijuana use that could affect the denial, revocation, suspension, or restriction of a license, certificate, or registration. For information about Alcohol and Substance Abuse Assessment during Eligibility, See Chapter 4.01 Eligibility, Policy 2: Section A10. For client legal issues, see Policy 2 of this chapter.

~~8.9.~~ The client may appeal the quality of VR counseling and guidance and assigned counselor (see [Chapter 15, APPEALS, Policy 2](#)).

~~9.10.~~ The counselor and client (and custodial parents or legal guardians) shall ~~(per RSA Manual Transmittal (RSA-MT-92-27))~~ maintain a VR counseling and guidance relationship from the Intake and onset of the eligibility assessment throughout the planning and implementation of the Individualized Plan for Employment (IPE) and any Post Employment Services (PES) Plan - except: Delayed status (see 14 below) and Service – I status (see 16 below). The client shall be responsible for:

- a. Working with the counselor to develop a good working relationship
- b. Keeping and being on time for all appointments with the counselor, and notifying the counselor right away if the client cannot keep an appointment
- c. Notifying the counselor about changes that could affect client vocational rehabilitation (such as a change in address, family size, personal injury legal action, other benefits and funding sources, job status, disability or general health, financial situation, support network, etc.)

d. Asking questions to understand information being communicated and make informed VR decisions

e. Being honest about the disability, service needs, and feelings

~~10.11.~~ The client may bring a family member, friend, or advocate to VR meetings. The counselor may require client informed signed consent for anyone other than the custodial parent or legal guardian to participate in a VR meeting. See Chapter 1.1, CONFIDENTIALITY, Policy 1, Section A2 confidentiality in other situations.

~~11.12.~~ When an issue needs immediate attention, an unplanned VR counseling and guidance session may occur.

~~12.13.~~ During Intake/Onset of Eligibility Assessment.

The counselor and applicant (and custodial parents or legal guardians) shall ~~(per Federal Register, Vol. 66, No. 11, January 17, 2001 pp 4426 – 4427)~~ be together in one room for a VR counseling and guidance meeting at least once (preferably at Intake) before the eligibility decision is made – to begin eligibility assessment and assist the counselor to determine if the applicant is present in the state and assess whether the applicant requires VR services to achieve an employment outcome. Under special circumstances when identity can be established and eligibility can be determined without an in-person meeting, the counselor may postpone meeting the client until Individualized Plan for Employment (IPE) development begins. VR counseling and guidance at Intake and Application shall include: voter registration opportunity (per National Voter Registration Act), confidentiality of personal information and conditions for accessing and releasing it (per ~~2001-2016~~ [Federal Regulation 34 CFR § 361.38](#)), avenues of appeal (per ~~2001-2016~~ [Federal Regulation 34 CFR § 361.57](#)), and opportunities to exercise consumer informed choice (per ~~2001-2016~~ [Federal Regulation 34 CFR § 361.52](#)).

~~13.14.~~ During Eligibility Assessment.

In Application, Application – E (exceptional circumstances require extra time to obtain documentation), ~~and~~ Application - T (Trial Work Experiences Plan), ~~and Application – X (Extended Evaluation Plan)~~ statuses, VR counseling and guidance shall (per ~~2001-2016~~ [Federal Regulation 34 CFR § 361.5248\(b\)-\(3\)](#)) be provided as needed to determine eligibility and service needs and assign Order of Selection priority category. Also, topics may include information not needed to apply or determine client eligibility but will be needed to determine the Individualized Plan for Employment (IPE) goal and services (such as desired employment goal, medically contra-indicated employment goals, student financial aid, Medicaid waivers, criminal background check, felony presentence report/ crime/length of sentence information, etc.); however, this information shall not (per ~~2001-2016~~ [Federal](#)

[Regulation 34 CFR § 361.42](#) (c) be used to determine eligibility and the counselor shall not delay the eligibility decision waiting for it.

~~14.15.~~ During Delayed Status.

The counselor shall (per ~~2001-2016~~ [Federal Regulation 34 CFR § 361.37](#)) provide information and referral to the Workforce Investment System One-Stop (is in OOS Waiting List letter and local One-Stop list attachment), referral to federal and state programs best suited to address client specific employment needs, and limited guidance that does not interfere with staff ability to serve applicants and those clients being served under Order Of Selection (OOS) (for status of whether DARS is on OOS or not, see [Chapter 2.2, ORDER, Policy 1](#)).

~~15.16.~~ During IPE Planning and Service statuses.

- e. Upon certifying eligibility, the counselor shall begin or continue VR counseling and guidance and assistance needed to make informed choices in selecting an appropriate IPE goal, vocationally necessary services, service duration, and providers (per ~~2001-2016~~ [Federal Regulation 34 CFR § 361.52](#)). Information shall (per ~~2001-2016~~ [Federal Regulation 34 CFR § 361.45](#)) include: providing the Consumer Information on Development of the Employment Plan (RS-4b form), financial policies (such as methods available to procure a VR service, consumer financial participation, comparable benefits, maximum allowances, etc.), and additional information the client requests or the counselor deems necessary. If DRS is operating under Order of Selection, the counselor provides the Consumer Information on Development of the Employment Plan – RS-4b form ~~only~~ to clients assigned to an open category ~~and not to clients assigned to a closed category~~. The RS-4b form complies with the client written notification requirement in ~~2001-2016~~ [Federal Regulation 34 CFR § 361.45](#) (c) and describes the option to develop the IPE with ~~or without~~ assistance from DARS VR counselor or other entity as set forth in federal regulation, required IPE elements, availability of assistance ~~to get and use new information needed, and complete the DARS IPE form, and~~ consumer right to appeal ~~and~~ and other mandatory procedures ~~avenues~~.
- b. All Individualized Plans for Employment shall (~~per RSA Manual Transmittal (RSA-MT-92-27)~~) include VR counseling and guidance. Counselors and clients shall schedule and participate in vocational counseling and guidance sessions at least every 90 days if the primary service is C&G, at least twice a year (preferably at the end of every term) for school training, and as often as needed for other IPEs.
- c. When VR counseling and guidance is the primary IPE service needed, planned sessions should be face-to-face (in-person or via technology at counselor discretion) with date, location and time convenient to both client and counselor. The counselor may offer individual sessions, group sessions, or both.

- d. When training (such as vocational training, work adjustment training (WAT), Supported Employment (SE), Job Coach Training Services (JCTS), On-the-Job Training (OJT), post-secondary school, etc.) is the primary IPE service needed, IPE Progress Measures shall include training graduation/completion requirements. VR counseling and guidance shall include emphasis on training-related issues and client responsibilities. For school training cases, VR counseling and guidance shall include attendance, grades, progress towards graduation requirements, financial status, next semester schedule, and other issues such as classroom accommodation, referral to campus disability services office, etc.
- e. When rehabilitation technology or physical or mental restoration service is the primary IPE service needed, VR counseling and guidance shall include issues such as following medical advice and treatment or recovery program, length of treatment, projected date of return to work, work restrictions, information available on service provider, comparable benefits, billing procedures, and other issues such as necessary child care and housekeeping arrangements.
- f. All Individualized Plans for Employment shall (per ~~2001-2016~~ [Federal Regulation 34 CFR § 361.46](#) (a) (~~56~~)) include criteria used to evaluate progress towards achieving the employment goal. When VR counseling and guidance is the primary IPE service needed, progress measures shall include specific counseling issues that remove or substantially reduce the impediments to employment and the expected changes.

Examples of VR Counseling and Guidance Progress Measures (measurable, attainable, SFL-related, specific):

Example 1 - SFL: self-care, Progress measure: Learn effective job interview skills measured in mock interviews by demonstrating appropriate eye contact and responses to common interview questions.

Example 2 - SFL: self-care, Progress measure: Improve personal hygiene and appearance at job interviews. This will be measured through client self-report, counselor observation, and feedback to counselor from employer interviewers and job placement counselor.

Example 3 - SFL: interpersonal skills, Progress measure: Acquire understanding and acceptance of functional limitations of disability, know what accommodations are needed and why, become an effective self-advocate. This will be measured through client self-report, counselor observations, and feedback to counselor from service provider regarding demonstrated positive attitude about abilities.

Example 4 - SFL: interpersonal skills, Progress measure: Interact appropriately with service providers, supervisor, and co-workers in one-on-one and group situations. This will be measured through feedback to counselor from job coach and employer.

Example 5 - SFL: self-direction, Progress measure: Learn how to use checklists, alarm watch, and other compensatory strategies to assist in satisfactory completion of job-related duties. This will be measured through vendor reporting to counselor on completion of required job tasks within an acceptable time frame.

Example 6 - SFL: self-direction,

Progress Measure: Abstain from alcohol or drugs or any substances not currently prescribed by a physician familiar with the alcohol/substance abuse diagnosis. No services subject to consumer financial participation will be authorized until client has demonstrated abstinence for at least [enter appropriate time period] consecutive days. This will be measured through the treatment records or consulting with the case manager on an ongoing basis [use if individual is involved in treatment] and counselor observations of arrival time for appointments [add other behaviors consistent with abstinence].

Progress measure: Client agrees to voluntarily participate in a treatment program or support group (however, DRS shall not pay for treatment). This will be measured through attendance.

Progress measure: Client agrees to meet with the counselor at least twice a month for VR counseling sessions during the first [enter appropriate time period] consecutive days of this IPE. This will be measured through attendance at scheduled VR counseling sessions.

16-17. During Service – I status.

For scope of services, see [Chapter 5, PLAN, Policy 1](#). For case progress note requirement, see [Policy 3](#) of this chapter.

17-18. During Employed status.

The counselor shall continue to provide VR counseling and guidance. At least one VR counseling and guidance interaction with the client (or representative with a signed consent form) shall occur during the ten day period preceding the Closed - Rehabilitated Date in order to (per [2001-2016 Federal Regulation 34 CFR § 361.56](#) (c)): reach agreement that the employment outcome is satisfactory and the client is performing well in the employment, to discuss case closure, and to inform the client of the availability of post-employment services (PES). If the counselor is not able to maintain contact with the client following job placement, the counselor must document in the case record the reason(s) and attempts. For supported employment (SE) cases, the counselor must ensure that the entity that will fund the long-term follow along support services after VR case closure is aware of the pending case closure and discontinuation of VR time-limited SE services. For clients needing personal assistance services (PAS) after VR case closure, during Employed status a referral to state-funded PAS may be appropriate (see Chapter 8.13, PAS).

18-19. During Post Employment Services Planning and PES status.

All post employment services (PES) Plans shall ~~(per RSA Manual Transmittal (RSA-MT 92-27))~~ include VR counseling and guidance.

20. Addressing Abusive or Threatening Behaviors by Individuals

The Department for Aging and Rehabilitative Services (DARS) is committed to the prevention of workplace violence and harassment and maintaining civility in the workplace. DARS will comply with the Department of Human Resource Management's Policy 2.35, Civility in the Workplace Policy, which applies not only to employees, applicants, and contractors but also to customers, clients, and other third parties in the workplace. Third parties include customers, clients, students, interns, vendors, contractors, volunteers, applicants for employment or services, and the public.

Per DHRM Policy 2.35, workplace violence is any physical assault, threatening behavior, or verbal abuse occurring in the workplace by third parties. Threatening behaviors create a reasonable fear of injury to another person or damage to property or subject another individual to extreme emotional distress.

DRS is committed to promoting and maintaining a safe workplace and service-delivery environment. When DRS staff believe that a third party poses a clear and immediate threat of serious violence, they should notify law enforcement immediately. See Chapter 1.1 Confidentiality, Policy 1: A2 Disclosure to Third Parties, regarding the release of confidential client data to third parties. Workplace violence, including profane, abusive, or threatening verbal or written statements or behaviors, could result in delay or termination of VR services. Applicants or clients shall receive counseling and guidance about their responsibilities to act appropriately during the vocational rehabilitation process. When the individual is an applicant or client, the threat or act of workplace violence shall be documented in the case record.

Guidance – Applicants and clients shall be provided counseling and guidance about acceptable workplace behaviors and interpersonal skills being critical for employment success and the requirement for acting appropriately with their counselors, DARS staff, service providers, employers, and other consumers.

Guidance – If appropriate, accommodations may be considered if the applicant or client has exhibited workplace violence. Examples may include having additional staff present when the applicant or client is present in the office or utilizing virtual service delivery. It is always appropriate to provide the client or applicant information about the Client Assistance Program (CAP).

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B. Counselor Qualifications for Workers Compensation Cases

[REVISED: 4/1/14]

Counselors assigned to Workers Compensation cases must meet qualifications in the Workers Compensation Act. See [Chapter 2.1, APPLICATION, Policy 1, Section A1](#).

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[2. Client Legal Issues](#)

[REVISED: 10/1/13]

1. When DARS is not a party in the legal dispute, it may be appropriate to discuss the impact of the legal issues (such as personal injury law suit, felony conviction as an adult, denial of state occupational certification, ineligibility for student financial aid, revoked driver license, eligibility to work in the U.S., etc.) on client vocational rehabilitation with the client (or custodial parents, legal guardians, or client representative with client informed signed consent).
2. Consult the supervisor or Policy and Planning staff in DARS Central Office when in doubt about the propriety of discussing the impact of other legal issues on client (such as child support, custody, bankruptcy, housing eviction, etc.).
3. DRS staff shall not discuss a legal case if DARS is a party in the legal dispute (including but not limited to court case to appeal final VR hearing decision; claims with DDS for Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), or Medicaid benefits; discrimination complaints; client injury or property damage involving DARS or the service provider, adult protective services investigation, etc.)
4. For response to subpoena, judicial order, or law enforcement, see [Chapter 1.1, CONFIDENTIALITY, Policy 1, Section A2](#).

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3. Documenting Casework and Case Progress

[REVISED: ~~11/1/13~~9/16/21]

1. All DRS staff casework efforts should be documented in the client case record to give a complete and accurate picture of the comparable benefits search, service coordination activities, information and referral services, services and assistance rendered by DRS staff, etc.
2. As often as necessary, but at least every 90 days (per agency) the case remains in Application - T (Trial Work Experiences)-~~or Application—X (Extended Evaluation)~~, the counselor shall (per ~~2001-2016~~ [Federal Regulation 34 CFR § 361.47](#) (a)(5)) review the

assessment results and document the results in the case record, and shall (per agency) justify in a case note why the eligibility decision has not been made.

3. To ensure the client is receiving services appropriately, once the counselor certifies eligibility the counselor shall justify in a case note every 90 days why keeping the case in the same status (including Service – I and PES statuses) is appropriate. This does not apply to:
 1. Cases in Delayed status; for casework see [Chapter 2.2, ORDER, Policy 2](#).
 2. School training cases in Service status; a copy of the school term grades is sufficient to track progress.
 3. Self employment enterprises (SEEs) in Employed status; the business progress review schedule is established case-by-case (see Chapter 8.17, SELF EMPLOYMENT, Policy 1).

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4. School [Individualized Education Program \(IEP\)](#) Meetings

[REVISED: ~~10/1/139/16/21~~]

The VR Individualized Plan for Employment (IPE) for a student receiving special education services shall (per ~~2001-2016~~ [Federal Regulation 34 CFR § 361.46](#) (d)) be coordinated with the secondary (junior high or high) school Individualized Education Program (IEP) goals, objectives, and services. The counselor is not required to attend school IEP meetings until the school or custodial parent or legal guardian invites the counselor to attend a meeting to develop the Transition Plan component of the IEP for a student ~~preparing to graduate or age out, or at risk of dropping out~~ [\(per 2016 Federal Regulation 34 CFR § 361.48\(a\)\(4\)\)](#).

CHAPTER 8.06 HOME MODIFICATION

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Chapter 8.06. - HOME MODIFICATION

1. Home Modification

A. Home Modification

A1. Home Modification

[REVISED: ~~2/4/219/16/21~~]

1. Home modification definition.
Home modification means architectural changes and permanent installation of equipment that remove or reduce the impediment to employment, including inaccessible home entrance and primary living quarters.
2. Primary living quarters definition.
Primary living quarters means one bathroom, client bedroom, and an eating area. If the client lives alone, primary living quarters may also include the kitchen and laundry areas. It does not include other areas where inaccessibility is a problem but not an impediment to employment, such as basement without laundry area, attic, family room or living room.
3. Case status.
The counselor may only provide home modification under a Trial Work Experiences Plan or an Individualized Plan for Employment (IPE) **if required for the client to achieve their employment goal**. Consultation and both supervisor and district director approval are required when authorizing home modification (See Section 1A2). The counselor shall not (per 2016 [Federal Regulation 34 CFR § 361.5\(c\)\(421\)](#)) provide home modification under a Post Employment Services (PES) Plan because it is a complex and comprehensive service. Before providing home modification, the case record shall document all home modification assessment requirements in [Chapter 6.06. HOME MOD ASSESSMENT](#), have been met.

4. Home Modification Assessment.
Before the counselor includes home modification on the service plan, the case record shall (per 2016 [Federal Regulation 34 CFR § 361.42](#) (d) (1) and 2016 [Federal Regulation 34 CFR § 361.45](#) (b) (1) and 2016 [Federal Regulation 34 CFR § 361.48](#) (a)) document all requirements in [Chapter 6.06, HOME MOD ASSESSMENT, Policy 1](#) for RS-33 Home Modification Assessment tool, [Chapter 6.06, HOME MOD ASSESSMENT, Policy 2](#) for home modification assessment report, and [Chapter 6.06, HOME MOD ASSESSMENT, Policy 3](#) for local building codes. DRS staff shall not authorize home modifications that the counselor determines are not essential to removing the disability impediment to employment (such as a leaky roof).
5. ~~Once a lifetime~~Home Modifications over once a lifetime.
~~DRS shall pay for home modification only once a lifetime per client, even if the client is eligible for VR services more than once, moves to another home, moves from rental property to a purchased home, etc. The district director must approve any home modifications beyond the first occurrence. Modifications must be necessary for the client to achieve their employment goal. For example, t~~
The counselor may make an exception supported by documentation that after the initial modification, a dramatic change in the disabling condition adversely affects the client's ability to obtain or retain employment, and the client requires home modification ~~rather than lower cost solutions~~ to remove the disability impediment to employment. DRS staff shall not authorize home modifications that the counselor determines are not essential to removing the disability impediment to employment. The case record shall document that all home modification assessment requirements in Chapter 6.06, HOME MOD ASSESSMENT, have been met.
6. Allowable architectural changes to home.
The counselor may authorize architectural changes, such as, but not limited to, adding ramps and other structures to enter or exit the home or move about the primary living quarters; widening doorways; retrofitting a bathroom; modifying the client bedroom; lowering a counter top; and other modifications to an eating area and/or the kitchen. For a home under construction, the counselor may authorize non-architectural modifications (such as adding shower grab bars) recommended in the Home Modification Assessment Report, but DRS staff shall not authorize architectural modifications. DRS staff shall not authorize home additions (new permanent structures, rooms, or units) unless approved by the DRS rehabilitation engineer as the most cost-effective solution to removing a disability impediment to employment. For example, the rehabilitation engineer may recommend the addition of an accessible bathroom when there is no bathroom in the home, or the addition is more cost effective to DRS than modifying/retrofitting a current bathroom.
7. Allowable equipment purchases for home.
The counselor may authorize installation or modification of the following equipment when integral to the home modification project: telephones; and systems for plumbing, electrical, ventilation, heating, and cooling. Heating and cooling systems as the home modification itself shall be limited to the primary living quarters and shall require documentation that the current system is an impediment to employment and written documentation from a doctor that the need is medically necessary due to client disability. Otherwise, these systems are (per 2016 [Federal Regulation 34 CFR § 361.5\(c\)\(35\)](#)) normal homeowner expenses and homeowner financial responsibility, including clients exempt from consumer financial participation and regardless of the Client Financial Statement (RS-13) results.
8. Building code requirements.
See [Chapter 6.06, HOME MOD ASSESSMENT, Policy 3](#).
9. Homeowner insurance.
Regardless of the Client Financial Statement (RS-13) results and client exemption from consumer financial

participation, (per 2016 [Federal Regulation 34 CFR § 361.5\(c\)\(35\)](#)) the homeowner, not DRS, is responsible for adequately insuring the home and modification and paying the insurance premiums.

10. Rental property modification.

The counselor may authorize modification to rental property where the client resides. Rental property is subject to the Fair Housing Act Amendments of 1988, not the Americans with Disabilities Act of 1990, and does not require the landlord to make the property or home accessible.

11. Homemaker cases documentation.

For cases with employment goal or employment outcome of homemaker, the counselor shall document client homemaking skills before and after home modification and evidence (per 2016 [Federal Regulation 34 CFR § 361.56](#)) that the home modification and at least one other service on the Individualized Plan for Employment (IPE) substantially contributed to achieving the homemaker outcome.

12. Decor.

The counselor shall not (per 2016 [Federal Regulation 34 CFR § 361.5\(c\)\(35\)](#)) authorize costs to decorate the home or modification, including clients exempt from consumer financial participation and regardless of the Client Financial Statement (RS-13 form) results. This is a normal homeownership expense and the financial responsibility of the homeowner.

13. Qualified vendors and contractor selection.

[See Policy 2](#) of this chapter.

14. Home Modification procedures.

[See Policy 1: Section A2](#) of this chapter. For pre-bid conference, [See Policy 3](#) of this chapter.

15. Change order.

The counselor may authorize a change order only when needed to correct DRS work specifications.

16. Retrofitting.

The counselor may authorize retrofitting of the DRS modification only when i) needed because the vendor followed DRS work specifications that were incorrect (such as when modifications do not meet building code), or ii) DRS accepts the modifications at inspection and later requests a change order. All other retrofitting and work necessary to meet DRS Scope of Work specification is at the expense of the building permit holder and is subject to additional DRS inspection.

17. Repair.

See [Chapter 8.08, REPAIRS, Policy 1](#).

18. Client training on use and care.

The counselor may (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(8)) authorize training the client or homeowner needs to use or maintain the home modification. The client or homeowner shall successfully complete authorized training.

19. Ownership.

DARS shall not retain title or ownership of the home modification, even if DRS is paying part or all of the cost.

20. Restoration to original state.

DARS staff shall not authorize services to restore the modified home to the previous decor, state, or condition,

even if the client moves or no longer needs the modification. The client is responsible for restoring it back to its original state if necessary.

21. Comparable benefits.
Home modification, service maintenance contract, and extended warranty contract shall (per 2016 [Federal Regulation 34 CFR § 361.53](#)) be exempt from a search for comparable benefits.
22. Fee-based.
 - a. Home modification, service maintenance contract, and extended warranty contract shall (per [Federal Regulation 34 CFR § 361.54](#)) be subject to consumer financial participation policy and Client Financial Statement (RS-13 form) results (see Chapter 14.3 FINANCIAL, Policy 1), including when provided under Trial Work Experiences Plan.
 - b. Change order or retrofitting costs due to incorrect DRS Scope of Work specifications are exempt from the RS-13 results.
23. Encumbering funds.
Signed Scope of Work and Homeowner Agreement for Residential Modifications (RS-34 form) indicate client and homeowner commitment to proceed, and shall not financially obligate DRS to pay part or all of the modification cost. Home modification shall be subject to DRS established purchasing policies and procedures (see [Chapter 14.1, PURCHASING, Policy 1](#)). For S/I Code and fee schedule, see [DARS Services Reference Manual, Other services, Home Mod category](#).
24. Lowest cost.
For policies on lowest cost, add-ons, and upgrades, see [Chapter 14.1, PURCHASING, Policy 6](#).
25. Client debts.
For policy on consumer debts, mechanics liens on modifications, etc. see [Chapter 14.1, PURCHASING, Policy 8](#).

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A2. Home Modification Procedure

[REVISED: 2/4/21]

Before the counselor includes home modification on the Trial Work Experiences Plan or Individualized Plan for Employment (IPE):

- a. The counselor shall obtain both their supervisor's and district director's approval for inclusion of the home medication on the client's IPE as documented in the form of an actual service note in the case record;
- b. Client shall provide written proof the home is insured and the counselor shall keep a copy in the case record, and

- b. Client and staff shall select a qualified vendor and follow the vendor selection procedure. [See Policy 2: Section A1](#) of this chapter.
2. Once the counselor obtains supervisor/district director approval and authorizes home modification:
 - a. Counselor shall meet in the home with the contractor, client, and identified homeowners. The counselor may ask the DRS rehabilitation engineer to attend. All parties agree to the work to be done, the work timetable, and who pays for what, and homeowner and contractor sign the construction contract. The counselor shall maintain a copy of the signed construction contract in the case record. By law, there is a three day period in which the homeowner can cancel the construction contract. The counselor, homeowners, client, and DRS rehabilitation engineer shall have a copy of the contractor work timetable, and
 - b. If the contract falls through, the client shall immediately notify the counselor, who shall immediately cancel the authorization, and
 - c. Contractor obtains the building permit; however, the homeowner obtains it when the labor is being provided free of charge. Under no circumstances shall the building permit be issued to DARS or Commonwealth of Virginia, and
 - d. DRS rehabilitation engineer may conduct periodic in-progress inspections for DRS. The client, counselor, and homeowners may attend at their discretion after consulting the rehabilitation engineer, and
 - e. Client shall participate in formal or informal (such as by telephone) follow-up activities to ensure the home modification is meeting client VR needs, and
 - f. Building permit holder shall arrange the necessary building inspections, and
 - g. Building permit holder shall provide a copy of the inspection or certificate of occupancy signed by the building inspector to the counselor, who maintains it in the case record and forwards a copy to the DRS rehabilitation engineer to review.
 3. Once the building inspector passes the work:
 - a. DRS rehabilitation engineer shall conduct the DRS final inspection to ensure the home modifications meet the DRS-approved work specifications and contractual obligations and any installed equipment is in good working order. The client, counselor, and homeowners may attend at their discretion after consulting the DRS rehabilitation engineer. If the work fails, the DRS rehabilitation engineer shall give the contractor directions and a timetable,
 - b. When the work passes DRS final inspection, the DRS rehabilitation engineer shall notify the counselor in writing,
 - c. DRS rehabilitation engineer shall document client satisfaction, modification effectiveness, and contractor quality, and
 - d. Counselor shall request vendor payment upon receipt of: i) signed proof of inspections or certificate of occupancy, and ii) written notice the work passed final DRS rehabilitation engineer inspection, and iii) accurate contractor invoice.

4. If the modification has increased the home value to require additional insurance, the client shall provide written proof of adequate insurance and the counselor shall keep a copy in the case record.

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2. Qualified Vendor for Home Modifications

[Revised: 3/1/14]

Qualified vendor.

- a. When the cost is \$1,000 or more and involves construction, removal, repair, improvement or equipment installation of any building, the contractor, except non-profit agencies that provide free labor (such as Habitat for Humanity), must possess the appropriate license from the State Board of Contractors (per [§ 54.1-1100 of the Code of Virginia](#)), which is subject to change:

Contractor License B (\$10,000 — \$119,999)

Contractor License A (\$120,000 or more)

Contractor License C (\$1,000 — \$9,999)

- b. When the building permit stipulates that a Master's Card is required to perform the work (such as heating, plumbing, air conditioning, electrical, and ventilation systems), then the workers must be supervised by a person issued a Master's Card.
- c. When the labor is provided free of charge by a non-profit organization (such as Habitat for Humanity): i) the counselor should consult the DRS rehabilitation engineer to ensure the work conforms to the standards, ii) the homeowner must sign and date a statement for DRS acknowledging liability for correcting any building code violations, which the counselor shall maintain in the case record, and iii) the building permit must be applied by and issued to the homeowner, not the organization or DARS or Commonwealth of Virginia.
- d. For additional vendor requirements, see [Chapter 14.4, VENDORS, Policy 2](#)

2. Vendor shall be selected in this manner:

- a. When considering complex modifications or weighing different modification alternatives, the DRS rehabilitation engineer may require a pre-bid conference ([See Policy 3](#) of this chapter).
- b. The counselor, in consultation with the client, shall obtain from a licensed contractor a price quote on the Scope of Work. If the price quote exceeds counselor authority in [Chapter 14.1, PURCHASING, Policy 3](#) the counselor shall obtain management pre-approval. If multiple price quotes are required in [Chapter 14.1, PURCHASING, Policy 1](#), the counselor shall contact the DRS rehabilitation engineer, who shall solicit the additional price quotes.

- c. DRS rehabilitation engineer shall review the price quote(s), references, and construction contract and shall offer any recommendations to the counselor.
- d. Counselor shall: A) Notify the selected contractor, B) Verify or establish the contractor in the DRS approved vendor file, C) Amend the Plan to add home modification and any client or homeowner training, D) Authorize home modification, and E) Inform the DRS rehabilitation engineer.
- e. DRS rehabilitation engineer shall notify the bidders not selected.

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3. Pre-bid Conference for Home Modifications

[Revised: 3/1/14]

1. When considering complex home modifications or weighing different modification alternatives, the DRS rehabilitation engineer may require a pre-bid conference to ensure all parties have a clear understanding of the exact services needed.
2. The pre-bid conference is usually held at the home to be modified.
3. The counselor shall coordinate the date for the pre-bid conference with the homeowners (mandatory participants), client, DRS rehabilitation engineer who should attend to answer Scope of Work questions and approve any suggested changes, and occupational therapist if OT is appropriate.
4. The counselor shall invite all qualified vendors to participate in the pre-bid conference. The notice must advise the vendors that only vendors attending the pre-bid conference shall be allowed to bid.
5. Any Scope of Work changes suggested during the pre-bid conference shall require i) written pre-approval from the DRS rehabilitation engineer that the recommended changes will effectively meet client VR needs and meet quality and safety standards and ii) client and homeowner to sign the change to document acceptance.

CHAPTER 8.21 VEHICLE, AIRCRAFT, BOAT

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Chapter 8.21. - VEHICLE, AIRCRAFT, BOAT

1. Driver Education Classroom and Behind the Wheel Training

A. Driver Education Classroom and Behind the Wheel Training

[REVISED: 2/4/21]

1. If vehicle modification is necessary to access services under a Trial Work Experiences Plan, the counselor may authorize driving instruction for Class I or Class II vehicle modifications recommended in the report ([See Policy 5: Section A](#) of this chapter, Driving Instruction).
2. The counselor may authorize Driver Education under an Individualized Plan for Employment (IPE) for a client aged 22 or older, or a client under age 22 who is not enrolled in secondary (junior or senior high) school, or a client under age 22 who is enrolled in secondary school when Driver Education is not within the school curriculum. The school curriculum is a comparable benefit. Division of Motor Vehicles (DMV) requires individuals under age 19 to obtain a Learner permit and Driver Education Certificate (DEC-1) from a state-approved Driver Education program before obtaining a driver license. DMV and DARS require parental written consent for individuals under age 18. For approved Driver Education vendors, see DARS Training and Facilities Manual. For Learner permit fee, [See Policy 1: Section B](#) of this chapter.
3. Satisfactory progress.
The client must make satisfactory progress in the Driver Education program. The client shall provide informed written consent for the counselor and service provider to share information about the client special needs/accommodations and progress.

4. Fee-based.
Driver Education shall (per 2016 [Federal Regulation 34 CFR § 361.54](#)) be subject to consumer financial participation policy (see [Chapter 14.3, FINANCIAL, Policy 1](#)).
5. Encumbering funds.
Driver Education shall be subject to DRS established purchasing policies and procedures. Client contract with a service provider shall not financially obligate DRS to pay part or all of the cost. To encumber funds, see [Chapter 14.1, PURCHASING, Policy 1](#). Use (S/I) code for "Tuition" in the [DARS Services Reference Manual, Other Services](#), "Tuition and Fees: Vo/Tech School, Business School and Other Training Vendors" category.
6. Lowest cost
The maximum allowed for Driver Education tuition is actual cost, subject to lowest cost policy (see [Chapter 14.1, PURCHASING, Policy 6](#).)
7. Client debts.
For policy on consumer debts, see [Chapter 14.1, PURCHASING, Policy 8](#).

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B. Learner Permit Fee and Driver License Fee

[REVISED: 11/22/16]

1. Learner permit fee.
The counselor may authorize under an Individualized Plan for Employment (IPE) the Division of Motor Vehicles (DMV) fee for a Learner permit when all DMV criteria are met.
2. Driver License fee.
The counselor may authorize under an Individualized Plan for Employment (IPE) the DMV fee for a Driver License when all DMV criteria are met. Clients who are employed shall be financially responsible for annual renewal fee, regardless of consumer financial participation and RS-13 results. For policy on consumer fines, etc., see [Chapter 14.1, PURCHASING, Policy 8](#).
3. Comparable benefits.
There are no comparable benefits.
4. Fee-based.
DMV Learner permit fee and Driver License shall (per 2016 [Federal Regulation 34 CFR § 361.54](#)) be subject to consumer financial participation policy (see [Chapter 14.3, FINANCIAL, Policy 1](#)).
5. Encumbering Funds.
DMV Learner permit fee and Driver License fee shall be subject to DRS established purchasing policies and procedures (see [Chapter 14.1, PURCHASING, Policy 1](#)). The counselor authorizes payment to Virginia DMV using an Administrative Voucher if DMV accepts them or the counselor may use the SPCC for this purpose. The maximum allowed is actual cost, subject to consumer financial participation. Use Service/Item

(S/I) code for 'Other non-medical services and items not listed elsewhere' under Other Services/Items tab, category, "Miscellaneous Non-Medical Services and Items".

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2. Vehicle or Aircraft or Boat Insurance

[REVISED: 6/1/14]

The counselor shall not authorize insurance premiums or uninsured motorist fees for motor vehicles (for definition, [See Policy 4](#) of this chapter), aircraft, hang gliders, motor boat, or personal watercraft. This is routine upkeep. The owner shall be responsible, regardless of consumer financial participation or RS-13 results, for insuring the vehicle, aircraft, hang glider, watercraft, or boat.

3. Vehicle or Aircraft or Boat Repair

[REVISED: ~~11/22/16~~16/21]

1. Routine Upkeep.
The owner is responsible, regardless of consumer financial participation and RS-13 results, for maintaining the personal vehicle, aircraft, or watercraft in good operating condition. DRS staff shall not (~~per 2016 Federal Regulation 34 CFR § 361.5 (c)(57))~~ authorize routine operating and maintenance costs of the client personal vehicle (such as state inspection, decals, oil change and other routine maintenance, vehicle registration, title and tags, personal property tax, tires or tire repair).
2. Aircraft repair.
DRS shall not authorize repair to client aircraft, hang gliders, etc.
3. Watercraft repair.
DRS shall not authorize repair to client boat or other watercraft.
4. Vehicle repair.
 - a. The counselor may authorize repair to the client vehicle when the repair is essential to the operation of the vehicle and the client would be unable to achieve the established employment goal without the repaired vehicle. The counselor shall (per [State Regulation 22 VAC 30-20-120](#)) document which alternative transportation services were considered and that the repair is more appropriate and cost effective. The counselor shall also document that the vehicle age and overall condition was considered and may require use of the RS-36 Used Vehicle Inspection form.
 - b. DRS reserves the right to deny funding for vehicle repair that is not recommended and performed by a ASC-certified repair shop or manufacturer-certified/ASC-certified auto mechanic.
 - c. The counselor may refuse to make future repairs.

- d. If the initial repair estimate is within counselor dollar limit authority (see [Chapter 14.1, PURCHASING, Policy 3](#)), at counselor discretion, the counselor may require multiple repair estimates. The client shall provide multiple repair estimates when asked to do so by the counselor. If the initial repair estimate exceeds counselor dollar limit authority, authorization shall be subject to price quote policy (see [Chapter 14.1, PURCHASING, Policy 1.](#)) Repair shall be subject to lowest cost policy (see [Chapter 14.1, PURCHASING, Policy 6.](#)).
- e. Repair shall (per 2016 [Federal Regulation 34 CFR § 361.53](#)) be subject to comparable benefits policy and comparable benefits such as auto insurance (see [Chapter 14.2, COMPARABLE, Policy 1.](#))
- f. Repair shall be subject to consumer financial participation policy (per 2016 [Federal Regulation 34 CFR § 361.54](#)). See [Chapter 14.3, FINANCIAL, Policy 1.](#)
- g. Repair shall be subject to DRS established purchasing policies and procedures (see [Chapter 14.1, PURCHASING, Policy 1.](#)). For S/I code, see [DARS Service References Manual](#).
- h. For policy on consumer debts, mechanics liens, etc. see [Chapter 14.1, PURCHASING, Policy 8.](#)

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4. Vehicle or Aircraft or Boat Purchase

[REVISED: 6/1/14]

1. Motor vehicle means (per [§ 46.2-100 of the Code of Virginia](#)) all-terrain vehicle, antique motor vehicle, antique trailer or semitrailer, automobile or watercraft transporter, camping trailer, electric power-assisted bicycle, farm tractor, foreign vehicle, foreign market vehicle, golf cart, low speed vehicle other than self-propelled wheelchair or wheelchair conveyance, manufactured home, moped, motor home, motor-driven cycle or motorcycle or off-road motorcycle, motorized skateboard or scooter, passenger car, pickup or panel truck, reconstructed vehicle, school bus, semi-trailer, snowmobile, specially constructed vehicle, stinger-steered automobile or watercraft transporter, tractor truck, trailer, or truck.
2. DRS shall not use VR case service dollars to purchase (including down payment or monthly loan payment) a motor vehicle, airplane or other aircraft, hang glider, boat, or other watercraft for a VR client.
3. The counselor may assist the client to apply for a loan from the Assistive Technology Loan Fund Authority to purchase a vehicle for vehicle modification purposes or to purchase a modified vehicle.

5. Vehicle Modification

A. Vehicle Modification

[Revised: ~~2/4/219~~/16/21]

1. Class I definition.
Class I vehicle modification is a non-structural modification such as hand controls, left-foot accelerator,

steering devices, built-up pedals or pedal extensions, turn signal and gear-shift extensions, wheelchair restraint, wheelchair lifts, 6-way power seat bases, wheelchair carriers and trunk loaders, etc.

2. Class II definition.

Class II vehicle modification is a structural or high-tech modification such as lowered floors, raised roofs, raised doors, widened doors, reduced/zero effort steering, high-tech driving equipment (electronic or sensitized steering and gas brake systems), etc.

3. Case status.

The counselor may provide vehicle modification under a Trial Work Experiences Plan or Individualized Plan for Employment (IPE) **if required for the client to achieve their employment goal**. Consultation and both supervisor and district director approval are required when authorizing vehicle modification under a Trial Work Experience Plan or IPE (See Policy 5B of this Chapter). Approval must be documented in the form of an actual service note in the case record. The counselor shall not provide vehicle modification under a Post Employment Services (PES) Plan (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(42)) because it is a complex and comprehensive service. Before providing vehicle modification, the case record shall document all vehicle modification assessment requirements in [Chapter 6.05, VEHICLE MOD ASSESSMENT](#), have been met (See Section 4 below).

4. Needs assessment and vehicle and driver criteria.

Before the counselor includes vehicle modification on the service plan, the case record shall (per 2016 [Federal Regulation 34 CFR § 361.42](#) (d) (1) and 2016 [Federal Regulation 34 CFR § 361.45](#) (b) (1) and 2016 [Federal Regulation 34 CFR § 361.48](#) (a)) document all requirements in [Chapter 6.05, VEHICLE MOD ASSESSMENT, Policy 1](#) and [Chapter 6.05, VEHICLE MOD ASSESSMENT, Policy 2](#) have been met, including prospective driver and vehicle criteria. When the client or prospective driver is purchasing a vehicle, the driver evaluator and modification vendors are resources to ensure it is suitable for the prescribed modification.

5. Youth.

Age 22 or younger. .

A client age 22 or younger is a candidate for Vehicle Modification Assessment and modification if:

- a. Supervisor and district direct pre-approval is obtained, as documented in an actual service note in the case record;
- b. The service is vocationally necessary to achieve the employment goal in the client's IPE; and
- c. (i) Client is not enrolled in a public secondary (junior and senior high) school (which is a comparable benefit and has a legal mandate to provide school-related transportation services for this population), or
(ii) Client is enrolled in a public secondary school, and the transportation is vocationally necessary, and the school is not mandated to provide the transportation (such as transportation to an after school job, to a VR service, etc.).

6. Modifications over once a lifetime. The district director must approve any vehicle modifications beyond the first occurrence. Modifications must be necessary for the client to achieve their IPE employment goal. For example, a client has been unable to drive and received DRS passenger modifications, the medical condition has recently stabilized and a new driver evaluation recommends driver modifications, and the counselor justifies why remaining a passenger is an impediment to employment. The case record shall document all vehicle modification assessment requirements in Chapter 6.05, VEHICLE MOD ASSESSMENT, have been met.

7. Driver or passenger modification.
The counselor may authorize either driver or passenger modification, but not both.
8. Vehicle insurance.
The vehicle owner, not DRS, shall (per Federal Register, Vol. 66, No. 11, Issued January 17, 2001, Page 4421) be responsible for insuring the vehicle and modifications and for paying insurance premiums (see [Chapter 8.21, VEHICLE, Policy 2](#)), including clients exempt from consumer financial participation and regardless of the Client Financial Statement (RS-13 form) results.
9. Modification costs only.
Counselor authorization shall not exceed the cost of prescribed modifications, or the current market value/depreciated value of prescribed modifications on a modified vehicle. In addition, DRS staff shall not authorize purchase or installation of standard or optional equipment traditionally available through a car dealer at purchase (such as automatic transmission, power steering and brakes, cruise control, radio, MP3 or compact disk player, clock, air conditioning, anti-lock brake system, air bags).
10. Service and warranty contracts.
The counselor may authorize a service contract and extended warranty on the modification.
11. Change order.
The counselor may authorize a change order only when needed to correct a DARS error.
12. Retrofitting.
The counselor may authorize retrofitting of the DRS modification only when i) the vendor followed DRS work specifications that were incorrect, or ii) DRS accepts the modifications at inspection and later requests adjustments. Retrofitting is subject to additional inspection by the WWRC driver evaluator or DRS rehabilitation engineer in consultation with the driver evaluator.
13. Repair.
For modification repair, see [Chapter 8.08, REPAIRS, Policy 1](#). For vehicle repair, [See Policy 3](#) of this chapter.
14. Driving instruction.
The counselor may (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(8)) authorize driving instruction recommended for the client and prospective driver. The counselor, driver evaluator, and trainees shall coordinate authorized driving instruction.
15. Ownership.
DARS shall not retain title or ownership of the vehicle modification, even if DRS is paying part or all of the cost.
16. Restoration to original state.
DRS staff shall not authorize services to restore the modified vehicle to the previous decor, state, or condition, even if the client no longer needs the modifications or the owner wishes to sell the vehicle. The client, including clients exempt from consumer financial participation and regardless of the Client Financial Statement (RS-13 form) results, is (per Federal Register, Vol. 66, No. 11, Issued January 17, 2001, Page 4421) financially responsible for restoring the vehicle back to its original state if necessary.
17. Comparable benefits.
Although vehicle modification is exempt (per 2016 [Federal Regulation 34 CFR § 361.53](#)) from a search for

comparable benefits, the counselor must use comparable benefits that are readily available ([per § 51.5-173 of the Code of Virginia; 34 CFR 361.53\(c\)](#)) Veteran Disability Benefits are a comparable benefit for vehicle hand controls.

18. Fee-based.
Vehicle modification, service maintenance contract and extended warranty contract shall (per [Federal Regulation 34 CFR § 361.54](#)) be subject to consumer financial participation policy and Client Financial Statement (RS-13 form) results (see [Chapter 14.3, FINANCIAL, Policy 1](#)), including when provided under Trial Work Experiences Plan. Change order or retrofitting costs due to DRS error is exempt from the RS-13 results.
19. Encumbering funds.
Services shall be subject to DRS established purchasing policies and procedures. For encumbering funds, see [Chapter 14.1, PURCHASING, Policy 1](#). Prescription and quotation/contract for modification shall not financially obligate DRS to pay part or all of the modification cost.
20. Driver License.
See [Chapter 8.21, VEHICLE, Policy 1](#).
21. Vehicle purchase.
See [Chapter 8.21, VEHICLE, Policy 4](#).
22. Lowest cost.
For policies on lowest cost alternatives to modification, and modification add-ons and upgrades, see [Chapter 14.1, PURCHASING, Policy 6](#).
23. Client debts.
For policy on consumer debts, mechanics liens on modifications, etc. see [Chapter 14.1, PURCHASING, Policy 8](#).

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B. Vehicle Modification Procedure

[REVISED: 2/4/21]

1. The counselor shall obtain both their supervisors' and district director's approval for inclusion of the vehicle modification on the client's IPE. Approval must be documented in the form of an actual service note in the case record.
2. The client shall provide the counselor written proof of insurance on the vehicle. The counselor shall keep a copy in the case record.
3. If the final prescription for vehicle modification is older than 12 months, the counselor may wish to consult the WWRC driver evaluator concerning factors which may affect the appropriateness of the prescription, such as when client medical condition has changed, client has a different wheelchair, client now owns a different type of vehicle, whether equipment safety standards have changed, whether specifications are still accurate for that particular vehicle, whether prescribed equipment is still being marketed, etc.

4. Some Class II modifications require a mandatory pre-bid conference ([See Policy 5: Section D](#) of this chapter) because of the complex modifications involved to ensure the prescribed systems are compatible with each other, the vehicle, and the wheelchair. Defer to the WWRC driver evaluator decision if the Driving Evaluation Report does not specify whether a pre-bid conference is required.
5. The client shall give the counselor a copy of the vehicle modification quotation/contract signed and dated by the seller and all vehicle owners.
6. If the contract falls through, the client must immediately notify the counselor, who will immediately cancel the Authorization.
7. When the modification passes DRS final inspection by the WWRC driver evaluator (or DRS rehabilitation engineer in consultation with the driver evaluator), the driver evaluator shall notify the counselor in writing.
8. Counselor shall notify the client.
9. Vendor transfers title of the equipment to the vehicle owner. The counselor may remind the vehicle owner to ensure the vendor transfers title of the equipment to the vehicle owner.
10. Counselor shall request vendor payment upon receipt of: i) written notice the work passed DRS final inspection, and ii) accurate vendor invoice.
11. The client shall provide a written proof the Class II modified vehicle and high cost Class I equipment is insured and the counselor shall keep a copy in the case record.
12. Services shall be subject to DRS established purchasing policies and procedures. See [Chapter 14.1, PURCHASING, Policy 1](#).

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C. Qualified Vendor for Vehicle Modification

[REVISED: 5/1/14]

Vendors shall meet requirements in [Chapter 14.4, VENDORS, Policy 2](#). Additionally, all vehicle modifications shall be performed by a vendor registered with the National Highway Traffic Safety Administration (per [Federal Regulation 49 CFR § 595.6](#)). Furthermore, Class II modifications as defined in [Policy 5: Section A](#) of this chapter shall be performed by a vendor who is also certified as a Quality Assurance Provider (QAP) by the National Mobility Equipment Dealer Association (NMEDA) for the particular modification that is being installed.

D. Pre-bid Conference for Vehicle Modification

[REVISED: 5/1/14]

1. A pre-bid conference is held for some Class II modifications when complex modifications are involved to ensure the prescribed systems are compatible with each other, the vehicle, and the wheelchair; and to ensure that all bidders have a clear understanding of the exact services needed. If the Driving Evaluation Report does not specify whether a pre-bid conference is required, defer the decision to the WWRC driver evaluator. The counselor, in consultation with the WWRC driver evaluator and client, shall schedule the date and location for the pre-bid conference, usually at the driver evaluation facility, and invite all qualified vendors to participate in the pre-bid conference. The notice shall advise that only vendors attending the pre-bid conference shall be allowed to bid.
2. If the client already has purchased the vehicle to be modified, the client shall bring this vehicle to the pre-bid conference.
3. Client shall be required to attend the pre-bid conference.
4. The WWRC or vendor driver evaluator shall be required to attend the pre-bid conference. For professional qualifications, see [Chapter 6.05, DRIVER EVALUATION, Policy 2](#))
5. Vehicle owners may attend the pre-bid conference.
6. DRS regional rehabilitation engineer may attend the pre-bid conference.
7. The final modification prescription will be reviewed during the pre-bid conference.
8. Any prescription changes suggested during the pre-bid conference require documentation by the WWRC driver evaluator in an addendum to the original report, in consultation with the client and counselor, to ensure the recommended changes will effectively meet client needs as well as quality and safety standards.

Chapter 11 Closure

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Chapter 11. - CLOSURE

1. Case Closure Status Criteria and Procedures and Scope of Services

A. Case Closure Status Criteria

A1. Multiple Case Closures for One Individual

[REVISED: 12/3/18]

1. An individual may have multiple VR cases with Virginia DRS over his or her lifetime, but only one case open at a time.
2. During the federal fiscal year, an individual may have multiple cases closed in Closed - Other status, but no more than one in Closed - Rehab status.
3. During the federal fiscal year, Virginia DRS and another state VR agency (including Virginia DBVI, VR agency in another state, etc.) may both close the case in Closed-Rehab status when (per [RSA-TAC-12-04](#) issued June 11, 2012):
 - a. The individual requires multiple services, and
 - b. Each agency provides a service that the other agency does not normally provide to its consumers, and that service is a substantial contribution to removing limitations to employment. This may include training services, physical restoration services, or direct job placement. Counseling and guidance services alone is not sufficient to close a dually served case in Closed-Rehab status.
 - c. For closing jointly served cases with DBVI, see [Chapter 16. INDIVIDUALS JOINTLY SERVED BY DARS AND DBVI, Policy 9.](#)

Note: Federal fiscal year is October 1 through September 30.

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A2. Closed in Rehab Status

[REVISED: ~~3/5/17~~9/16/21]

1. Employment outcome (per 2016 [Federal Regulation 34 CFR 361.5\(c\)\(15\)](#)) means entering, advancing, or retaining full-time or, if appropriate, part-time:
 - a. competitive integrated employment in the integrated labor market (which may include customized employment, self-employment, telecommuting, or business ownership), or
 - b. supported employment.

The employment outcome should be consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Employment outcome occupations are listed in the Occupational Information Network-Standard Occupational Classification (O*NET-SOC) Titles published by the U.S. Department of Labor (including self-employment in an occupation).

2. Competitive integrated employment means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting (see definition below), and for which the individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals without disabilities and with similar training, experience, and skills (per 2016 [Federal Regulation 34 CFR § 361.5](#) (c)(9)). For self-employed individuals, their income should be comparable to the income of individuals without disabilities who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills. Homemaker and unpaid family worker are not competitive integrated employment outcomes.
3. Integrated employment setting means:
 - a. a setting typically found in the community;
 - b. where the individual interacts in the performance of his or her job with other employees in the work unit and entire work site who are not individuals with disabilities (this does not include supervisory personnel or individuals who are providing services to such employees) and if appropriate to the job, other individuals without disabilities, such as customers and

vendors, to the same extent that employees without disabilities who are in comparable positions interact with these individuals; and

- c. presents opportunities, as appropriate, for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions. (per 2016 [Federal Regulation 34 CFR § 361.5 \(c\)\(9\)](#)).
4. Customized employment means competitive integrated employment for an individual with a significant disability that is (per 2016 [Federal Regulation 34 §361.5 \(c\)\(11\)](#)):
 - a. Based on the strengths, needs, and interests of the individual;
 - b. Designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and
 - c. Executed through flexible strategies; examples include job exploration; working with the employer to customize the job description, job duties, work schedule, specifics of supervision, etc.; using a professional representative chosen by the individual or self-representation, to work with an employer to facilitate placement; or providing services and supports at the job location.
5. Supported employment means (per 2016 [Federal Regulation 34 § 361.5\(c\)\(53\)](#)) competitive integrated employment (including customized employment) that is individualized and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including ongoing support services for individuals with the most significant disabilities when:
 - a. competitive integrated employment has not historically occurred or for whom competitive integrated employment has been interrupted or intermittent as a result of significant disability; and
 - b. due to the nature and severity of an individual's disabilities, they need intensive supported employment services and extended services after the transition from support provided by DRS in order to perform the job.
6. Closed – Rehab status shall be used only when the individual's case record documents all of the following:
 - a. Achievement of the employment outcome described in the employment plan (IPE). The individual achieved the employment outcome described in the IPE, and it is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice (per 2016 [Federal Regulation 34 CFR § 361.5 \(c\)\(15\)](#) and [34 CFR § 361.56](#)). An individual may receive employment supports from the ESO and be considered employed in an integrated setting provided:

The individual is employed under the same working conditions as non-disabled employees in similar positions and has access to restroom facilities, lunch or break room arrangements, entrance and exits that employees without disabilities have, and

The individual's employment meets the requirements under the definition of competitive integrated employment listed above.

- b. Employment Maintained with Satisfactory Outcome. The employment outcome is maintained at least 90 days to ensure the stability of the employment outcome and the individual no longer needs VR services, and the individual and counselor consider the employment outcome to be satisfactory and agree the individual is performing well (per 2016 [Federal Regulation 34 CFR § 361.56](#)). A new 90-day period is not necessary if the individual changes employers or jobs provided the jobs are consistent with the current employment goal and no other services are needed. Any gap in employment shall require documented consultation with the supervisor to determine if the individual can maintain stable employment or a new 90-day period is needed (per agency mandate). For self-employment enterprise cases, see the DRS Self-Employment Enterprise Handbook for guidance on factors that indicate stable employment.
 - c. IPE Services Provided Contributed to Employment Outcome. Services (fee-based or no cost) provided after the IPE was initiated that contributed to the achievement of the employment outcome (per 2016 [Federal Regulation 34 CFR § 361.47](#)).
 - d. Informed of Post-Employment Services. The individual is informed through the Closed – Rehab letter, and other appropriate modes of communication as necessary, of the availability of post-employment services (per 2016 [Federal Regulation 34 CFR § 361.46](#)).
7. Changing employment goal.
- a. An amendment is required if closing the individual's case in rehab status and their employment at case closure is not consistent with their Individualized Plan for Employment (IPE) employment goal.
 - b. Signatures of the client, or as appropriate, the individual's legal representative, and the VR counselor are required when changing the Employment goal. See [Chapter 5, PLAN, Policy 6](#).
 - ~~c. Homemaker.~~
~~See [Chapter 5, PLAN, Policy 2, Section B3](#).~~
 - ~~d.c.~~ From [Post Employment Services \(PES\)](#) status.

[See Policy 1: Section A3](#) of this chapter

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A3. Closed in Other Status

[REVISED: ~~12/1/2016~~/16/2021]

The counselor shall be responsible for initiating and completing case closure in Closed – Other status when the case is closed for any of the following reasons. AWARE only accepts one closure reason; however, the individual may be notified of multiple reasons provided the case record supports each reason. Closure reasons are:

1. No impairment exists or the disability is acute or transitory. This reason cannot be used after eligibility is certified ~~(per federal policy directive RSA-PD-03-07)~~.
2. Impairment is not a substantial impediment to employment. This reason cannot be used after eligibility is certified ~~(per federal policy directive RSA-PD-03-07)~~.
3. Employment cannot be achieved due to the significance of the disability.
 - a. Before certification of eligibility, the case shall be placed into Application–T status, and the closure reason must be supported by clear and convincing evidence obtained through trial work experience ~~(per 2016 Federal Regulation 34 CFR 361.42(e) see Chapter 4.02, TRIAL WORK, Policy 1.~~
 - b. After certification of eligibility, the case record must include information obtained after the date of eligibility certification that supports ~~this closure reason~~ due to the significance of the disability. This is used when an individual was determined eligible and T trial work experience is not necessary (per 2016 [Federal Regulation 34 CFR § 361.42](#)) after the individual has been determined eligible. ~~and 2016 Federal Regulation 34 CFR § 361.43) and~~ Application - T is not available after the case Eligible Date.
4. Extended Employment.
5. Does not require VR services to achieve employment outcome.
6. Unable to locate or contact the individual. Multiple attempts to contact the client in an appropriate mode of communication should be documented in the case record.
7. Left the state showing no intentions of continuing in the VR Program. The counselor shall document the source (per 2016 [Federal Regulation 34 CFR § 361.47\(a\)\(3\)](#)).

8. Refused services, or requests case closure, or does not wish to be on - or stay on - Order of Selection waiting list, as documented in the case record.
9. Death.
10. Institutionalized and unable to participate in VR Program for indefinite or considerable period of time.
11. Case transfer to another agency or individual needs services that are more appropriately obtained elsewhere ~~(per federal policy directive RSA-PD-03-07)~~. DRS staff cannot actually transfer a case to another agency or to a VR agency in another state, but may provide information about other services and programs, and with a signed Release, may forward appropriate referral information and records to another agency.
12. Failure to cooperate or did not meet responsibilities as agreed upon by the individual and counselor.
13. Transportation needed to accept or maintain employment was either not feasible or not available.
14. Extended services source was unavailable.
15. From Post Employment Services (PES) status (successful or unsuccessful).
16. Other. The actual reason must be supported in the case record and specified to the individual in writing using the appropriate version of the 30-day Closure Notice letter in AWARE.

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B. Scope of Services If Consumer Appeals Closure

[REVISED: ~~10/1/129/16/2021~~]

If an Informal Administrative Review, mediation, or hearing is requested within the appeal deadline, even after the case is closed, it may be necessary to continue to provide vocational counseling and guidance and other services pending the outcome of the appeal (per 2016 Federal Regulation 34 CFR 361.57(b)(4) and see Chapter 15, APPEALS, Policy 3).

C. Procedure to Close Case

[REVISED: ~~12/3/189/16/21~~]

1. Client written notification is required to close a client's case in either Closed – Rehab or Closed – Other Status. Written notification must include the client's appeal rights.
See Policy 1: Section D of this chapter.
2. Supported Employment (SE)~~E~~-cases before Closed – Rehab status.
 - a. For Supported Employment ~~SE~~-cases, the employment start date is entered when the individual begins employment. However, this does not move the case into Employed Status. When the individual reaches stability, enter the stability date and the case moved to Employed Status.
 - b. Once the client has been employed and stable for at least 90 days and meets all other successful closure (Closed-Rehab) criteria, including the criteria for stability in [Chapter 8.16, SUPPORTED EMPLOYMENT, Policy 2](#), and employment matches their identified employment goal on their Individualized Plan for Employment, (see Chapter 5, PLAN, Policy 6 and #11 of this section), the~~ir~~ case may be closed in Closed-Rehab status.
 - c. Ensure that the Supported Employment (SE) check box on Plan screen and Needs Ongoing Support Services check box on Closure screen are in agreement.
3. For Job Coach Training Services (JCTS) cases, the employment start date is entered when the consumer starts employment. Once they have achieved stability, that date is entered into AWARE. The case then moves into Employed status and the 90-day closure clock begins. They may be closed in Closed-Rehab status once all the successful closure (Closed-Rehab) criteria are met, including 90 days or more of stable employment.
4. Client follow-up before Closed – Rehab status.
Within ten days before closing the case in Closed - Rehab status, the counselor must initiate personal contact using appropriate modes of communication- (in person, telephone, e-mail, etc.) with the client. The counselor and the client must (per 2016 [Federal Regulation 34 CFR § 361.56](#)) agree that the employment outcome is satisfactory and the client is performing well and has maintained an employment outcome for an appropriate period of time but not less than 90 days to ensure the stability of the employment outcome. If direct client contact in an appropriate mode of communication has been attempted and the client has not responded after the 90-day period and it has been documented that the client has achieved employment consistent with their IPE employment goal, is not feasible, the counselor shall verify this information ~~with someone else~~ and document this source in the case record. The Closed – Rehab Letter may not substitute for this personal contact requirement. Non-response to contact attempts is not an acceptable substitute for personal contact.

5. Post Employment Services (PES) re-assessment before Closed – Rehab status.
Reassessment for ~~PES post-employment services~~ is required at closure (see [Chapter 8.22, POST EMPLOYMENT SERVICES, Policy 1](#)). ~~If post-employment services (If PES)~~ are necessary, the client and counselor may begin drafting the PES Plan while the case is still open; draft the PES Plan on the paper form because the AWARE PES Plan screen is not available while the case is still open. For definition of post-employment services and procedure, see [Chapter 8.22, POST, Policy 1](#).
6. Compensation verification before Closed – Rehab status.
If the employment outcome will be coded as "competitive employment," the counselor shall verify that the client is compensated at or above the minimum wage and that the wage and level of benefits are not less than that customarily paid by that employer for the same or similar work performed by non-disabled employees (per 2016 [Federal Regulation 34 CFR § 361.47](#)). For wage requirements at transition from DRS VR Program Supported Employment (SE) services to an extended services funding source, see [Chapter 8.16, SUPPORTED EMPLOYMENT, Policy 1](#).
7. SSI/SSDI cases before Closed – Rehab status.
The counselor shall update AWARE to verify SSI/SSDI status and Ticket to Work. If the client has a Ticket to Work, the counselor shall not close the case as Closed – Rehab until the Ticket Assignment Form (SSA-1365) is processed and the Ticket assigned to or placed in use with DARS (for details, see the Grants and Special Programs intranet site and the Ticket to Work procedures ~~in the DRS VR Form Cabinet~~ on the DSA intranet). DARS may qualify under federal regulation 20 CFR Parts 404 and 416 for reimbursement from the Social Security Administration for the cost of certain vocational rehabilitation services for cases closed in Closed-Rehab status. Verification is also required to report accurate closed case data to the Rehabilitation Services Administration (per 2016 [Federal Regulation 34 CFR § 361.40](#)).
8. Services pending closure in Closed – Other status.
Between the time the closure notice letter is provided and the case is closed, services are usually limited to consultation with the client regarding the closure decision and information about other programs and agencies as appropriate. Generic job-related services such as job club, interview skills training, and Employment Resource Center may be provided, however services for a specific employment goal may not be appropriate if an Individualized Plan for Employment (IPE) was not signed.
9. Information and referral.
 - a. The counselor shall provide information about appropriate federal and state programs (per 2016 [Federal Regulation 34 CFR § 361.37](#) and 2016 [Federal Regulation 34 CFR § 361.43](#) and 2016 [Federal Regulation 34 CFR § 361.57](#)).

- b. For Closed - Rehab status, the counselor shall provide information about other agencies and programs as appropriate ~~{through appropriate modes of communication~~ including the availability of post-employment services including DARS programs such as state funded PAS Program and supported employment specialist, ESOs, CILs, etc. (per 2016 Federal Regulation 34 CFR § 361.56).
- c. When closure is due to no impairment or impairment is not an impediment to employment, the counselor shall ~~at least~~ provide information about other appropriate programs such as the One Stop Center.
- d. When closure is due to extended employment or disability is too severe for employment, the counselor shall ~~at least~~ provide information about appropriate federal and, state, and local programs including as appropriate, independent living programs and extended employment providers, best suited to meet their rehabilitation needs. (per 2016 Federal Regulation 34 CFR § 361.37 and 2016 Federal Regulation 34 CFR § 361.43 and 2016 Federal Regulation 34 CFR § 361.57). To prepare for a scheduled ~~12-month closed~~ case review, the client may find it helpful for the counselor to offer milestones to becoming ready for VR and information about programs and services available to assist the client to reach the milestones. See #12 of this section for additional information.

10. Case note.

- a. The counselor shall update case notes and save them in AWARE.
- b. For Closed – Rehab status, the counselor shall write a brief case note demonstrating how the services provided after the Individualized Plan for Employment (IPE) was initiated have contributed to achievement of the employment outcome (per 2016 [Federal Regulation 34 CFR § 361.47](#)). For client notification, see [Policy 1: Section D](#) of this chapter.
- c. For Closed – Other status, the counselor shall write a brief case note referencing the documentation (such as medical or psychological report, pattern of observed behavior, etc.) that supports the closure reason(s) noted on AWARE Closure screen and in the written closure notice to the client. For client notification, see Policy 1: Section D of this chapter.

11. Plan amendment.

- a. For Closed – Rehab status, if the Individualized Plan for Employment (IPE) includes services not started but no longer needed, the counselor shall initiate an amendment to terminate the services. For a substantial amendment, the counselor shall request client signature; however, the counselor shall continue steps to close the case if the client does not respond within the counselor deadline. If the employment outcome differs from the IPE employment goal see Chapter 11 Closure Policy 1.A2 for guidance on changing the employment goal. For substantial amendment definition, see [Chapter 5, PLAN, Policy 6](#).

- b. For Closed – Other status, plan amendment is not necessary because the AWARE closure notice letter serves to terminate all services on the Trial Work Experiences Plan; or Individualized Plan for Employment (IPE) effective on the case closure date in AWARE.

12. Semi-annual or 12-month review.

- a. For Closed – Other status (for a case closed in extended employment) the counselor shall (per 2016 [Federal Regulation 34 CFR § 361.55](#)) schedule semi-annual reviews for two years after closure and annually thereafter.
- b. For Closed – Rehab status (for compensation less than minimum wage) the counselor shall (per 2016 [Federal Regulation 34 CFR § 361.55](#)) schedule a closed case review semi-annually for two years after closure and annually thereafter.
- c. For Closed – Other status (determined ineligible due to finding the individual is incapable of achieving an employment outcome – disability too significant) the counselor shall (per 2016 [Federal Regulation 34 CFR § 361.43](#)) review within schedule a 12-months review, and if requested by the individual or ~~if appropriate, by~~ the individual's representative, annually thereafter, any ineligibility determination that is based on a determination that the individual is incapable of achieving an employment outcome. This review does not need to be conducted in situations in which the individual has refused it, the individual is no longer present in the Commonwealth, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.
- d. For exceptions and review procedure, [See Policy 3: Section A1](#) of this chapter.

13. Feedback to referral source.

Do not release the case closure information to non-DRS staff if the signed release of confidential information has expired. The counselor shall send a copy of the notice of case closure to notify the referral source of case disposition for:

- a. Workers' Compensation cases only when the Virginia Workers' Compensation Commission paid any of the vocational rehabilitation cost.
- b. Workforce Investment Act One-Stop Center referrals only when the Memorandum of Understanding requires notification of case closure.

14. Documentation.

The counselor shall (per 2016 [Federal Regulation 34 CFR § 361.47](#)) ensure the case record contains all relevant information required in [Chapter 1.3, CASEFILE, Policy 1.](#)

15. Service cancellation.

The counselor shall cancel outstanding authorizations, unless continuation is required under the established appeals policy ([see Chapter 15, APPEALS, Policy 3](#)).

16. Audit of tools and equipment.

When RS-14 was used, save annual Occupational Tools and Equipment audit results in a case note. See [Chapter 8.18, TOOLS, Policy 1.](#)

17. File storage.

See [Policy 2: Section A1](#) of this chapter.

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D. Use of Forms/AWARE Screens

D1. Closed in Rehab Status Letter in AWARE

[REVISED: 10/1/11]

The Closed- Rehab Letter in AWARE [that includes the client's appeal rights](#) (with PES, without PES, or Partnership Plus version as appropriate to the case) shall be used for cases closed in Closed - Rehab status after the VR client agrees to close the case. [\(per 2016 Federal Regulation 34 CFR §361.57\)](#) No earlier than day 90 in Employed status, the counselor shall provide the Letter to the individual, supplemented by appropriate modes of communication as necessary (per 2016 [Federal Regulation 34 CFR § 361.56](#)). ~~The case may be closed the same day.~~

D2. Cannot Locate/Contact Letter in AWARE

[REVISED: 9/6/11]

1. The 30-day Closure Notice - Cannot Locate/Contact letter in AWARE may be used at any time during the life of the case [and shall include the client's appeal rights.](#) [\(per 2016 Federal Regulation 34 CFR §361.57\)](#)
2. To close the case as "cannot locate or contact," the counselor shall ~~first~~ document ~~at least one failed~~ [multiple](#) attempts to contact or locate the client, [in an appropriate mode of communication](#), and then send the letter with 30 day response deadline. For returned mail without a forwarding address, see Section D3. The case may be closed in AWARE the day after the deadline.

D3. Case Closure Notice Letter in AWARE

[REVISED: 9/6/11]

The 30-day Closure Notice letter in AWARE with 30-day deadline to request a consultation regarding the closure decision, supplemented by other appropriate modes of communication as necessary, shall be provided to the individual before Closed – Other status to ensure the client receives notice of their rights per Federal Regulation 34 CFR 361.57; The 30-day Closure Notice letter in AWARE shall be used except when closure reason is:

- a. Death – client notice is not required.
- b. Returned mail without forwarding address — the envelope is sufficient documentation to close the case without sending a written notice provided at least one other attempt, using an appropriate mode of communication ~~not~~ and not by mail is documented.
- c. Institutionalized — the response deadline may be less than 30 days.
- d. Requests closure or does not wish to be on, or stay on, Order of Selection waiting list — the response deadline may be less than 30 days because the individual has already participated in the closure decision. The Closure Notice – Requests Closure Letter will be used
- e. Cannot locate or contact – use the Closure Notice - Cannot Locate/Contact letter in AWARE.
- f. Successful closure from PES status – use Closure as Successful PES letter in AWARE.
- g. Unsuccessful closure from PES status - use 30-day Closure Notice PES Unsuccessful letter in AWARE with 30-day response deadline.

Guidance: If the case is in Application status, the waiting period for the individual's response to the closure notification letter could result in the case being kept in Application status past the deadline to make an eligibility determination. However, this is acceptable and should be taken into consideration when reviewing the AWARE report of cases past the deadline.

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D4. Successful PES Closure Letter in AWARE

[REVISED: 10/16/09]

The counselor shall obtain the individual's agreement to close the case and then shall provide the Successful PES Closure letter with the client's appeal rights and close the case in

Closed – Other status. Non-response to the letter is not sufficient documentation of client agreement.

D5. AWARE Closure Screen

[REVISED: 3/1/08]

At case closure, the counselor shall update the AWARE Closure screen so DRS can report accurate closed case data to the Rehabilitation Services Administration (RSA) (per 2016 [Federal Regulation 34 CFR § 361.40](#)).

D6. AWARE Ticket to Work Screen and Partnership Plus letter

[REVISED: 10/1/11]

At case closure for SSI/SSDI clients, the Ticket to Work screen must be completed and the Closed - Rehab Partnership Plus letter must be sent.

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D7. Lien Worksheet RS-457 form

[REVISED: 1/21/99]

If personal injury legal action has been taken or is pending, the counselor shall, if not already done, complete and send the RS-457 to Fiscal, give a copy to the VR client, and keep a copy in the case record (it should be saved electronically).

D8. AWARE Post Employment Closure Follow Up Screen

[REVISED: 3/1/08]

When closing a case from PES status, update the Closure Follow Up Layout screen (for instructions see AWARE Manual).

D9. Annual Review of Case Closed in Extended Employment (RS-455 form)

[REVISED: ~~8/1/029/16/21~~]

The Counselor shall conduct a review and re-evaluation with the individual semi-annually for the first two years and annually thereafter when the client's employment at case closure does not meet the criteria of competitive integrated employment, for the duration of the individual's employment. The counselor shall use the RS-455 form to record the results of the semi-annual and annual reviews (per agency mandate) and shall maintain a signed copy in the case record. The review results includes individuals not available for the review (refuses the review, does not want further involvement, no longer resides in Virginia, dies, retires from sheltered workshop, cannot be located, etc.) A copy of the form may be sent to the Employment Services Organization (ESO) if the ESO wants a copy for their file and the client or if appropriate; their legal representative has signed a release allowing for the sharing of client information. See Policy 3: Section B2 of this chapter.

[See Policy 3: Section A1](#) of this chapter.

D10. Mandatory Review of Cases Closed as Too Significant –~~AWARE~~ Annual Review Screen and Letter in AWARE

[REVISED: ~~3/1/089/16/21~~]

~~Twelve-month review of a case closed because the disability is too severe to achieve an employment outcome shall be completed in AWARE~~The Counselor shall review the ineligibility decision within 12 months of closure and annually thereafter if requested by the individual or his or her ~~authorized~~ representative (per Federal Regulation 34 CFR 361.43). The individual will be notified of their right to this review by the Annual Review letter. The results of all annual reviews shall be documented in the client record and completed in AWARE. The review does not need ~~not to~~ be conducted in situations when the individual has refused it, the individual is no longer present in the Commonwealth, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal. These reasons should be documented in the individual's case record.

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2. Closed Case Filing and Disposal

A. Filing System at Case Closure

A1. Filing Closed Cases

[REVISED: 12/1/12]

1. The local office shall maintain the case file in the office's closed case storage area until time for the case file to be destroyed (per agency mandate).
2. The local office may designate a storage area for closed cases that are to be retained longer than the minimum retention period.

A2. Minimum Retention Period for Closed Cases

[REVISED: ~~12/1/12~~9/16/21]

1. Closed case files shall be maintained in the DRS local office at least five (5) years after the closure date (per [§ 42.1-82 of the Code of Virginia](#), Virginia Public Records Act, Library of Virginia scheduled retention and disposition for client records).
2. The case file shall be retained longer than the five (5) year minimum period when the customer still possesses a tool or equipment for which DRS still retains residual title (per agency mandate).
3. The case file shall be retained longer than the five (5) year minimum period when litigation (e.g., Workers' Compensation legal action, personal injury legal action) or investigation is pending (per exception to Library of Virginia schedule).
- ~~3.4.~~ The case file shall be retained longer than the five (5) year minimum period for clients with a Ticket to Work. For additional information, contact the Ticket to Work Coordinator in DARS Central Office.
- 4.5. Case files closed in extended employment require an annual review and, therefore, should not be destroyed as long as the individual remains in extended employment.
- 5.6. Counselors who wish to maintain closed case files longer than five (5) years may do so in the local office in a location specifically designated for this purpose.

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B. Closed Case File Disposal

[REVISED: 12/17/01]

1. The Library of Virginia has delegated authority to pre-approve case file disposals to the designated records officer for each state agency. For DRS, Department for the Blind and Vision Impaired, Department for the Deaf and Hard of Hearing, and Board for People with Disabilities, the designated records officer is in Logistical Services in the DRS Central Office. Send the pre-approved RM-3 form to the Central Office, attention: Records Retention Officer.
 - a. To request pre-approval to dispose of cases, the custodian of records (called the approving officer on the RM-3 form) or designee shall complete and sign the Certificate of Records Disposal (RM-3 form) and forward three (3) copies to the DRS designated records officer for pre-approval. If approved, two copies signed by the designated records officer will be returned to the custodian of records. For information about custodian of records, see [Chapter 1.3, CASEFILE, Policy 3](#).
 - b. Upon approval, the custodian of records shall ensure that the case files are destroyed (e.g., shredded, burned) properly and completely as to obliterate all personal identification. Contact Logistical Support for disposal services vendors in your area.
2. After disposal, the custodian of records shall sign the RM-3 in the appropriate place and shall send one copy to the designated records officer (who forwards it to the Library of Virginia for its records) and shall maintain the second copy in the local office.

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3. Closed Case Review

A. Mandatory Review of Cases Closed as Too Significant

A1. Required Documentation for Review of Closed Cases

[REVISED: ~~12/1/16~~9/16/21]

If 1) the case was closed in Closed-Other status, and 2) the reason was due to disability too significant for the individual to benefit from vocational rehabilitation services in terms of an employment outcome or unfavorable medical prognosis, the counselor shall review the case within 12 months of the closure (per 2016 [Federal Regulation 34 CFR § 361.43](#)). The purpose of the review is to assess whether the individual's circumstances have changed to

the point that the individual can benefit from services in terms of achieving an employment outcome and to decide whether to reopen the case. The individual will be notified of their right to this review when their case is closed and by the Annual Review Letter (see Policy 1: Section D10 of this chapter). After the case has been reviewed, The counselor shall review the case annually thereafter if requested by the individual or by the individual's representative, as appropriate (per 2016 [Federal Regulation 34 CFR § 361.43](#)). The counselor should consider whether a rehabilitation technology assessment is appropriate (per 2016 [Federal Regulation 34 CFR § 361.43](#)). The counselor shall (per 2016 [Federal Regulation 34 CFR § 361.43](#)) document the results of the review in AWARE.

Exception: The review need not be conducted when the individual:

- a. Refuses the review (per 2016 [Federal Regulation 34 CFR § 361.43](#)),
- b. Is no longer present in the state or the individual's whereabouts are unknown (per 2016 [Federal Regulation 34 CFR § 361.43](#)),
- c. Has a medical condition that is rapidly progressive or terminal (per 2016 [Federal Regulation 34 CFR § 361.43](#)),
- d. Refused services or is otherwise not interested in further involvement in the Vocational Rehabilitation program ~~(per federal policy directive RSA-PD-03-07 issued September 25, 2003),~~
- e. Dies ~~(per federal policy directive RSA-PD-03-07 issued September 25, 2003),~~ [Back to Chapter Index](#).

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A2. Outcome of Closed Case Review

[REVISED: ~~12/1/16~~16/21]

1. The counselor shall reopen the case when the documented change in circumstance justifies it.
2. Cases requiring no further consideration means cases that the federal policy exempts from the review or that the counselor decides not to open a new case. If the latter, the counselor shall document in the case record (i.e., case note, letter or e-mail to consumer) the reason(s) for not reopening the case ~~(per federal policy directive RSA-PD-03-07 issued~~

September 25, 2003).

~~Note: Only the final outcome in effect on the last day of the federal fiscal year should be recorded. For example, a counselor closes the case early in the federal fiscal year because the consumer has moved out of state but later in the same federal fiscal year the consumer returns and requests the review. This case would not meet the definition of this category and must be included in one of the other categories below (per federal policy directive RSA-PD-03-07 issued September 25, 2003).~~

3. Accepted for vocational rehabilitation services means cases placed in Application status and subsequently placed into Order of Selection Delayed status or into Eligible status by the end of the federal fiscal year ~~(per federal policy directive RSA-PD-03-07 issued September 25, 2003)~~. For explanation of Order of Selection Delayed status, see [Chapter 2.2, ORDER, Policy 2.](#)
4. Not accepted for vocational rehabilitation services means cases placed in Application status and subsequently closed before Eligible status by the end of the federal fiscal year ~~(per federal policy directive RSA-PD-03-07 issued September 25, 2003)~~.
5. Remaining in Application status or Application — E status or Trial Work Application — T status means cases opened and still remaining in one of these statuses at the end of the federal fiscal year ~~(per federal policy directive RSA-PD-03-07 issued September 25, 2003)~~.

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B. Mandatory Semi-Annual and Annual Review of Cases Closed in Extended Employment or Compensated Less than Minimum Wage (RS-455 form)

B1. Cases that Require Review

[REVISED: 12/1/16]

It is required that the counselor review the following cases after case closure (per 2016 [Federal Regulation 34 CFR § 361.55](#)):

1. Cases that were closed in status 26 (Closed – Rehab) prior to October 1, 2001 as having achieved an employment outcome in extended employment. After that date, extended employment no longer meets the criteria for Closed-Rehab "status 26."
2. Cases closed in a position in which the client is compensated less than minimum wage in accordance with section 14(c) of the Fair Labor Standards Act.

3. Cases in Closed-Other status because the individual is in extended employment and unable to achieve an employment outcome or because the individual made an informed choice to remain in extended employment.

B2. Method for Case Review and Use of RS-455 Form

[REVISED: ~~12/1/2016~~/16/21]

1. The review shall occur every six months after the date of closure for the first two years and every 12 months thereafter (2016 [Federal Regulation 34 CFR § 361.55](#)).
2. The purpose of the review is to determine the continued suitability of the current employment and the individual's readiness for and interest in competitive integrated employment (per 2016 [Federal Regulation 34 CFR § 361.55](#)).
3. This review shall include input from the individual (or in an appropriate case, the individual's representative) to determine the individual's interests, priorities, and needs for competitive employment or training for competitive employment (2016 [Federal Regulation 34 CFR § 361.55](#)).
4. The review shall include maximum efforts to identify vocational rehabilitation services, reasonable ~~accommodations~~accommodations, and other necessary support services, to assist the individual in engaging in competitive integrated employment (per 2016 [Federal Regulation 34 CFR § 361.55](#)). Maximum use of rehabilitation technology should be made in identifying the individual's capabilities for competitive employment. The counselor should consider whether a rehabilitation technology assessment is appropriate (~~per RSA Manual Chapter 2040.09 issued October 11, 1991~~).
5. The counselor shall use the RS-455 form to record the results of the semi-annual and annual reviews (per agency mandate) and shall maintain a signed copy in the case record. The review results includes individuals not available for the review (refuses the review, does not want further involvement, no longer resides in Virginia, dies, retires from sheltered workshop, cannot be located, etc.) (~~per federal policy directive RSA-PD-95-05 issued June 22, 1995~~). A copy of the form may be sent to the Employment Services Organization (ESO) if the ESO wants a copy for their file. See Policy 1: Section D9 of this chapter.
6. If the review shows that the individual has died or has moved out of state, no future reviews are required. This shall be documented on the RS-455.
7. The individual cannot opt out of future reviews after any review has taken place (per Federal Register dated August 19, 2016. page 55681). If an individual declines a review, the counselor shall document on the RS-455 that a review was attempted and obtain

individual's signature if possible. However, the counselor shall continue to make attempts to review the case again on the next review date.