

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

**22VAC45-51-10. Definitions.**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly states otherwise:

"American Indian" means an individual who is a member of an Indian tribe.

"Applicant" means an individual who submits an application for vocational rehabilitation services.

"Appropriate modes of communication" means specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed captioned videos, specialized telecommunication services and audio recordings, Brailled and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials.

"Assessment for determining eligibility and vocational rehabilitation needs" means, as appropriate, in each case:

1.a. A review of existing data:

(1) To determine if an individual is eligible for vocational rehabilitation services;

(2) To assign priority for an order of selection when the state implements an order of selection; and

b. To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and assignment.

2. To the extent additional data are necessary to make a determination of the employment outcomes and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment of an eligible individual, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment of the individual. This comprehensive assessment:

a. Is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the individualized plan of employment of the eligible individual.

b. Is used as a primary source of information to the maximum extent possible and appropriate and in accordance with confidentiality requirements:

(1) Existing information obtained for the purposes of determining the eligibility of the individual and assigning priority for an order of selection for the individual; and

(2) Information that can be provided by the individual and, if appropriate, by the family of the individual.

c. May include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

aptitude, personal and social adjustments, and employment opportunities of the individual and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual.

d. May include, to the degree needed, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in a real job situation to assess and develop the capacities of the individual to perform adequately in a work environment.

3. Referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment.

4. An exploration of the individual's abilities, capabilities, and capacity to perform in work situations, which must be assessed periodically during trial work experiences, including experiences in which the individual is provided appropriate supports and training.

"Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of an individual with a disability.

"Assistive technology service" means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device including:

1. The evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in his or her customary environment;
2. Purchasing, leasing, or otherwise providing for the acquisition by an individual with a disability of an assistive technology device;
3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
4. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing educational and rehabilitation plans and programs;
5. Training or technical assistance for an individual with a disability or, if appropriate, the family members, guardians, advocates, or authorized representatives of the individual; and
6. Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities, to the extent that training or technical assistance is necessary to the achievement of an employment outcome by an individual with a disability.

"Blind person" means having not better than 20/200 central visual acuity in the better eye measured at twenty feet with correcting lenses or having visual acuity greater than 20/200 but with the widest diameter of the

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

visual field in the better eye subtending an angle of no greater than twenty degrees, measured at a distance of thirty-three centimeters using a three-millimeter white-test object, or a Goldman III-4e target, or other equivalent equipment. Such blindness shall be certified by a duly licensed physician or optometrist. (§ 51.5-60, Code of Virginia)

"Client Assistance Program" means the program located within the Virginia Office for Protection and Advocacy for the purpose of advising applicants or eligible individuals about all available services under the Rehabilitation Act of 1973, as amended, and to assist them in their relationship with programs, projects, and facilities providing rehabilitation services.

"Community rehabilitation program" means a program that provides directly or facilitates the provision of one or more of the allowable vocational rehabilitation services to individuals with disabilities to enable those individuals to maximize their opportunities for employment, including career advancement.

"Comparable services and benefits" means services and benefits that are provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or employee benefits; available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment; and commensurate to the services that the individual would otherwise receive from the designated State vocational rehabilitation agency. For the purposes of this definition, comparable benefits do not include awards and scholarships based on merit.

"Competitive employment" means work in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting and for which an 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 who are not disabled.

"DBVI" means the Department for the Blind and Vision Impaired.

"Eligible individual" means an applicant for vocational rehabilitation services who meets the eligibility requirements in 22VAC45-51-30.

"Employment outcome" means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market to the greatest extent practicable, supported employment, or any other type of employment, including self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

"Extended Employment" means work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act and any needed support services to an individual with a disability to enable the

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

individual to continue to train or otherwise prepare for competitive employment, unless the individual through informed choice chooses to remain in extended employment.

"Extended services" means ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment and that are provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, from funds other than Federal Title I or Title VI Part B funds.

"Family member" for the purposes of receiving vocational rehabilitation services means an individual who is either a relative or guardian of an applicant or eligible individual or lives in the same household as an applicant or eligible individual who has a substantial interest in the well-being of that individual and whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

"Financial need test" means a test used to consider the financial need of individuals with blindness or visual impairment for the purpose of determining the extent of their participation in the costs of vocational rehabilitation services.

"Impartial Hearing Officer" means an individual who is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education); is not a member of the State Rehabilitation Council for the Blind and Vision Impaired; has not been involved previously in the vocational rehabilitation of the applicant or eligible individual; has knowledge of the delivery of vocational rehabilitation services, the State plan, and the Federal and State regulations governing the provision of services; has received training with respect to the performance of official duties; and has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual. An individual is not considered to be an employee of DBVI for the purposes of this definition solely because the individual is paid by the agency to serve as a hearing officer.

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

"Individualized Plan for Employment (IPE)" means a unique plan for employment that is customized for each eligible individual receiving vocational rehabilitation services.

"Integrated setting" with respect to the provision of services, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services to those applicants or eligible

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.

"Maintenance" means monetary support provided to an individual for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the individual and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation services under an individualized plan for employment.

"Mediation" means the act or process of using an independent third party to act as a mediator, intermediary, or conciliator to assist persons or parties in settling differences or disputes prior to pursuing formal administrative or other remedies. Mediation under the program must be conducted in accordance with the requirements in 34CFR 361.57(d) by a qualified and impartial mediator.

"On-the-job training" means job training received in a real work environment for individuals who are job ready.

"Ophthalmologist" means a physician specializing in diseases of the eye.

"Optometrist" means any person practicing the profession of optometry as defined by the Code of Virginia and regulations of the Board of Optometry (§ 54.1-3200 et seq. Code of Virginia).

"Order of Selection" means the order defined in the State plan for vocational rehabilitation services that DBVI will follow in selecting eligible individuals to be provided vocational rehabilitation services when DBVI determines that it is unable to provide the full range of vocational rehabilitation services to all eligible individuals.

"Personal assistance services" means a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability. The services must be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. These services must be necessary to the achievement of an employment outcome and may be provided only while the individual is receiving other vocational services. These services may include training in managing, supervising, and directing personal assistance services. (34 CFR 361.5(39))

"Post-employment services" means one or more of the services identified in 22VA 45-51-80 that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

"Qualified and impartial mediator" means an individual who is not an employee of a public agency (other than an administrative law judge, hearing examiner, employee of a State office of mediators, or employee of an

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

institution of higher education); is not a member of the State Rehabilitation Council for the Blind and Vision Impaired; has not been involved previously in the vocational rehabilitation of the applicant or eligible individual; is knowledgeable of the vocational rehabilitation program and the applicable Federal and State laws, regulations, and policies governing the provision of vocational rehabilitation services; has been trained in effective mediation techniques consistent with any State-approved or -recognized certification, licensing, registration, or other requirements; and has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual during the mediation proceedings. An individual serving as a mediator is not considered to be an employee of the DBVI for the purposes of this definition solely because the individual is paid by DBVI to serve as a mediator.

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

"Significant visual impairment" means vision no better than 20/70 in the better eye with correction or a field of vision restricted to less than 70 degrees in the better eye.

"Supported employment" means (i) competitive work in an integrated setting or employment in integrated work settings in which individuals are working toward competitive employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual with ongoing support services for individuals with the most significant disabilities for whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and who, because of the nature and severity of their disabilities, need intensive supported employment services from DBVI and extended services after transition to perform this work or (ii) transitional employment for individuals with the most significant disabilities due to mental illness.

"Transition Services" means a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including post-secondary education, vocational training, and integrated employment (including supported employment), continuing adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the individual student's needs, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-secondary adult living objectives and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student's individualized plan for employment.

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

"Transportation" means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems.

"Work adjustment training" means a training process utilizing individual and group work, or work-related activities, to assist individuals in understanding the meaning, value, and demands of work; to modify or develop attitudes, personal characteristics and work behavior; and to develop functional capacities, as required, in order to assist individuals toward their optimum level of vocational development.

Statutory Authority

§51.5-65 and 51.5-71 of the Code of Virginia.

**22VAC45-51-20. Processing referrals and application.**

- A. An individual is considered to have submitted an application for VR services from DBVI when the individual or the individual's representative, as appropriate,
1. a. Has completed and signed an agency application form;
  - b. Has completed a common intake application form in a One-Stop center requesting vocational rehabilitation services; or
  - c. Has otherwise requested services from DBVI;
  2. Has provided to DBVI information necessary to initiate an assessment to determine eligibility and priority for services; and
  3. Is available to complete the assessment process.
- B. DBVI shall ensure that its application forms are widely available throughout the State.

Statutory Authority

§§ 51.5-65 and 51.5-71 of the Code of Virginia

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

Historical Notes

Derived from VR670-03-1 §2.1, eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990

**22VAC45-51-30. Assessment for determining eligibility and priority for services.**

A. DBVI shall conduct an assessment to determine whether an applicant is eligible for vocational rehabilitation services and to determine the individual's priority under an order of selection for services (if DBVI is operating under an order of selection).

1. The assessment shall include:

- a. A determination by an ophthalmologist or optometrist that the applicant is blind or otherwise vision impaired or that the applicant's name appears on the Virginia Registry of the Blind.
- b. A determination by a DBVI vocational rehabilitation counselor that the applicant's blindness or visual impairment constitutes or results in a substantial impediment to employment for the applicant.
- c. A determination by a DBVI vocational rehabilitation counselor that the applicant requires vocational rehabilitation services to prepare for, secure, retain, or regain employment consistent with the applicant's unique concerns, abilities, capabilities, and informed choice.



## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

2. DBVI shall not impose duration of residency requirement that excludes from services any applicant who is present in Virginia.

3. DBVI shall ensure that no applicant or group of applicants is excluded or found ineligible solely on the basis of the type of disability.

4. DBVI shall ensure that eligibility requirements shall be applied without regard to age, gender, race, color, or national origin of the applicant; type of expected employment outcome; source of referral for vocational rehabilitation services; and particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family.

5. Order of selection priority for services shall also apply to recipients and beneficiaries receiving Social Security benefits due to blindness or visual impairment who are presumed eligible for DBVI VR services.

B. Review and assessment of data for eligibility determination.

Except for trial work experiences for individuals with significant disabilities, DBVI shall base its determination of basic eligibility upon the following:

1. A review and assessment of existing data, including counselor observations, educational records, information provided by the individual or the individual's family;
2. If existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination, an assessment of additional

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

data resulting from the provision of vocational rehabilitation services, including trial work experiences, assistive technology devices and services, personal assistances services, and any other support services will be obtained; and

3. The applicant for vocational rehabilitation services may use a qualified service provider of his choice in obtaining the necessary assessments to determine eligibility for vocational rehabilitation services and priority for services.

Statutory Authority

§§51.5-65 and 51.5-71 of the Code of Virginia

Historical Authority

Derived from VR670-03-1 §2.3, eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990

**22VAC45-51-40. Eligibility for vocational rehabilitation services.**

A. The DBVI Vocational Rehabilitation Program shall serve only individuals who are blind or who have significant visual impairment and have attained the age of 14. The Virginia Department of Rehabilitative Services (VDRS) is authorized by state law to provide vocational rehabilitation services to individuals with disabilities other than blindness. DBVI and DRS shall identify client populations served by each agency through a cooperative agreement.

B. Any qualified applicant residing in Virginia shall be served by the DBVI Vocational Rehabilitation Program. Services may be provided to otherwise qualified non U.S. citizens who can produce a permanent or working visa, or their green card registration number. Copies of these documents shall be retained in the client's case service record.

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

C. Qualified applicants must meet the following eligibility criteria to receive vocational rehabilitation services from DBVI.

1. The applicant must be blind or visually impaired;

a. An applicant meets the criteria of being blind or visual impaired through one or more of the following:

(1) Is a blind person as defined in 22VAC45-51-10;

(2) Has 20/100 to 20/200 distance vision in the better eye with correcting glasses or a field limitation to 30 degrees or less in the better eye, if the person has been unable to adjust satisfactorily to the loss of vision and if it is determined by the DBVI vocational rehabilitation counselor that the person is in need of the specialized services available through DBVI Vocational Rehabilitation Program;

(3) Has night blindness or a rapidly progressive eye condition which, in the opinion of a qualified ophthalmologist, will reduce the distance vision to 20/200 or less; or

(4) Has received recommendation by an eye doctor for eye surgery or special treatments if the individual has a functional limitation in performing work and requires at least one additional vocational rehabilitation service.

2. The individual's blindness or visual impairment must constitute or result in a significant impediment to employment;

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

3. The individual must require vocational rehabilitation services to prepare for, secure, retain, or regain employment; and
4. The individual must be able to benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

D. Applicants who are unemployed, underemployed or in unstable employment as determined by the DBVI vocational rehabilitation counselor meet the requirement that there exists a substantial impediment to employment.

E. A beneficiary of Social Security benefits due to blindness under Title II or XVI of the Social Security Act is presumed eligible for DBVI VR services under paragraph C of this section provided the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual.

F. DBVI shall not provide vocational rehabilitation services to a potentially eligible individual on the basis of an interim determination of eligibility.

Statutory authority

§§ 51.5-65 and 51.5-71 of the Code of Virginia

Historical Notes

Derived from VR670-03-1 §2.2, eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990

**22VAC45-51-50. Order of selection for services**

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

A. When DBVI is unable to serve all potentially eligible individuals due to insufficient funds, an order of selection for services shall be implemented. When an order of selection must be instituted, DBVI shall:

1. Consult with the State Rehabilitation Council regarding (i) the need to establish an order of selection, (ii) establishment of categories in the order of selection, (iii) establishment of criteria for each category, and (iv) administration of the order of selection.
2. Conduct a public hearing prior to implementation of the order of selection.
3. Continue to provide services to all individuals currently receiving services under an Individualized Plan for Employment; and
4. Provide referral and assessment services to determine eligibility for individuals who apply for services.
5. Identify service and outcome goals and the time within which the goals may be achieved for individuals in each priority category within the order; and
6. Assure that:
  - a. Individuals with the most significant disabilities will be selected first for the provision of vocational rehabilitation services; and
  - b. Individuals who do not meet the criteria for the categories being served shall have access to services provided through the information and referral system.

Statutory Authority

REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

§§51.5-65 and 51.5-71 of the Code of Virginia

Historical Notes

Derived from VR670-03-1 §3.1, eff. August 3, 1988; amended, Virginia Register  
Volume 6, Issue 11, eff. March 28, 1990

**22VAC45-51-60. Services to American Indians.**

DBVI shall provide vocational rehabilitation services to American  
Indians who are blind or have visual impairments residing in Virginia to the  
same extent as DBVI provides vocational rehabilitation services to other  
significant populations of individuals who are blind or have visual  
impairments residing in Virginia.

Statutory Authority

§§51.5-65 and 51.6-71 of the Code of Virginia

Historical notes

Derived from VR670-03-1 §3.2, eff. August 3, 1988; amended, Virginia Register  
Volume 6, Issue 11, eff. March 28, 1990

**22VAC45-51-70. Scope of vocational rehabilitation services for individuals  
who are blind or vision impaired.**

A. The following vocational rehabilitation services shall be available  
to assist individuals who are blind or visually impaired in preparing for,  
securing, retaining, or regaining an employment outcome that is consistent  
with the individual's strengths, resources, priorities, concerns, abilities,  
capabilities, and interests:

1. An assessment for determining eligibility and priority for  
services conducted by a DBVI vocational rehabilitation counselor,

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

including, if appropriate, an assessment in rehabilitation technology;

2. An assessment for determining vocational rehabilitation needs conducted by a DBVI vocational rehabilitation counselor, including, if appropriate, an assessment by other DBVI staff skilled in rehabilitation technology.

3. Vocational rehabilitation counseling and guidance, including information and support services to assist an individual in exercising informed choice;

4. Referrals and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies, including other components of the statewide workforce investment system and to advise those individuals about the client assistance program established within the Virginia Office for Protection and Advocacy;

5. Physical and mental restoration services, to the extent that financial support is not readily available from a source other than DBVI, such as through health insurance or other comparable services and benefits;

6. Vocational and other training services, including personal and vocational adjustment training, books, tools, and other training materials, except for training or training services in an institution of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing), that may be paid for with funds under this part only if maximum efforts have been made by DBVI and the individual to secure grant assistance in whole or

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

in part from other sources to pay for that training and they are not available;

7. Maintenance, as defined in 22VAC45-51-10;

8. Transportation, as defined in 22VAC45-51-10;

9. Vocational rehabilitation services to family members as defined in 22VAC45-51-10 if necessary to enable the applicant or eligible individual to achieve an employment outcome;

10. Interpreter services, including sign language and oral interpreter services, for individuals who are deaf or hard of hearing and tactile interpreting services for individuals who are deafblind;

11. Reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind;

12. Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

13. Supported employment services as defined in 22VAC45-51-10.

14. Personal assistance services as defined in 22VAC45-51-10;

15. Post-employment services as defined in 22VAC45-51-10;

16. Occupational licenses, tools, equipment, initial stocks, and supplies;

17. Rehabilitation technology as defined in 22VAC45-51-10 including vehicular modification, telecommunications, sensory, and other technology aids and services;

18. Transition services as defined in 22VAC45-51-10;

19. Technical assistance and other consultation services to conduct market analyses and develop business plans to individuals



## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;

20. Other goods and services determined necessary for the individual who is blind or visually impaired to achieve an employment outcome.

Statutory Authority

§§51.5-65 and 51.5-71 of the Code of Virginia

Historical Notes

Derived from VR670-03-1 §3.3, eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990

**22VAC45-51-80. Development of the individualized plan for employment.**

A. General Requirements

1. DBVI shall conduct an assessment for determining vocational rehabilitation needs, if appropriate, for each eligible individual or, if DBVI is operating under an order of selection, for each eligible individual to whom DBVI is able to provide services. The purpose of this assessment is to determine the employment outcome and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment (IPE).

2. DBVI shall assure that an IPE is developed and implemented in a timely manner for each individual determined to be eligible for vocational rehabilitation services or, if DBVI is operating under an order of selection for each eligible individual to whom DBVI is able to provide services; and

3. Services shall be provided in accordance with the provisions of the IPE.

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

4. The IPE shall:

a. Be designed to achieve the specific employment outcome selected by the individual consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;  
and

b. To the maximum extent appropriate, result in employment in an integrated setting.

B. Required Information. DBVI shall provide information to each eligible individual or, as appropriate, the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or the individual's representative, including:

1. Available options for developing the IPE, including the option that an eligible individual or, as appropriate, the individual's representative may develop all or part of the IPE:

a. Without assistance from DBVI or other entity; or

b. With assistance from:

(1) A DBVI vocational rehabilitation counselor;

(2) A vocational rehabilitation counselor who is not employed by DBVI; and

(3) resources other than those in 1 and 2.

2. Additional information to assist the eligible individual or, as appropriate, the individual's representative in developing the IPE, including:

a. Information describing the full range of components that will be included in an IPE;

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

b. As appropriate to each eligible individual:

(1) An explanation of agency guidelines and criteria for determining an eligible individual's financial commitments under an IPE;

(2) Information on the availability of assistance in completing DBVI forms required as a part of the IPE;  
and

(3) Additional information that the eligible individual requests or DBVI determines to be necessary to the development of the IPE.

c. A description of the rights and remedies available to the individual including recourse to the processes described in 22VAC 45-51-130; and

d. A description of availability of the client assistance program within the Virginia Office for Protection and Advocacy and information on how to contact that office.

C. IPE Requirements:

1. The IPE shall be a written document prepared on forms provided by DBVI;

2. The IPE shall be developed and implemented in a manner that gives individuals the opportunity to exercise informed choice in selecting:

a. The employment outcome, including the employment setting;

b. The specific vocational rehabilitation services to achieve the employment outcome, including the settings in which services will be provided;

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

c. The entity or entities that will provide the vocational rehabilitation services; and

d. The methods available for procuring the services.

3. The IPE shall be:

a. Agreed to and signed by the eligible individual or, as appropriate, the individual's representative; and

b. Approved and signed by a DBVI vocational rehabilitation counselor;

4. DBVI shall provide a copy of the IPE and a copy of any amendments to the IPE to the eligible individual or, as appropriate, to the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or, as appropriate, the individual's representative;

5. The IPE shall be reviewed at least annually by a DBVI vocational rehabilitation counselor and the eligible individual or, as appropriate, the individual's representative to assess the eligible individual's progress in achieving the identified employment outcome;

6. The IPE shall be amended, as necessary, by the individual or, as appropriate, the individual's representative, in collaboration with a DBVI vocational rehabilitation counselor (to the extent determined to be appropriate by the individual), if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the providers of the vocational rehabilitation services;

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

7. Amendments to the IPE shall not take effect until agreed to and signed by the individual or, as appropriate, the individual's representative and by a DBVI vocational rehabilitation counselor; and

8. The IPE for a student with a disability who is receiving special education services shall be developed:

a. In consideration of the student's IEP; and

b. In accordance with the plans, policies, procedures, and terms of the interagency agreement between DBVI and the state Department of Education designed to facilitate the transition of students who are blind or vision impaired from school to the receipt of vocational rehabilitation services.

9. DBVI shall establish and implement standards for the prompt development of IPEs including timelines that take into consideration the needs of the individual.

10. Content of the IPE. Each IPE must include:

a. A description of the specific employment outcome chosen by the eligible individual that is:

(1) Consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice; and

(2) To the maximum extent appropriate, results in employment in an integrated setting;

b. A description of the specific vocational rehabilitation services under 22VAC45-51-70 that are:

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

(1) Needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices, assistive technology services, and personal assistance services, including training and management of those services; and

(2) Provided in the most integrated setting that is appropriate for the services involved and is consistent with the informed choice of the eligible individual;

c. Timelines for the achievement of the employment outcome and for the initiation of services;

d. A description of the entity or entities chosen by the eligible individual or, as appropriate, the individual's representative that will provide the vocational rehabilitation services and the methods used to procure those services;

e. A description of the criteria that will be used to evaluate progress toward achievement of the employment outcome; and

f. The terms and conditions of the IPE, including, as appropriate, information describing:

(1) The responsibilities of DBVI;

(2) The responsibilities of the eligible individual, including:

(a) The responsibilities the individual will assume in relation to achieving the employment outcome;

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

(b) If applicable, the extent of the individual's participation in paying for the cost of services; and

(c) The responsibility of the individual with regard to applying for and securing comparable services as defined in 22VAC45-51-10; and

(3) The services received by the individual from other comparable services or benefits as described in 22VAC45-51-10.

11. Post-Employment Services. The IPE for each individual shall contain, as determined to be necessary, statements concerning:

a. The expected need for post-employment services prior to closing the record of services of an individual who has achieved an employment outcome;

b. A description of the terms and conditions for the provision of any post-employment services; and

c. If appropriate, a statement of how post-employment services will be provided or arranged through other comparable services or benefits as defined in 22VAC45-51-

10.

Statutory Authority

§§55.5-65 and 55.5-71 of the Code of Virginia

Historical Notes

Derived from VR670-03-1 §4.1, eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990

22VAC45-51-90. Provision of services for individuals who are blind or visually impaired.

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

A. The provision of vocational rehabilitation services shall be based on the rehabilitation needs of each individual as identified in that individual's IPE and shall be consistent with the individual's informed choice. DBVI shall not place arbitrary limits on the nature and scope of vocational rehabilitation services to be provided to the individual to achieve an employment outcome:

1. In-State services shall be preferred provided that the preference does not effectively deny an individual a necessary service. If the individual chooses an out-of-State service at a higher cost than an in-State service and if either service would meet the individual's rehabilitation needs, DBVI shall not be responsible for those costs in excess of the cost of the in-State service.

2. DBVI shall establish and maintain written policies governing the rates of payment for all purchased vocational rehabilitation services.

3. DBVI shall establish a fee schedule designed to ensure a reasonable cost to the program for each service that is not so low as to effectively deny an individual a necessary service and not absolute and permits exceptions so that individual needs can be addressed.

4. DBVI shall not place absolute dollar limits on specific service categories or on the total services provided to an individual.

5. DBVI shall not establish absolute time limits on the provision of specific services or on the provision of services to an individual. The duration of each service needed by an



## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

individual must be determined on an individual basis and reflected in that individual's IPE.

6. DBVI shall authorize services in a timely manner;

7. Written authorizations shall be made, either before or at the same time as the purchase of services. When an oral authorization is given in an emergency situation, there shall be prompt documentation and the authorization shall be confirmed in writing and forwarded to the provider of services.

Statutory Authority

§§55.5-65 and 55.5-71 of the Code of Virginia.

Historical Notes

Derived from VR670-03-1 §4.2, eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990

Part V

Financial Participation

**22VAC45-51-100. Participation of individuals in the cost of services based on financial need and use of comparable services and benefits.**

A. DBVI shall consider the financial need of eligible individuals who receive the following vocational rehabilitation services:

1. Tuition for college or other training;

2. Medical treatment and physical restoration services;

3. Books and supplies;

4. Services to members of an eligible individual's family when necessary to the vocational rehabilitation of the eligible individual;

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

5. Occupational licenses, tools, equipment, and initial stock and supplies;

6. Maintenance during training;

7. Personal incidentals during training;

8. Telecommunications, sensory, and other technological aids and devices (when such aids and equipment are not used as adaptive devices for vocational training or employment or both);

9. Transportation; and

10. Rehabilitation engineering services when not incidental to the evaluation of rehabilitation potential.

B. The following vocational rehabilitation services shall be exempt from a determination of the availability of comparable services and benefits:

1. Assessment for determination of eligibility and vocational rehabilitation needs.

2. Counseling and guidance, including information and support services to assist an individual in exercising informed choice.

3 Referral and other services to secure needed services from other agencies.

4. Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.

5. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.

6. Post-employment services consisting of services listed under paragraphs (b)(1) through (5) of this section.

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

7. Reader service for eligible individuals enrolled in college or in a vocational training program.
8. Adjustment training and evaluations provided at the Virginia Rehabilitation Center for the Blind and Vision Impaired in Richmond.
9. Prevocational adjustment training, such as rehabilitation teaching, provided to eligible individuals receiving vocational rehabilitation services from DBVI staff.
10. Interpreter services for eligible individuals who are deafblind.
11. Orientation and mobility training.
12. Summer work experience for high school and college students.
13. Work Evaluation up to 30 days.
14. Community Evaluation Training Program with Rehabilitation Teaching.
15. Work Experience for Adults up to three months.
16. Work Adjustment Training up to three months.
17. On-the-Job Training up to 30 days.
18. Supported Employment Services.
19. Personal Assistance Services.

C. DBVI shall consider the financial needs of eligible individuals using a financial need test considering the following income:

1. Annual taxable income (gross income).
2. Annual nontaxable income such as social security, retirement benefits, workers' compensation, and veterans' benefits
3. Total cash assets, including checking and savings accounts, certificates, stocks, and bonds.

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

4. Income from real property.

D. The financial need test shall provide for certain allowances and exclusions including:

1. Gross income. A uniform income level will be used for all vocational rehabilitation customers; an annual review will be made and updated as needed. The income eligibility is based on 100% of the federal estimated median income in Virginia, which is published annually in the Federal Register;

2. Income shall be excluded from consideration based on family size. DBVI maintains an Exemptions for Liquid Assets table that based on the federal law income for a family of four which is updated annually.

3. Estimated cost specifically related to the individual's disability and not covered by comparable services and benefits.

4. Tuition costs for the individual or a family member to attend a private or public educational facility.

E. Annually, DBVI will make a determination of the financial contribution of the individual resulting from an examination of: (i) the number of persons in the family unit; (ii) annual taxable income minus allowances; (iii) exclusions based on individual costs specifically related to the individual's disability.

F. Prior to providing any vocational rehabilitation services to an eligible individual, or to members of the individual's family, DBVI shall determine whether comparable services and benefits, as defined in 22VAC45-51-10, exist under any other program and whether those services and benefits are available to the individual unless such a determination would interrupt or delay:

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

1. The progress of the individual toward achieving the employment outcome identified in the individualized plan for employment;
2. An immediate job placement; or
3. The provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional.

G. If comparable services or benefits exist under any other program and are available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's IPE, DBVI shall use those comparable services or benefits to meet, in whole or part, the costs of the vocational rehabilitation services.

H. If comparable services or benefits exist under any other program, but are not available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's IPE, DBVI shall provide vocational rehabilitation services until those comparable services and benefits become available.

I. Individuals with disabilities receiving Social Security benefits under Titles II or XVI of the Social Security Act are exempt from consideration of financial need; however, those benefits are considered as a comparable benefit for maintenance.

Statutory Authority

§§55.5-65 and 55.5-71 of the Code of Virginia

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

Historical Notes

Derived from VR670-03-1 §5.1, eff. August 3, 1988; amended, Virginia Register  
Volume 6, Issue 11, eff. March 28, 1990

Part VIClient's Rights**22VAC45-51-110. Review of determinations made by DBVI.**

A. An applicant or eligible individual who is dissatisfied with any  
determination made by DBVI that affects the provision of vocational  
rehabilitation services may request, or, if appropriate, may request  
through the individual's representative, a timely review of that  
determination.

B. General Requirements.

1. Notification. DBVI shall provide the applicant, or eligible  
individual or, as appropriate, the individual's representatives  
notice of:

a. His right to obtain review of DBVI determinations that  
affect the provision of vocational rehabilitation through  
an impartial due process hearing;

b. His right to pursue mediation with respect to  
determinations made by DBVI that affect the provision of  
vocational rehabilitation services to the applicant or  
eligible individual;

c. The names and addresses of individuals with whom  
requests for mediation or due process hearings may be  
filed;

d. The manner in which a mediator or impartial hearing  
officer may be selected; and

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

e. The availability of the client assistance program, established in the Virginia Office for Protection and Advocacy, to assist the applicant or eligible individual during mediation sessions or impartial due process hearings.

2. Timing. DBVI shall provide notice of general requirements described in this section in writing:

a. At the time the individual applies for vocational rehabilitation services;

b. At the time the individual is assigned to a category in DBVI's order of selection;

c. At the time the IPE is developed; and

d. Whenever vocational rehabilitation services for an individual are reduced, suspended, or terminated.

3. Evidence and representation.

a. The applicant or eligible individual or, as appropriate, the individual's representative shall have the opportunity to submit during mediation sessions or due process hearings evidence and other information that supports the applicant's or eligible individual's position; and

b. The applicant or eligible individual may be represented during mediation sessions or due process hearings by counsel or other advocates selected by the applicant or eligible individual.

4. DBVI shall not suspend, reduce, or terminate vocational rehabilitation services provided to an applicant or eligible

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

individual, including evaluation and assessment services and IPE development, pending a decision by a hearing officer or reviewing official, or pending informal resolution unless:

a. The individual or, in appropriate cases, the individual's representative requests a suspension, reduction, or termination of services; or

b. DBVI has evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual or the individual's representative.

C. Informal dispute resolution. DBVI shall develop an informal process for resolving a request for review without conducting mediation or a formal hearing. The informal process shall not be used to deny the right of an applicant or eligible individual to a hearing including the right to pursue mediation. If informal resolution or mediation are not successful in resolving the dispute within the time period established under subsection E of this section, a formal hearing shall be conducted within that same time period, unless DBVI and the applicant or eligible individual agree to a specific extension of time.

D. Mediation

1. A mediation process shall be made available, at a minimum, whenever an applicant or eligible individual or, as appropriate, the individual's representative requests an impartial due process hearing under this section.

2. Participation in the mediation process shall be voluntary on the part of the applicant or eligible individual, as appropriate, and on the part of DBVI;



## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

3. Use of the mediation process shall not used to deny or delay the applicant's or eligible individual's right to pursue resolution of the dispute through an impartial hearing held within the time period specified in subsection E of this section.

4. At any point during the mediation process, either party or the mediator may elect to terminate the mediation. In the event mediation is terminated, either party may pursue resolution through an impartial hearing; and

5. The mediation process shall be conducted by a qualified and impartial mediator who shall be selected from a list of qualified and impartial mediators maintained by DBVI.

E. Impartial due process hearings.

1. The formal due process hearing shall be conducted by an impartial hearing officer within 60 days of the applicant's or eligible individual's request for review of a determination made by DBVI that affects the provision of vocational rehabilitation services to the individual, unless informal resolution or a mediation agreement is achieved prior to the 60<sup>th</sup> day or the parties agree to a specific extension of time; and

2. In addition to the rights described in this section, the applicant or eligible individual or, if appropriate, the individual's representative shall be given the opportunity to present witnesses during the hearing and to examine all witnesses and other relevant sources of information and evidence.

F. Selection of impartial officers. DBVI shall maintain a list of qualified impartial hearing officers who shall be identified jointly by the agency and the Rehabilitation Council.

REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

Statutory Authority

§§55.5-65 and 55.5-71 of the Code of Virginia

Historical Notes

Derived from VR670-03-1 §6.1, eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990

**22VAC45-51-120. Protection, use, and release of personal information.**

A. General Provisions.

1. DBVI shall safeguard the confidentiality of all personal information, including photographs and lists of names to ensure that:

a. Current and stored personal information are protected;

b. All applicants and eligible individuals and, as appropriate, those individuals' representatives, service providers, cooperating agencies, and interested persons are informed through appropriate modes of communication of the confidentiality of personal information and the conditions for accessing and releasing this information;

c. All applicants or their representatives are informed about DBVI's need to collect personal information and the policies governing its use including:

(1) The purposes for which DBVI intends to use or release the information;

(2) An explanation of whether providing requested information is mandatory or voluntary and the effects of not providing requested information;

(3) Identification of those situations in which DBVI requires or does not require the informed written

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

consent of the individual before information may be released; and

(4) Identification of other agencies to which information is routinely released.

d. An explanation of DBVI policies and procedures affecting personal information shall be provided to each individual in that individual's native language or through the appropriate mode of communication.

B. All personal information in the possession of DBVI shall be used only for the purposes directly connected with the administration of the DBVI vocational rehabilitation program. Information containing identifiable personal information shall not be shared with advisory or other bodies that do not have official responsibility for the administration of the program. In the administration of the program, DBVI may obtain personal information from service providers and cooperating agencies under assurances that the information shall not be further disclosed except as described in subsection A of this section.

C. Release to applicants and eligible individuals.

1. When requested in writing, DBVI shall make all requested information in that individual's record of services accessible to and shall release the information to the individual or the individual's representative promptly.

2. Medical, psychological, or other information that DBVI determines may be harmful to the individual shall not be released directly to the individual, but shall be provided to the individual through a third party chosen by the individual, which may include an advocate, family member, or medical or mental

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

health professional. If a representative has been appointed by a court to represent the individual, the information shall be released to the court-appointed representative.

3. Personal information obtained by DBVI from another agency or organization may be released only by, or under conditions established by, the other agency or organization.

D. Release for audit, evaluation, and research. DBVI may release personal information to an organization, agency, or individual engaged in audit, evaluation, or research only for purposes directly connected with the administration of the vocational rehabilitation program, or for purposes that would significantly improve the quality of life for applicants and eligible individuals and only if the organization, agency, or individual assures that:

1. The information will be used only for the purposes for which it is being provided;

2. The information will be released only to persons officially connected with the audit, evaluation, or research;

3. The information will not be released to the involved individual;

4. The information will be managed in a manner to safeguard confidentiality; and

5. The final product will not reveal any identifying personal information without the informed written consent of the involved individual or the individual's representative.

E. Release to other programs or authorities.

1. Upon written consent of the individual or, if appropriate, the individual's representative, DBVI may release personal

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

information to another agency or organization for its program purposes only to the extent that the information may be released to the involved individual or the individual's representative and only to the extent that the other agency or organization demonstrates that the information is necessary for its program.

2. Medical or psychological information that DBVI determines may be harmful to the individual may be released if the other agency or organization assures DBVI that the information will be used only for the purpose for which it is being provided and that it will not be further released to the individual.

F. DBVI may release any personal information required by federal and state laws or regulations.

G. DBVI may release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by federal or state laws or regulations and in response to an order issued by a judge, magistrate, or other authorized judicial officer.

H. DBVI may also release personal information in order to protect the individual or others if the individual poses a threat to his or her safety or to the safety of others.

I. Upon the request of the U.S. Secretary of Education or his designee, DBVI shall release to the Governor or his designee a complete and certified copy of the case record including transcripts of the fair hearing decision for the purpose of the Governor's review of the final decision.

Statutory Authority

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

§§55.5-65 and 55.5-71 of the Code of Virginia.

Historical Notes

Derived from VR670-03-1 §6.2, eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990

**22VAC45-51-130. Periodic review of extended employment and ineligibility determinations.**

- A. DBVI shall annually review and reevaluate the status of each individual with a disability who has achieved an employment outcome either in an extended employment setting in a community rehabilitation program or in any other employment setting in which the individual is compensated in accordance with section 14(c) of the Fair Labor Standards Act for 2 years after the individual achieves the employment outcome (and thereafter if requested by the individual or, if appropriate, the individual's representative) to determine the interests, priorities, and needs of the individual with respect to competitive employment or training for competitive employment.
- B. When DBVI determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an IPE is no longer eligible for services DBVI shall:
1. Make a determination of ineligibility only after providing the individual, or as appropriate, the individual's representative, with an opportunity for full consultation;
  2. Inform the individual in writing, supplemented as necessary by other modes of communication consistent with the informed choice of the individual, of the ineligibility determination including reasons for that determination.
  3. Inform the individual in writing, supplemented as necessary by other modes of communication consistent with the informed

## REGULATIONS GOVERNING PROVISIONS OF SERVICES IN VOCATIONAL REHABILITATION

choice of the individual, the means by which the individual may express and seek remedy for dissatisfaction, including the procedures for review of determinations by DBVI;

4. Provide the individual with a description of services available from the client assistance program established in the Virginia Office for Protection and Advocacy; and

5. Within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative review any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome. This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the state, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

Statutory Authority

§§55.5-65 and 55.5-71 of the Code of Virginia

Historical Notes

Derived from VR670-03-1 §6.3, eff. August 3, 1988; amended, Virginia Register Volume 6, Issue 11, eff. March 28, 1990