

**State of New Mexico | Public Education Department  
Division of Vocational Rehabilitation  
Manual of Operating Instructions (MOP)**

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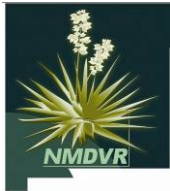
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DVR Overview

## 1. DVR Overview

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Revised: 08/03

### 1.1. Agency Philosophy

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The Division of Vocational Rehabilitation is a program that offers unique services to individuals with disabilities for the express purpose of assisting them in achieving an employment outcome. NMDVR is committed to providing quality and culturally sensitive services to all eligible New Mexicans, including typically underserved populations such as individuals in rural communities, tribal members and those with significant or multiple disabilities. NMDVR is further committed to working collaboratively with Native American 121 Vocational Rehabilitation Programs to ensure that the needs of New Mexico's Native American population are met.

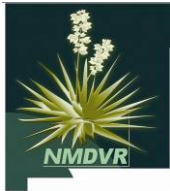
VR services are provided with a focus on employment, and with an emphasis on quality services. Counseling and guidance are the primary services, with an emphasis on a partnership between the participant and the VR counselor, as well as the establishment of partnerships with community resources, tribal entities and employers. In order to serve as many individuals as possible, the NMDVR service delivery system also places an emphasis on utilizing its resources in an efficient manner.

#### 1.1.1. Focus on Employment

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The primary focus of the Division of Vocational Rehabilitation is to assist individuals with disabilities in achieving an employment outcome. Individuals with disabilities are faced with barriers and obstacles unique to their particular situation. DVR's role is to assist the participant in addressing and reducing those barriers related to employment.

DVR is an eligibility-based program, which distinguishes it from entitlement programs.



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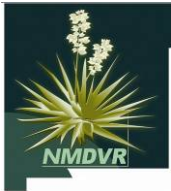
To qualify for services, participants must meet the eligibility criteria. This being the case, all services are provided on an individualized basis. Services are also provided in support of determining eligibility or in support of a vocationally related activity. For example, ancillary services such as physical or psychological restoration may be provided to enable participation in a vocational program. Transportation assistance may be provided to ensure that the participant can get to work, school, or other vocationally related activity.

Services will not be provided for reasons other than determining eligibility or supporting a vocational program. Diagnostic evaluations, for example, can only be provided to aid in the determination of eligibility or ineligibility. They cannot be provided just to determine a diagnosis or find out about a medical or psychological condition, unless the intent is specifically to obtain information for determining eligibility or for the development of an Individualized Plan for Employment (IPE). Once a participant is determined eligible, any service provided must be related to the achievement of the employment goal as outlined on the IPE.

### 1.1.2. Quality Service Delivery

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The best measures of quality are participant satisfaction, appropriate service delivery, and the acquisition and retention of suitable employment by the participant as evidenced by appropriate case documentation. In all phases of service delivery, participants are considered the primary customer of DVR services. As such, they are to be treated with dignity and respect at all times. This applies even in instances when an impasse may occur between the VR counselor (and / or other rehabilitation service team member) and the participant. DVR does have mechanisms for resolving an impasse including program manager reviews, administrative reviews, mediation, and Fair Hearings with an impartial Hearing Officer. If any of these avenues are pursued, the participant should continue to receive timely services as appropriate. There should also be no repercussions. In short, the VR service delivery team should maintain a high level of professionalism at all times.



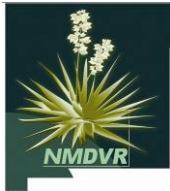
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Quality service delivery also means timely service delivery from the outset of the participant's referral and application to DVR. Agency staff has 60 days in which to determine eligibility. However, efforts should be made to expedite an eligibility determination in as timely a manner as possible. The same applies to planning and the provision of services under Trial Work Experiences (TWE), Extended Evaluation (EE), and Service status IPE's. In order to facilitate timely service delivery, involvement and communication with the participant and / or his or her representative must be maintained and coordinated on an on-going basis.

As an active partner in making choices about their services, participants should be actively involved in all aspects of service delivery as outlined in the "Informed Participant Choice" section. Although there are numerous guidelines and procedures to serve as tools, it is the nature of the VR business that there will be many instances in which counselor judgment is necessary. The VR counselor will have to assess various factors including interests and abilities, policies and practices, financial participation, etc. When no clear direction is available on which to base a decision, and all factors have been taken into consideration, the participant should be provided the benefit of the doubt. In these situations, it is better to err in favor of the participant. For example, if a transitioning student is requesting assistance with attendance in a school program, and the participant's diagnostic information does not provide conclusive evidence of the ability to succeed or not, the participant should be allowed to attend a semester of school to enable a decision to be made about the appropriateness of the request. If the participant turns out to be successful, the program can continue. If not, then further information is available which indicate that a school program may not be the best approach to achieving suitable employment.

The AWARE case management system provides a mechanism for streamlining and capturing essential case information. It should be the counselor/rehabilitation team member's role to not only document required information, but to also document all relevant activity and information. It should in essence summarize the events of the case in a clear and sequential manner. The case record, in particular the case notes, should provide a summary of case events. Staff should consider that the audience of the case record may be the program manager, Rehabilitation Services Unit administrative staff, auditors, consumer advocates, an impartial hearing officer, and the participants and / or representatives themselves. While the case record documentation requires some technical sophistication, consideration should be given to all or any of the above individuals who may review the case record when documenting case events.



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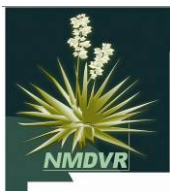
1.1.3. Counseling and Guidance: a Central Service

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The most important service that DVR provides is counseling and guidance. This service provides the forum for the VR counselor, and to a lesser degree, other members of the rehabilitation team to communicate agency policies, expectations, employment and career options, and to provide direction for the case.

It is important to establish a counseling relationship with the participant early on in order to foster a collaborative relationship. This begins at the time of the initial interview with the counselor. Expectations should be established and planning should begin. Initially the focus is on obtaining information in order to make an eligibility determination. The counseling and guidance relationship provides a mechanism for outlining the eligibility criteria and what will be necessary to make a determination. Employment planning should begin immediately to place an emphasis on what the overall intentions of DVR services will be. Consideration should be made as to whether the participant is eligible, and what the participant is eligible for. By keeping a specific focus on the employment outcome and what it will take to achieve it, the counselor and participant can avoid confusion and conflict.

After the IPE has been implemented in TWE, EE, Service, or in Post-Employment status, on-going counseling and guidance is critical to the success of the program and to keep a focus on the ultimate goal of achieving an employment outcome. While some programs require less of an interactive role such as when the participant is attending school, periodic counseling must take place to ensure that suitable progress is being made in the program and to ensure that any obstacles which may arise get addressed. For more immediate interactive activities such as job placement or supported employment programs, intensive counseling and guidance is necessary to ensure suitable placement and job retention. When job placement and coaching are provided in supported employment or other related programs, counselors should play an active and integral role in facilitating service delivery; even when community rehabilitation providers are providing the direct job placement and coaching services. Periodic visits to the job site, frequent visits with the participant/representative, and interaction with the provider (in addition to reviewing progress reports) are necessary to guide the process and to ensure that a suitable vocational adjustment takes place.



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1.1.4. Partnership between the Participant and VR Counselor

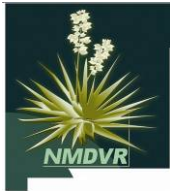
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A key factor to the success of a participant in achieving an employment outcome is his or her relationship with the VR counselor. Participation by both in all aspects of service delivery is necessary to create a productive partnership. From the participant's perspective, this involves making informed choices throughout his or her participation in the VR program. It also involves investment and commitment by the participant to become successful in achieving an employment outcome. Part of this process involves becoming independent and self-sufficient to the extent possible. The counselor's role is to facilitate decision-making and informed choice, to provide thorough information about policies and procedures, to assist in outlining vocational options, to provide information about available resources and vendors, and to provide vocational expertise. Effective communication is essential to the success of the partnership. In order to facilitate effective case management and meet the Agency's responsibilities, the counselor must utilize a mode of communication best suited for the participant.

A partnership involves a shared commitment and mutual respect. Both parties should be committed to achieving a suitable employment outcome. The participant should be treated with respect, as should the counselor and rehabilitation team. While rehabilitation team members must maintain a high level of professionalism, participants are also expected to conduct themselves in a respectful manner. It is recognized that some disabling conditions can lead to behavioral issues that create challenges for interpersonal communication and collaboration. However, to the extent possible; participants are expected to treat their relationship with VR staff as a partnership. In instances where blatant abuse of DVR staff is evident, and disability factors have been taken into consideration (including those within and beyond the participant's control) staff can require a corrective course of action on the participant's part. For example, this could mean participation in therapy or related services. If the behavior is not corrected, and / or DVR staff are clearly endangered, case closure is considered an appropriate course of action.

*Note: For case closure to take place there must be clear evidence and documentation of the events leading up to the action and evidence of appropriate action to address behavioral problems.*





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In instances where the behavior is beyond the participant's control, collaboration with other service delivery professionals should take place to evaluate the appropriateness of employment and to develop strategies for behavior management. In either instance, consideration must be given to the fact that the participant will ultimately be interacting with an employer, co-workers, and possibly customers.

1.1.5. Partnership with Community Resources and Employers

Part of the role of the DVR counselor and service delivery team is to forge partnerships with other community resources including work force partners and employers. By developing community resources, the DVR service delivery team creates avenues for participants to access other needed resources. This also facilitates outreach activities to recruit more participants. In an era of shrinking resources, it is important to maximize use of outside resources to the extent possible. More importantly, collaboration with outside resources serves to benefit DVR participants. Obtaining and maintaining employment is but one aspect of the participant's life. Frequently, other services are needed to improve the chances of reaching a suitable employment outcome.

DVR is mandated under the [Workforce Investment Act \(WIA\)](#) to partner with various other entities including the One-Stop Centers to streamline service delivery and avoid duplication of services. Other partners including school systems (to promote school-to-work transition services), community rehabilitation providers as partners in the job placement of persons with disabilities, the medical community, etc. The DVR service delivery team has specialized expertise in assisting persons with disabilities in achieving an employment outcome and, as such, DVR should be marketed as a viable community resource.



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Employers are the most important resource for DVR counselors. Without employers, employment outcomes cannot be achieved. DVR service delivery team members should always remain aware of the need to maintain a positive relationship with employers. This entails being sensitive to employer needs and satisfaction, maintaining a visible and positive image in the community, and acting as a resource. Participation in community activities, participation in business networks, conducting and / or participating in job fairs, participating in marketing activities, working cooperatively with other agencies geared towards job placement, and focused job development activities all serve in this capacity. Providing expertise or assisting in identifying resources for Americans with Disabilities Act issues such as job accommodations should also be considered a service for employers. In essence, employers are considered DVR's second customer. Recognizing employer needs and considering them as partners can only serve to enhance DVR's emphasis on assisting participant's with achieving employment outcomes.

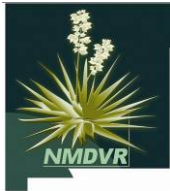
**1.1.6. Efficient Use of Resources**

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The New Mexico DVR program is committed to providing quality services and to serving as many eligible participants as possible. In order to accomplish this, service delivery staff must maintain a focus on utilizing financial resources efficiently. Tools to assist with this are the use of comparable benefits and the Participant Financial Contribution. Negotiation with participants is also recommended to ensure that costs of services are shared to the extent possible.

Negotiation with service providers must also take place. This does not imply that participants should not receive necessary services or that they should not have a choice in the types of services or the vendors of their choice. It does imply that staff should utilize the most cost effective means of service delivery when possible and when it does not impede on specific service needs of the participant.

When providing counseling and guidance and assisting with the development of an IPE, participants should also be provided only with those services that are necessary for the determination of eligibility or the achievement of an employment outcome.



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**1.2. Informed Participant Choice**

Informed choice refers to an ongoing process in which the individual with a disability and the counselor collaborate to gather and evaluate information that will be used by the individual to make informed choices about goals and services that will lead to an employment outcome. It is the vocational rehabilitation counselor's responsibility to serve as a facilitator, using his or her skills and knowledge of the vocational rehabilitation process to contribute to this partnership. The individual requesting the services brings his or her experiences with the implications of the disability and the knowledge of his or her strengths, abilities, and interests.

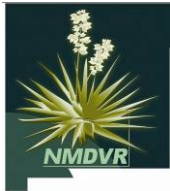
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**1.2.1. Policy Statement**

Each applicant and eligible participant for VR services must be informed, through appropriate modes of communication, about the opportunities to exercise informed choice throughout the VR process, including the availability of support services for individuals with cognitive impairments or others who require assistance in exercising informed choice.

Assistance must be provided to applicants and eligible participants in exercising informed choice in making decisions related to the provision of assessment services. Assistance must also be provided to eligible individuals in acquiring information that enables them to exercise informed choice in the development of their Individualized Plans for Employment (IPE's) with respect to the selection of the employment outcome, VR services and service providers, the employment setting as well as the settings in which services will be provided, and methods for procuring services.

The informed choice process essentially calls for cultivating a partnership between the participant, or as appropriate, the participant's representative, and the VR counselor. This promotes a vested interest and involvement in the application, eligibility, IPE, and employment processes.



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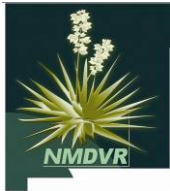
1.2.2. Requirements

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While implementing informed choice, the participant and / or his or her representative are encouraged to take the lead in making choices about the VR services that they receive and the choice of their employment goal. The VR counselor assists the participant during the assessment process to discover the participant's strengths, resources, priorities, concerns, abilities, capabilities and interests. It is the VR counselor's responsibility to inform the participant about available options for developing the IPE, for exercising informed choice and to assure that the individual understands the options. The participant must participate in choosing the employment goal. The counselor acts as a resource in facilitating this process by outlining options, interpreting agency policies, educating, and informing of available resources. Once an IPE has been signed by both the participant and the VR counselor, the participant assumes the responsibilities identified in the IPE for implementing the decisions and achieving the employment outcome. The counselor provides guidance and monitors progress to assist in the process. The individual's strengths, resources, priorities, concerns, abilities, and capabilities are critical factors in the employment plan, in addition to the labor market and the individual's willingness to relocate in search of employment. Cost is not a determining factor in establishing an employment goal and the services related to that goal, however, cost efficient strategies must be used. These strategies must be consistent with comparable benefits and services requirements as well as the Participant Financial Contribution.

The participant or participant's representative must be provided with information necessary to make an informed choice about the specific vocational rehabilitation services, including the providers of those services that are needed to achieve the individual's employment outcome. This information must include, at a minimum, information relating to:

- Cost, accessibility, and duration of potential services;
- Consumer satisfaction with those services to the extent that information relating to consumer satisfaction is available;
- Qualifications of potential service providers as available and appropriate;
- Types of services offered by the potential providers;
- Degree to which services are provided in integrated settings; and
- Outcomes achieved by participants working with service providers, to the extent that such information is available.



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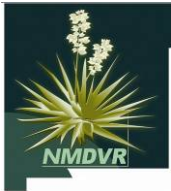
**DVR Overview**

In providing or assisting the individual or the individual's representative in acquiring this information, the following methods or sources of information may be used:

- Lists of services and service providers;
- Periodic consumer satisfaction surveys and reports;
- Referrals to other consumers (with permission and signed release form), consumer groups, or disability advisory councils qualified to discuss the services or service providers;
- Relevant accreditation, certification, or other information relating to the qualifications of service providers; or
- Opportunities for individuals to visit or experience various work and service provider settings.

In instances where participants with cognitive or other disabilities who require assistance in exercising informed choice, the VR counselor must describe the support services available to facilitate the informed choice process through methods which can be adequately understood by the participant. Such support services include:

- Assessing the level of the disability need to effectively communicate and / or acquire other assistance as necessary
- Providing interpreter services as necessary throughout the participant's participation in the VR process.
- Providing guidance and technical assistance to the extent necessary to convey information about informed choices throughout the VR process.
- Providing the participant's representative, as appropriate, and / or guardian with information necessary to make an informed choice about the specific vocational rehabilitation services to be provided.
- Providing information to other service delivery staff such as Community Rehabilitation Provider staff, case managers, education officials, advocates, other interested parties or professionals as appropriate to facilitate informed decision making.
- Simplifying information for persons with cognitive impairments.
- Using multiple modes of communication and repetition (i.e. audio tapes) as appropriate.
- Scheduling a longer time period for meetings when appropriate.



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1.2.3. Procurement Methods

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To be fully engaged in the VR process, the individual must gather and use information to the extent possible, participate in planning and problem solving, make and implement decisions and seek or identify needed resources. The counselor works with the individual to build relationships and to align resources that will enable the individual to exercise informed choice and work toward the employment outcome. Such activity includes:

- Providing a listing of available vendors for particular services;
- Assisting participants by working with new service providers to become recognized State vendors;
- Providing a description of the State Procurement Code requirements as they apply to DVR and the participant when selecting goods or services;
- Utilizing the most flexible and least restrictive procurement methods available on an individualized basis and identifying when another vendor may be more appropriate;

Informing the participant and / or representative of expected time frames for procuring goods or services.

- Providing a description of what constitutes comparable benefits as related to specific services;
- Processing authorizations and payments in as timely a manner as possible.

1.2.4. Guidelines

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1.2.4.1. Exercising Informed Choice

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Exercising informed choice and taking more responsibility in the VR process makes demands on individuals with disabilities and may also make demands on other people in their lives.



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The participant is encouraged to take a lead role in the selection of the employment goal, services necessary to achieve the goal, service providers and procurement methods. Effective implementation of informed choice depends on working jointly with the VR counselor. The VR counselor brings to the partnership knowledge of rehabilitation and the VR process, an understanding of informed choice, information regarding rehabilitation resources and current labor market trends, and the experience of assisting other individuals through the VR process.

The participant brings to the partnership information on the implications of the disability and on his or her strengths, values, resources, priorities, concerns, abilities and capabilities. The participant is responsible for following through with agreed upon services and is a partner in seeking out comparable benefits and services. For example, the participant is responsible for researching available financial aid and applying for financial aid when entering into or participating in a training program when he/she has the ability to do so.

**1.2.4.2. IPE Process**

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During the IPE process, the participant and / or the representative have the option of initiating the process by selecting the employment goal, services, and vendors. The counselor guides the process, but must approve and sign the IPE.

As part of the process of selecting an employment goal, the counselor should conduct a thorough assessment of the requested goal. This requires case development and exploration and does not necessarily require an immediate approval or denial of any requests.

As part of the process in selecting the employment goal, the participant should be assisted with options that will provide them with the same opportunities as persons who do not have disabilities. Such options should be sufficient and of a nature which will enable the participant to compete for employment opportunities with anyone else.



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Another factor in facilitating informed choice that should be taken into consideration is the participant's potential for maximizing employment in terms of obtaining meaningful employment, which is not necessarily the same as premium employment. The counselor must work with the participant to assess the factors related to strengths, resources, priorities, concerns, abilities, and capabilities. This assessment must evaluate the participant's ability to achieve meaningful employment with transferable skills, training, retraining, or advanced training.

When the participant has the necessary skills and background to enter employment that is clearly consistent with abilities and aptitudes and would not result in underemployment, then support for training or advanced training would not be appropriate. This means that a request for a specific type of training such as attendance at graduate school requires a thorough assessment to determine the appropriateness of the request (in some instances it may be appropriate; however, requests of this nature do not have to automatically be honored).

If the assessment reveals that the participant can achieve meaningful employment that is clearly not below their potential and would not result in underemployment, then a denial of the request for advanced training would be appropriate.

### **1.3. Vocational Rehabilitation Process**

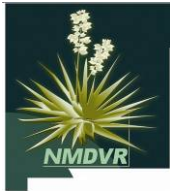
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#### **1.3.1. Legal Basis**

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Legal Authority for VR programs: [The Rehabilitation Act of 1973](#) as amended, 29 U.S.C.A. Chapter 16, [34 C.F.R. parts 361](#) through 396, Section 22-14-7 at seq., NMSA 1978.





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1.3.2. Non-Discrimination

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The New Mexico State Board of Education, Department of Education, Division of Vocational Rehabilitation does not discriminate with regard to race, culture, ancestry, color, national origin, sex, age, religion or impairment in their programs or hiring practices.

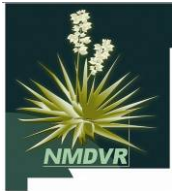
1.3.3. Status Overview

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The VR process is a goal-oriented sequence of services provided on an individualized basis to assist eligible individuals with disabilities in achieving an employment outcome consistent with the individual's unique strengths resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

The rehabilitation process is broken down into "participant statuses" which are listed below, along with identification of possible services available to participants while in the particular status.

Status	Description	Possible Service
Applicant	Receipt of signed application.	Intake, diagnostics, and evaluation necessary to make an eligibility determination.
*Trial Work Experiences	Completion of Trial Work Experience Plan to assess applicant's ability to benefit from VR services.	Evaluation within a realistic work setting with proper supports. Potential for additional diagnostics.
*Extended Evaluation	Completion of Extended Evaluation to assess applicant's ability to benefit from VR services.	Provision of assessment services identified in Extended Evaluation Plan.
Eligible	Determination of eligibility for VR program.	Comprehensive diagnostics and joint planning towards IPE development.
Service	IPE written and approved.	Provision of VR services identified in IPE.
Employed	Participant secures employment outcome.	
Closed - Rehabilitated	Case closure following 90 days of successful employment.	
Closed - Other Than Rehabilitated	Case closure following a decision that participant is ineligible or is unable or opts not to reach an employment outcome.	



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Status	Description	Possible Service
Post-Employment Services	Post-Employment Services aimed at assisting the participant to maintain, regain or advance in employment.	Provision of VR services identified in PES plan.

**1.3.4. Case Status Movement**

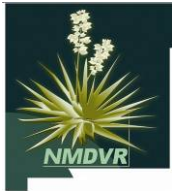
Below is a chart indicating to which statuses a participant may be moved from the current status, if appropriate action or documentation has preceded the status change.

Status	May Be Moved To	Required AWARE Datapages
	Applicant	Personal Information, Application, Application Documentation, Disability Browse, Special Programs
Applicant	Eligible TWE/Extended Employment Closed-Other Than Rehabilitated	Eligibility Determination TWE Plan Closure
Eligible	Services Closed-Other Than Rehabilitated	Plan Browse Closure
Service	Employed Closed-Other Than Rehabilitated	Employment Browse closure
Employed	Closed - Rehabilitated Closed - Other Than Rehabilitated Rehabilitated	Closure Closure
Closed - Rehabilitated	PES	Post-Employment Browse
Closed - Other Than Rehabilitated		Closure
	PES Closure	PES Plan / Closure Section #5

**1.4. Definitions**

**1.4.1. Applicant**

An individual who has completed and signed an application for vocational rehabilitation services or has otherwise requested services from DVR.



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#### 1.4.2. Application Status

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Status within the vocational rehabilitation process in which the participating individual has applied for VR services and is awaiting eligibility determination.

#### 1.4.3. Appropriate Mode of Communication

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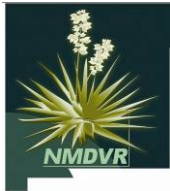
Specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed captioned videos, specialized telecommunications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

#### 1.4.4. Clear and Convincing Evidence

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Clear and convincing evidence means a high degree of certainty that an individual is incapable of benefiting from services in terms of an employment outcome. Clear means unequivocal; free from obscurity or ambiguity. Generally, existing information will not provide clear and convincing evidence that an employment outcome is not achievable. Clear and convincing evidence might include:

- a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's vocational needs due to the severity of the individual's disability. In addition, the involvement of the participant in "in-house" assessments - testing, homework assignments, participation in relevant group activities - may assist in making such a determination.
- If appropriate, a functional assessment of skill development activities with any necessary supports (including assistive technology) in real life settings.



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#### 1.4.5. Closed Other than Rehabilitated

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Status within the vocational rehabilitation process in which the participant has either:

- applied for VR services but the case was closed prior to an eligibility determination;
- was determined eligible for VR services and the case was closed prior to development of an Individualized Plan for Employment (IPE);
- received services through an approved IPE and their case was closed without achieving an employment outcome.

#### 1.4.6. Closed Successfully Rehabilitated

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Status within the vocational rehabilitation process in which the participant received services through an approved IPE, reached his or her employment goal, achieved stability on the job and maintained employment for 90 days.

#### 1.4.7. Comparable Services and Benefits

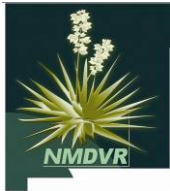
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Services and benefits that are provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits that are available to the individual at the time needed to ensure the progress of achieving the employment outcome identified in the IPE and that is commensurate to the services that the individual would otherwise receive from DVR. Comparable benefits do not include awards and scholarships based on merit.

#### 1.4.8. Competitive Employment

---

Work that is 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.



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1.4.9. Eligible Status

Status within the vocational rehabilitation process in which the participant has been determined eligible for VR services by a qualified VR Counselor and is in the process of developing an Individualized Plan for Employment.

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1.4.10. Employed Status

Status within the vocational rehabilitation process in which the participant has reached an appropriate employment goal following receipt of VR services.

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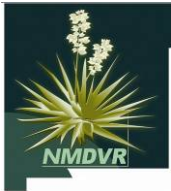
1.4.11. Employment Outcomes

Full-time or part-time competitive employment in the integrated labor market, supported employment, or any other type of employment in an integrated setting, including self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

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1.4.12. Extended Employment

Work is 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 individual with a disability to train or otherwise prepare for competitive employment, unless the individual through informed choice chooses to remain in extended employment.



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1.4.13. Extended Services

Ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in employment and that are provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, from funds other than funds received by DVR after an individual has made the transition from support provided by DVR. Also referred to as long-term support services.

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1.4.14. Extreme Medical Risk

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

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1.4.15. Fair Hearing

Formal procedure as part of the appeal process in which an impartial hearing officer is appointed to render a determination on disputed issues between the participant and DVR; based on agency and participant evidence.

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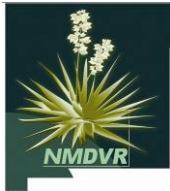
1.4.16. Family Member

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

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1.4.17. Functional Limitations

Limitations imposed by an impairment that impedes or limits an individual in one or more area of his or her physical or mental functioning.



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1.4.18. Individual Education Plan

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Individualized plan developed by the public school systems for a special education student which identifies educational goals, objectives and services to be provided to the student. When a student reaches age 14, his or her IEP should also include a transition plan that addresses services and support focused towards post-school outcomes.

1.4.19. Individualized Plan for Employment

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Written instrument utilized to identify, coordinate and implement the participant's employment goal, services and vendors, responsibilities, time frames and costs.

1.4.20. Individual with a Disability

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An individual who has a physical or mental impairment that substantially limits one or more major life activities; who has a record of such an impairment; or who is regarded as having such an impairment.

1.4.21. Individual with a Most Significant Disability

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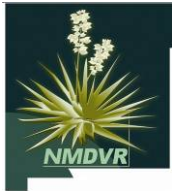
An individual who has a severe physical or mental impairment that:

1. Impedes the individual's functional capacities in three or more areas (such as mobility, communication, self-care, self-direction, interpersonal skills, cognitive abilities, or work tolerance or attendant factors) in terms of an employment outcome, and
2. whose vocational rehabilitation can be expected to require multiple and intensive vocational rehabilitation services over an extended period of time in order to result in an employment outcome.

1.4.22. Individual with a Significant Disability

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An individual who has a severe physical or mental impairment that:



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1. seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and
2. whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.

#### 1.4.23. Individual's Representative

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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.

#### 1.4.24. Integrated Setting

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1. With respect to the provision of services:

A setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing rehabilitation services.

2. With respect to an employment outcome:

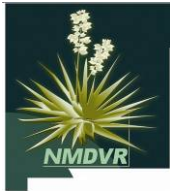
A setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.

#### 1.4.25. Maintenance

---

Monetary support provided to an individual for expenses such as food, and shelter, 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 needs or the individual's receipt of vocational rehabilitation services under an IPE.





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1.4.26. Mediation

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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 legal remedies.

1.4.27. Personal Assistance Services

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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. The services must be necessary to the achievement of an employment outcome and may be provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising and directing personal assistance services.

1.4.28. Post-Employment Services

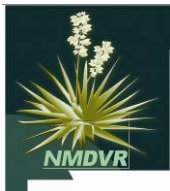
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One or more vocational rehabilitation services that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

1.4.29. Post-Employment Status

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Status within the vocational rehabilitation process in which a participant who was previously closed successfully rehabilitated accesses additional VR services aimed at maintaining, regaining or advancing within employment.



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#### 1.4.30. Reasonable Accommodation

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Modification or an adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of non-disabled employees.

#### 1.4.31. Rehabilitation Engineering

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Systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by individuals with disabilities in functional areas, such as mobility, communication, hearing, vision and cognition, and in activities associated with employment, independent living, education, and integration into the community.

#### 1.4.32. Rehabilitation Technology

---

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.

#### 1.4.33. AWARE

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Automated case management system. Service Status

Status within the vocational rehabilitation process in which the participant has signed an approved Individualized Plan for Employment (IPE) and is actively engaged in service(s) aimed at achieving the employment goal identified in the IPE.



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**1.4.34. Substantial impediment to employment**

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

**1.4.35. Substantially Limits**

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In relation to the impairment, having a substantial consequence that is not temporary or easily ameliorated.

**1.4.36. Supported Employment**

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Competitive employment in an integrated setting, or employment in integrated work settings in which an individual is working toward competitive employment, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; for individuals who are most significantly disabled for whom:

- A. competitive employment has not traditionally occurred;
- B. competitive employment has been interrupted or intermittent as a result of the disability; and
- C. who, because of the nature and severity of their disability, need intensive supported employment services from NMDVR and extended services after transition to perform this work.

**1.4.37. Temporary or Easily Ameliorated**

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Of no permanent or chronic consequence; a condition which is expected to last for a limited time only or to be corrected, either partially or totally, by an identified treatment, with little or no residual effects on functioning; an impairment for which the only service needed is payment of medical services.



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1.4.38. Transferable Skills

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Skills and abilities with multiple applications that have been acquired through past work or life experiences. Examples may include but are not limited to interpersonal skills, communication skills and self-management skills.

1.4.39. Transitional Employment

---

Series of temporary job placements in competitive work in integrated settings with ongoing support services for individuals with the most significant disabilities due to mental illness. In transitional employment, the provision of ongoing support services must include continuing sequential job placements until job permanency is achieved.

1.4.40. Transportation

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Travel and related expenses which 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.



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Referral / Applicant Status

## **2. Referral / Applicant Status**

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Revised: 09/02

### **2.1. Referral**

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#### **2.1.1. Policy Statement**

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The New Mexico Division of Vocational Rehabilitation has established standards for the prompt and equitable handling of referrals of individuals for vocational rehabilitation services, including referrals of individuals made through the One-Stop service delivery systems. Referrals shall be tracked and monitored as appropriate to maintain adequate documentation and ensure timely follow up. Efforts to contact all referrals will be made in a timely and appropriate manner as outlined below.

#### **2.1.2. Definition**

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A referral is an individual who has been referred to DVR by other agencies, organizations or individuals and from whom the following information has been obtained:

- Name
- Means by which to contact the individual (address or phone #)

Referrals should be accepted if:

- the individual is available for VR services
- referral information indicates the individual may be eligible for VR services

*Note: Institutionalized referrals shall be accepted if they are available to participate in the rehabilitation process and employment. Generally, notification of a discharge date from the institution, or discharge plan, which will allow for active participation by the individual, shall be required.*



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**2.1.3. Tracking in AWARE**

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The AWARE Referral datapage allows tracking of all referred individuals which includes those who proceed to Applicant Status as well as those individuals that do not formally apply for VR services. Utilization of the AWARE referral tracking system is optional and can be used to track referred individuals when it is not known whether they will apply for services. In instances when it is known that the individual will formally apply for services, the referral process is not necessary. When a participant is entered as a new applicant this automatically constitutes a referral and is tracked in AWARE.

**2.1.4. Procedures**

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- A. Contact the referral within a two-week period.
- B. Provide information and explanation of eligibility criteria and VR program
- C. Complete Participant Brief Sheet
- D. Complete AWARE Referral datapage (optional)
- E. Document the "Reasonable Effort to contact" and outcome of referral in the comment section of the referral datapage. Case notes are available in the Referral datapages if you need to elaborate on contacts made. (optional)
- F. Maintain an ongoing log of referrals if the rehabilitation team has opted not to utilize the AWARE referral tracking system.

**2.1.5. Reasonable Efforts to Contact**

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Reasonable efforts to contact a referral should be made within 2 weeks of receipt of the referral by telephone, letter or personal visit. The purpose of your contact is to ascertain the individual's interest in applying for DVR services and schedule the initial interview if indicated. Contacts should be via the mode of communication best suited for the individual based on the available referral information and documented. For example, if there is a question about the referral's ability to fully understand written language, a phone contact or personal visit should be made.



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Home visits should be approached with common sense and caution. If there is any indication that the referral or any other individual in the home may be dangerous, a home visit is not advisable. The referral source may also be a point of contact if attempts to reach the referral through other sources are unsuccessful.

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## **2.2. Applicant Status**

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### **2.2.1. Policy Statement**

The New Mexico Division of Vocational Rehabilitation commits to a process which informs referrals for VR services of application requirements and gathers information necessary to initiate an assessment for determining eligibility in a timely and equitable manner. All applicants are entitled to participate in the assessment for determining eligibility.

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### **2.2.2. Definition**

An applicant is an individual who has completed and signed an application for vocational rehabilitation services or has completed a common intake application form in a one-stop center requesting VR services; or has otherwise requested vocational rehabilitation services from DVR. The application or request for services must be signed by the participant or participant's representative, as appropriate.

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### **2.2.3. Procedures**

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#### **2.2.3.1. Time Limitations**

The purpose of Applicant Status is to gather diagnostic information sufficient to make a determination of eligibility. Though planning activity may take place in Applicant Status, the emphasis must be on making an eligibility determination in a timely manner. The counselor must determine whether an individual is eligible for vocational rehabilitation services within 60 DAYS after the individual has submitted a signed application for services **unless**:



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- the counselor determines, in consultation with the participant, that exceptional and unforeseen circumstances beyond the control of the counselor preclude making an eligibility determination within 60 days and the participant agrees to a specific extension of time by signing an Eligibility Determination Extension; or,
- the counselor determines, in consultation with the participant, that a specific extension of time is required to involve the participant in either trial work experiences or an extended evaluation period in order to determine eligibility.

#### 2.2.3.2. Initial Interview

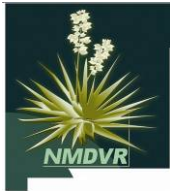
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Upon receipt of a referral or signed application, an initial interview should be scheduled as soon as possible to assure compliance with the 60-day eligibility time limit. A counselor or rehabilitation technician must conduct the initial interview. During this interview as well as in all communication with the participant, it is critical to utilize the mode of communication which most effectively facilitates communication. Interpreter services should be provided if identified as a need either through the Brief Sheet or through contact with the applicant or referral source. During the initial interview and throughout the VR process, it is essential to assess the communication process and participant's comprehension and adjust your communication style, use of interpreters or other appropriate modes of communication as necessary. The purpose of the initial interview is to:

- Exchange information with the participant,
- Establish a basis for the participant/counselor relationship,
- Provide a thorough review regarding DVR's process, procedures, and expectations;
- Start the diagnostic process needed to determine eligibility.

During the initial interview, document to the extent necessary, an appraisal of the individual's current functioning in the following areas:





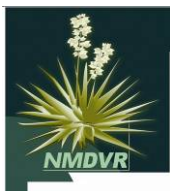
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- Medical - to include reported diagnosis, functional limitations, medications, surgeries.
- Social - to include family and other support network.
- Intellectual - to include level of functioning.
- Financial.
- Other issues affecting the participant's vocational rehabilitation.
- Psychological - to include reported diagnosis, functional limitations, medications, hospitalizations, etc.
- Education - to include levels of attainment and areas of study.
- Vocational - to include full work history, tasks performed, reasons for leaving jobs, transferable skills, etc.
- Independent living.

During the initial interview, the following forms should be reviewed with the participant and completed as follows:

- Application for VR services - obtain applicant and / or guardian signature as appropriate on DVR Application for Services if this has not yet occurred.
- Participant Rights and Responsibilities Handout - review the handout sheet with the applicant and / or guardian as appropriate. Obtain signature(s) of the applicant and / or guardian and provide them with a copy of the handout. A copy of the signed form must be placed in the hard file.
- Release of Information forms - while all efforts should be made to have the applicant gather existing information to document the reported disability, an alternative to gathering existing records is to have the applicant or guardian sign a release of information form. The release must be completed prior to obtaining the signature with copies of the forms retained in the case file.



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During the initial interview, set short-term "homework" tasks for the applicant as appropriate given the reported impairment, to expedite the eligibility determination process and assess motivation. Examples would include, attendance at appointments with the counselor or other diagnostic appointments, exploration of vocational interests, contacting educational institutions or employers as appropriate, contacting other service providers such as Department of Labor or One Stop Centers, etc. Make the participant aware of the 60-day requirement for an eligibility decision and, as appropriate, his or her responsibilities in helping to expedite the process including providing verification of SSDI/SSI eligibility. Emphasizing job placement issues during the initial contacts with the applicant during the initial contacts helps to focus attention on the real mission of the agency and not on the immediate psycho-social service needs of the individual.

There may be some instances which warrant the individual to complete the Participant/Application information prior to the initial interview. For example, if the participant lives in an outlying area and cannot make regular or frequent visits to the DVR office. When circumstances like this exist, the participant should be provided with the Participant Information Worksheet (hard copy), the Application and the Participant Rights and Responsibilities handout. These can be mailed out if necessary. The Participant Information Worksheet is designed to complement the AWARE system for key entry. As noted, the Application and Participant Rights and Responsibilities form must accompany the Participant Information Worksheet. There is a date received section on the Participant Information Worksheet form which is to be completed by DVR staff when the packet is received in the DVR office. The date that the completed packet is received in the DVR office is the date that the participant becomes an official applicant and this begins the 60-day eligibility determination period.

#### 2.2.3.3. Requirements For AWARE

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- A. Complete AWARE Application datapages in order to officially open the case in the AWARE system. This can be done either during or following the initial interview.



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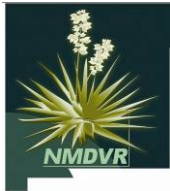
Referral / Applicant Status

- B. Document all relevant data within the datapages or a case note. While the Application datapages readily capture most of the required information such as vocational background (work history), medical/psychological (Disability datapage) and financial, it is important to note that AWARE does not have categories for all the information that should be gathered at the initial interview. The interviewer should utilize Section D of the Application Documentation datapage (Other participant information or comments) or a separate case note to document pertinent social, intellectual (if not captured on disability related issues), independent living, education and attendant factor information, such as transportation and childcare issues as well as any other issues affecting the individual's vocational rehabilitation. Complete information regarding the individual's work history to include tasks performed, reasons for leaving jobs as well as disability related issues to include functional limitations is required.
- C. The Application date used for AWARE should correspond with date that the signed application was received in the DVR office.

**2.2.3.4. Guidelines for Assessment**

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- A. Counselor judgment is a critical factor in all issues pertaining to eligibility, particularly in determining, in consultation with the participant, the nature and scope of information necessary to determine eligibility and what assessment activities are needed that will provide such information.
- B. The law emphasizes the use of information that is existing and current as appropriate considering the nature of the disability. The best way to determine the sufficiency of existing information is in relation to critical case questions formulated by the counselor when considering all eligibility criteria. When existing information is not sufficient, then appropriate assessment activities must be undertaken which will provide the necessary additional data.
- C. When arranging for additional assessments, the counselor must review the need for additional assessments with the participant.



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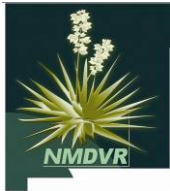
- D. During the assessment period, the Participant Financial Contribution does not apply and the participant is also exempt from the determination of comparable benefits and services. Comparable services and benefits can be utilized voluntarily by the applicant but use of these benefits or services cannot be mandated by DVR during the assessment period.
- E. Advise participants that diagnostic assessments provided during this phase of the rehabilitation process are for the purpose of gathering data related to eligibility determination and that recommended treatment resulting from an authorized diagnostic exam is not automatically covered by DVR. Provision of recommended treatment may or may not be provided in the future depending on outcome of eligibility determination and whether service is identified as "required" to obtain an employment outcome by the VR Counselor and participant.

2.2.4. Scope of Diagnostic Study

2.2.4.1. Diagnostics for Eligibility

Impairments must be substantiated in written form by a Medical Doctor, Doctor of Osteopathy, Physician's Assistant, Nurse Practitioner or other professional licensed or certified in the diagnosis of the impairment to include the following:

- A. Optometrist for eye infractions
- B. Certified Psychologist to diagnose mental health/emotional disorders
- C. Audiologist for hearing impairments
- D. Educational Diagnostician for learning disabilities or mental retardation
- E. Licensed Professional Clinical Counselors and Independent Social Workers for mental health diagnosis.



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2.2.4.2. Other Diagnostics

Reports from Licensed Professional Clinical Counselors, Independent Social Workers and Licensed Substance Abuse Counselors should be sought if the applicant is currently receiving treatment from this source. These reports should be considered in the overall assessment of the applicant.

- If the impairment is stable and non-progressive, existing data is generally sufficient for substantiating the impairment. Existing reports should be utilized whenever possible, however, when the impairment is not stabilized or is progressive, current reports should be obtained.
- If existing reports are not available or sufficient, the participant's own physician or physician of choice should be utilized whenever possible.
- Further diagnostics needed to substantiate or clarify functional limitations may be obtained, as appropriate, from individuals who are licensed or qualified according to statewide professional standards to include:
  - Speech, occupational or physical therapists
  - Vocational evaluators in private practice or in a facility
  - Rehabilitation engineer to assess a participant's potential to benefit from Rehabilitation engineering services
  - Educational Diagnostician's reports, school transcripts, or other school records
  - Licensed Professional Clinical Counselors
  - Independent Social Workers
  - Licensed Substance Abuse Counselors
  - Other diagnostics which lend information regarding the individual's level of functioning

Specialist exams should be utilized as described below:

- Visual Impairments
  - Ophthalmologist if eye disease or pathology is known or suspected;
  - Optometrist can be used for initial screening or for refraction errors.



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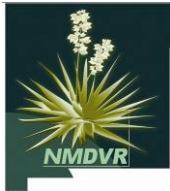
- Hearing Impairments
  - Otolaryngologist (ENT) if on-going ear pathology is known or suspected;
  - Audiologist may be used for hearing evaluations.
  
- Learning Disability/Developmental Disability
  - Psychologist certified by the State Board of Psychological Examiners;
  - Clinical Psychologist under the State Personnel Board;
  - Educational Diagnostician certified by the State Department of Education;
  - Neuropsychologist when a learning disability is questionable.
  
- Mental or Emotional Disorders
  - Psychiatrist;
  - Psychologist certified by the State Board of Psychological Examiners;
  - Clinical Psychologist under the State Personnel Board;
  - Licensed Independent Social Worker; or Licensed Professional Clinical Counselor.

2.2.4.3. Hospitalization for Diagnostics

If hospitalization is requested by a physician for the purpose of diagnostic study, medical and supervisory consultation shall be obtained.

2.2.5. Eligibility Determination Extension

An Eligibility Determination Extension is reserved for exceptional and unforeseen circumstances that are clearly beyond the counselor's ability to control. The reasons will usually pertain to one of the following:



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- Applicant's failure to keep appointments, failure to follow reasonable directions, unavailability, etc.
- Assessment activity has been appropriate, however, the information does not sufficiently answer case questions pertaining to eligibility and additional time is required to generate the information.
- Inability to obtain medical and / or psychological records in a timely manner when multiple impairments exist or the disability(ies) are of a complicated nature.

*Note: Be sure to clearly document in the AWARE Case Notes datapage, what questions pertaining to eligibility need to be answered and what actions are planned to answer the questions.*

When any of the above reasons exist for not being able to make an eligibility determination, explain the circumstances to the applicant and give the option of proceeding with an Eligibility Determination Extension or having the case closed. Before seeking the specific extension of time, the counselor should review the case to see if an eligibility determination can be made.

When counselor/team failure is the reason for not being able to make an eligibility determination within the allowed sixty (60) day time frame, explain the circumstances to the participant and inquire as to their willingness to proceed with an Eligibility Determination Extension. If the participant refuses, then the counselor must proceed as rapidly as possible in overtime to make an eligibility decision. Exceeding the 60-day time frame in this manner is in violation of Federal law for time in status.

Eligibility Determination Extensions must be printed, signed by the counselor and participant, and filed in the case file



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## **2.3. Trial Work Experience**

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### **2.3.1. Policy Statement**

Prior to determining that an applicant is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of the disability, the counselor must conduct an exploration of the individual's abilities, capabilities and capacity to perform in realistic work situations to determine whether or not there is clear and convincing evidence to support a determination of ineligibility. This assessment is done through Trial Work Experiences.

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### **2.3.2. Definition**

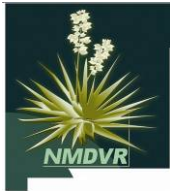
Trial Work Experiences are placements within a realistic work setting which allow for exploration and assessment of the participant's abilities, capabilities and capacity to perform in work situations. Possible examples of TWE placements include structured volunteer work, situational work assessments with proper supports, supported employment, on-the-job training, internships, job shadowing and other experiences using realistic work settings. Trial Work Experiences must be of sufficient variety and over a sufficient period of time for the counselor to make an eligibility determination.

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### **2.3.3. Requirements**

- A. Are provided only to applicants with a significant disability or most significant disability in situations when the counselor is unable to determine if he or she can benefit from VR services in terms of an employment outcome. The provision of trial work experiences will enable the counselor to make such a determination.
- B. Must be set in the most integrated settings possible, consistent with informed choice and the rehabilitation needs of the applicant.
- C. Must allow for appropriate supports to accommodate the rehabilitation needs of the applicant during the trial work experiences.
- D. Shall include VR services, including support services, necessary to determine the participant's ability to benefit from VR services in terms of an employment outcome.





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- E. Shall include, to the degree needed, an appraisal of the applicant's work behaviors and identification of services required to acquire work skills and to develop work attitudes, work habits, work tolerance and social and behavior patterns necessary for successful job performance, including the utilization of work in real job situations to assess and develop the capacities of the participant.
- F. During the TWE, the participant is exempt from the determination of comparable benefits and services. Comparable services and benefits can be utilized voluntarily by the applicant but use of these services and benefits cannot be mandated by DVR during the assessment period.

**2.3.4. Procedures**

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Prior to the expiration of the allowed 60 days in applicant Status and upon determination that Trial Work Experiences are required, the counselor should:

- A. Complete Section 1 of the Disability Priority Datapage to include the disability priority and rationale (TWE is only an option for SD or MSD participants). Completing the disability priority coding at this time allows for accurate reporting of TWE related information and assures TWE is being utilized for SD or MSD participants as required.
- B. Discuss with the participant the reasons for trial work experiences.
- C. Jointly develop a PLAN with the participant by completing the Trial Work Experiences datapage in AWARE. Within the plan, adequately describe the rationale for requiring TWE, identify the employment setting or potential employment settings if site not yet determined and the services identified to assess the applicant's ability to benefit from vocational rehabilitation services.
- D. Apply the Participant Financial Contribution for non-assessment services provided through the TWE plan, i.e. child care, transportation, clothing, etc. The Participant Financial Contribution is not to be applied to services directly related to assessment of the participant's abilities to work, i.e. restoration services, job placement/coaching; OJT associated costs, etc.
- E. Obtain necessary approval from Area Program Manager.
- F. Obtain participant's signature on the plan and initiate the provision of services as soon as possible.



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- G. Review the TWE plan monthly utilizing AWARE Plan Review datapage to document progress. The counselor should make clear what the critical case questions are pertaining to Eligibility and terminate this phase of service provision as soon as it is determined that the questions have been answered.

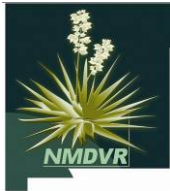
*Note: For the purpose of TWE, the counselor must possess evidence that the participant is significantly disabled or most significantly disabled. The intent of this activity is to assess whether the participant can benefit from VR services in terms of an achieving an employment outcome.*

2.3.5. AWARE Documentation

- A. The counselor must complete Section 1 of the Disability Priority Datapage to include disability priority and rationale.
- B. Complete the Trial Work Experience Plan datapage in AWARE providing a description of the purpose of the plan, identifying the employment setting if identified at time of plan development and primary support services required and documenting the criteria for evaluating the participant's progress.
- C. As appropriate, the Trial Work Experiences Plan must be submitted to the Area Program Manager for approval.
  - Following approval by the Area Program Manager, the Trial Work Experiences period takes effect once the start date is entered on the TWE Plan datapage in AWARE.
  - Signatures of the counselor, participant or participant's representative, as appropriate, should be obtained. One copy of the plan is retained for the case file and the other is provided to the participant. Once all signatures are obtained, planned services can be initiated.

2.3.6. Advancing from Trial Work Experience

To Status:	When:
Closure	<ul style="list-style-type: none"> <li>A. Assessments indicate, by clear and convincing evidence, that the applicant is unable to benefit from VR services in terms of an employment outcome, and is, therefore, ineligible.</li> <li>B. Applicant requests case closure, moves or becomes otherwise unavailable to participant in the planned TWE.</li> </ul>



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To Status:	When:
Eligibility	Assessments indicate that the applicant can benefit from VR services in terms of an employment outcome and the applicant is, therefore, eligible. Complete the Eligibility datapage and begin the IPE planning process.

## 2.4. Extended Evaluation

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### 2.4.1. Policy Statement

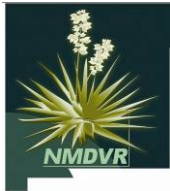
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Extended Evaluation is available for individuals with significant disabilities or most significant disabilities who cannot take advantage of trial work experiences or if the options for trial work experiences have been exhausted before DVR is able to conclude, by clear and convincing evidence, whether the applicant is able to benefit from vocational rehabilitation services due to the severity of their disabling condition(s). Trial Work Experiences remains the first option by which to assess an individual's ability to benefit from VR service. Extended Evaluation is not meant to be a routine alternative to Trial Work Experiences, but is to be used only as a last resort and under limited circumstances. An individual may be determined unable to take advantage of a Trial Work Experience if there is a need for substantial restoration services prior entering a work environment. Extended Evaluation involves the development of a written plan which provides only those services necessary to make a determination of eligibility.

### 2.4.2. Guidelines

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- A. Extended Evaluation is available only to applicants with a significant disability or most significant disability in situations when the counselor is unable to determine if he/she can benefit from VR services in terms of an employment outcome due to the severity of the disability. The provision of Extended Evaluation will enable the counselor to make such a determination.
- B. The counselor should clearly outline critical case questions pertaining to eligibility and the Extended Evaluation Plan should be designed to address these questions.
- C. The Extended Evaluation period shall be reviewed on a monthly basis by the DVR Counselor or more often if necessary.
- D. The Extended Evaluation period should terminate at the time the DVR Counselor is able to determination eligibility.



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**2.4.3. Requirements**

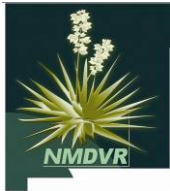
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- A. Extended Evaluation can only be entered into after Trial Work Experiences have been exhausted before the DVR Counselor was able to make a determination whether the applicant is able to benefit from vocational rehabilitation services in terms of an employment outcome; or,
- B. Trial Work Experiences were explored and it was determined that the participant is unable to take advantage of Trial Work Experiences.
- C. During the Extended Evaluation period, vocational rehabilitation services must be provided in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the applicant.
- D. During the Extended Evaluation period, DVR will provide only those VR services that are necessary to conclude that the applicant can benefit from vocational rehabilitation services in terms of an employment outcome or supply clear and convincing evidence that the applicant cannot benefit from services due to the severity of their disabling condition(s).
- E. During the Extended Evaluation period, the applicant is exempt from the determination of comparable services and benefits. Comparable services and benefits can be utilized voluntarily by the applicant but use of these benefits or services cannot be mandated by DVR during the Extended Evaluation period.
- F. Apply the Participant Financial Contribution, as appropriate, for non-assessment services identified in the Extended Evaluation plan. The Participant Financial Contribution cannot be applied towards direct assessment services.

**2.4.4. Procedures**

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- A. Complete Section 1 of the Disability PriorityDatapage to include the disability priority and rationale (EE is only an option for SD or MSD participants). Completing the disability priority coding at this time allows for accurate reporting of EE related information and assures EE is being utilized for SD or MSD participants as required.
- B. Explain the Extended Evaluation process with the participant and discuss reasons why the EE period is necessary prior to entering an EE plan.



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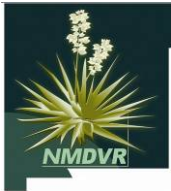
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- C. Clearly document in case notes the reasons why the Trial Work Experiences were ineffective in determining the applicant's ability to benefit from vocational rehabilitation services or why the applicant is unable to take advantage of Trial Work Experiences.
- D. Collaborate with the applicant on development of the Extended Evaluation plan and in identification of services.
- E. Follow-up monthly or more often if necessary with case notes indicating case progress.

*Note: For the purpose of EE, the counselor must possess evidence that the participant is significantly disabled or most significantly disabled. The intent of this activity is to assess whether the participant can benefit from VR services in terms of an achieving an employment outcome.*

2.4.5. Advancing from the Extended Evaluation

To Status:	When:
Closure	<ul style="list-style-type: none"> <li>A. Assessment indicate, by clear and convincing evidence, that the applicant is unable to benefit from VR services in terms of an employment outcome, and is, therefore, ineligible.</li> <li>B. Applicant requests case closure, moves or becomes otherwise unavailable or to participate in the Extended Evaluation Plan.</li> </ul>
Eligibility	Assessments indicate that the participant can benefit from VR services in terms of an employment outcome and the participant is, therefore, eligible. Complete the Eligibility datapage and begin the IPE planning process.



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### 3. Eligibility Status

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#### 3.1. Policy Statement

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In order to determine whether an applicant is eligible for VR services and the individual's priority under an order of selection for services (if operating under an order of selection), DVR must conduct an assessment for determining eligibility and priority for services. The assessment must be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice. Considering the 60-day time requirement in which to determine eligibility, the need for efficient and timely activity is critical.

There are two means by which an applicant can meet eligibility for VR services. The first is to meet the criteria related to disability, impediment to employment and the need for VR services. The second means of eligibility for VR services is by meeting eligibility for Title II or XVI Social Security benefits.

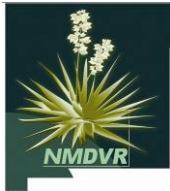
#### 3.2. Eligibility

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##### 3.2.1. Requirements

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- A. The applicant must have a physical or mental impairment; which constitutes or results in a substantial impediment to employment; and
- B. Vocational Rehabilitation services are required to prepare for, secure, retain or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and
- C. The applicant can benefit in terms of an employment outcome from vocational rehabilitation services.



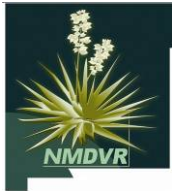
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An applicant who has a physical or mental impairment which constitutes a substantial impediment to employment is presumed to be able to benefit from vocational rehabilitation services unless the counselor can demonstrate, based on clear and convincing evidence, that the applicant is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the applicant's disability. This must be demonstrated by providing trial work experiences or through an extended evaluation period, as appropriate, while in applicant status, in order to explore the participant's abilities, capabilities and capacity to perform in work situations in order to demonstrate whether the individual can achieve an employment outcome.

Clear and convincing evidence means a high degree of certainty that an individual is incapable of benefiting from services in terms of an employment outcome. Clear and convincing means unequivocal; free from obscurity or ambiguity. Generally, existing information will not provide clear and convincing evidence that an employment outcome is not achievable. Clear and convincing evidence might include:

- A. a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's vocational needs due to the severity of the individual's disability. In addition, the involvement of the participant in "in-house" assessments - testing, homework assignments, participation in relevant group activities - may assist in making such a determination.
- B. if appropriate, a functional assessment of skill development activities with any necessary supports (including assistive technology) in real life settings.



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**3.2.2. SS Presumption of Eligibility**

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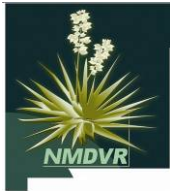
An applicant is eligible for VR services if he or she is eligible for Social Security benefits under Title II (SSI) or Title XVI (SSDI) and the case should be moved into eligible status, unless the counselor can demonstrate by clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the disability. Clear and convincing evidence must be demonstrated by providing trial work experiences or through an extended evaluation period, as appropriate, while in applicant status, in order to explore the participant's abilities, capabilities and capacity to perform in work situations in order to demonstrate whether the individual can achieve an employment outcome.

**3.2.2.1. Guidelines for SS Presumption of Eligibility**

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- A. The applicant eligible for VR services based on the SSDI/SSI Presumption of Eligibility is automatically determined to be an individual with a significant disability. They may also be considered to be a person with most significant disability, but this will require additional justification on the eligibility datapage.
- B. The applicant's completion of the application process following explanation from DVR staff that individuals who receive services under the program must intend to achieve an employment outcome sufficiently demonstrates their desire to achieve an employment outcome.
- C. When an applicant reports receipt of SSDI or SSI benefits, all efforts should be made to have the participant and / or guardian provide an award letter or copy of check to verify receipt of benefits. If the participant is unable to produce verification of benefits, a release form should be signed and submitted to SSA or other appropriate sources.





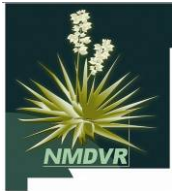
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**3.2.3. Guidelines for Eligibility Determination**

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- A. The VR counselor is responsible for making eligibility decisions. Counselor judgment is a critical factor in all issues of eligibility, particularly in determining the types of diagnostics necessary to determine eligibility and the best resources available for those diagnostics. Timelines, quality and informed participant choice must all be considered relative to the acquisition of essential diagnostic service.
- B. Persons needing surgery or specific short-term medical or dental treatment are generally not eligible if the surgery is expected to correct the condition with little or no residual effects. The existence of a medical problem, regardless of the immediate or current effect, does not necessarily constitute an impediment to employment.
- C. Persons with chronic impairments that are currently in remission (multiple sclerosis, cancer) are considered to be disabled if the impairment has created functional limitations, or, if without treatment the impairment may become active again. The other eligibility criteria must still be met.
- D. Eligibility determinations are applied without regard to sex, race, age, creed, color, national origin, and type of disability, economic status or availability of comparable services and benefits.
- E. An individual must be physically available for services and present in New Mexico. There is no residential time or legal proof requirement such as driver's license, voting registration, etc.
- F. An individual may be served by more than one state rehabilitation agency at the same time provided that there is no duplication of services. A release of information must be signed by the individual to secure information necessary to prevent duplication and allow for the coordination of services between the state rehabilitation agencies.
- G. Individuals who are deaf-blind may be concurrently served by the New Mexico Division of Vocational Rehabilitation (NMDVR) and the Commission for the Blind.
- H. American Indians may be eligible for services under the DVR program and the American Indian Vocational Rehabilitation Program (Section 121) simultaneously. Also, eligible veterans may receive vocational rehabilitation services from the Veterans Administration VR program and DVR simultaneously. IPE development must be coordinated with the American Indian or Veterans Administration VR programs to assure appropriate use of comparable benefits and non-duplication of services.



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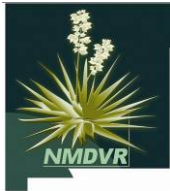
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- I. Legalized aliens may be eligible for VR services based on meeting other agency requirements. DVR is unable to provide services to individuals who are not US citizens or do not have an Alien Registration Receipt Card, Form I-151 or I-1551 (commonly referred to as "Green Cards") or an Employment Authorization Document (commonly referred to as a "work permit") issued from the Immigration and Naturalization Services.
- J. Eligibility determinations must be made in a reasonable period of time, not to exceed 60 days after the individual has submitted an application. There are only three occasions in which it is appropriate that an eligibility decision not be made within the 60-day time limit. Those situations include agreement by counselor and participant to extend the time limit through an Eligibility Determination Extension, to enter Trial Work Experiences or to enter an Extended Evaluation period.

**3.2.3.1. Procedures for Eligibility Determination**

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- A. Review information related to eligibility and make a determination whether the applicant meets DVR eligibility criteria.
- B. Determine the level of disability if the individual is determined eligible. There are three levels of disability:
  - Not Significantly Disabled - An individual who has a physical or mental condition who does not meet the criteria for either of the levels described below.
  - Significantly Disabled- An individual:
    - who has physical or mental disabilities for which,
      - is seriously limited in one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and
      - for whom vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.
  - Most Significantly Disabled- An individual who has a severe physical or mental impairment that:



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- Impedes the individual's functional capacities in three areas (such as mobility, communication, self-care, self-direction, interpersonal skills, cognitive abilities, or work tolerance or attendant factors) in terms of an employment outcome, and
  - whose vocational rehabilitation can be expected to require multiple and intensive vocational rehabilitation services over an extended period of time in order to result in an employment outcome.
- C. Discuss the decision with the participant. It is important that the participant understand that a positive eligibility determination does not imply any services requested or discussed to date are automatically approved but that identification of specific services will be determined during the development of the Individualized Plan for Employment.
- D. Complete the Eligibility Determination datapage in AWARE, sign and file a hardcopy in the case file. Since the portions of the Disability datapage is part of documenting the eligibility determination, it is important that the counselor update the Disability datapage to accurately reflect correct diagnosis and other relevant information identified during the eligibility assessment. Reported disabilities, which the counselor was unable to substantiate through diagnostic reports, should be removed from the Disability datapage with explanation in a contact note. Both the Disability datapage and Eligibility Determination can be updated at any time to reflect new information. Any updated Eligibility Determinations should be printed, signed by the counselor and placed in the case file.

#### 3.2.4. Requirements for Ineligibility

An individual is ineligible for VR services if the individual does not meet one or more of the eligibility criteria. (Any of the following reasons may constitute the basis for a determination of ineligibility):

- A. No physical or mental impairment exists and is substantiated by medical, psychological or other case data.



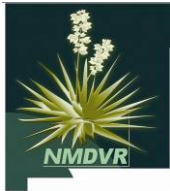
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- B. A physical or mental impairment exists; however, the impairment does not result in a substantial impediment to employment based on counselor analysis of information obtained during the assessment.
- C. The counselor has demonstrated by clear and convincing evidence that the applicant is incapable of benefiting from VR services in terms of an employment outcome due to the severity of their disability and this is demonstrated through participation in trial work experiences or extended evaluation period. When an applicant has been determined incapable of benefiting from VR services, a referral must be made to a local extended employment provider.
- D. VR services are not required for the individual to enter, return to or maintain employment.

3.2.4.1. Procedures for Determining Ineligibility

- A. Provide an opportunity for full consultation with the applicant or, as appropriate, the representative prior to determination of ineligibility. The participant may be excluded from consultation if he/she refuses to consult, is unavailable or whereabouts are unknown. The case record must contain documentation of reasonable effort made to afford him/her an opportunity for consultation prior to case closure.
- B. Complete the Closure datapage choosing the appropriate reason for closure and providing rationale for the decision in the narrative section.
- C. Inform the participant or, as appropriate, the participant's representative in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination. Include the reasons for the determination and information regarding participant rights and responsibilities.
- D. Refer the applicant to any other agencies or facilities as appropriate, including Independent Living Centers, extended employment providers, etc.



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*3.2.4.1.1. Annual Review of Ineligibility Decision*

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- A. When ineligibility is based on the participant's inability to benefit in terms of an employment outcome, the counselor must review the determination within 12 months of the date that ineligibility was declared.
- B. The purpose of the annual review is to review new information or changes in circumstances that may affect the determination that the participant "cannot benefit in terms of an employment outcome". Reviews are made on an individual basis with the participant or as appropriate, the participant's representative.
- C. Continuation of annual reviews of ineligibility determinations after the initial annual review will occur only at the request of the participant or as appropriate, the participant's representative. This may occur any time after the initial review and conditions applicable to the initial review will apply to additional reviews.
- D. Annual review is not required in cases where:
  - the participant has refused services/review;
  - the individual is unavailable;
  - the individual's whereabouts are unknown;
  - the participant's medical condition is rapidly progressive or terminal; or
  - the ineligibility decision is based on non-existence of a disabling condition, no substantial impediment to employment or VR services are not required.



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- E. AWARE provides a listing of reviews due in Caseload Reports under federal follow-up needed. The follow-up browse shall be completed to document Annual Review of Cases Closed Ineligible. See [AWAREHelp](#).

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**3.2.5. Guidelines for Closure Because the Participant is Unavailable**

A distinction must be made between ineligibility and unavailability. A person is only ineligible if they fail to meet one or more of the eligibility criteria; they are not necessarily ineligible if they are unavailable. An applicant's case cannot be closed prior to making an eligibility determination unless the applicant is unavailable. An applicant is unavailable if he/she has:

- died
- moved out of state
- not responded to reasonable efforts to contact
- been institutionalized under circumstances rendering the individual unavailable for preliminary or thorough diagnostic studies or VR services for an indefinite or considerable period of time; or
- declines to participate in appropriate VR services designed to assess eligibility despite reasonable efforts made to the participant or as appropriate, the participant's representative, to encourage the participant's participation.

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**3.2.6. Procedures for Closure**

- A. Complete Closure datapage - identifying reason for closure and providing a rationale in the comment section.
- B. Document attempts to contact the participant or, as appropriate, the participant's representative in the case file.
- C. Notify participant in writing of case closure, where appropriate, and provide information regarding participant's rights to appeal the decision.



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**3.3. Order of Selection**

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**3.3.1. Purpose**

In the event that the agency deems it necessary, due to the lack of sufficient resources to serve all eligible individuals, an Order of Selection will be implemented. All eligible individuals will be assigned a priority code based on the significance of disability. The agency will decide which priority level(s) will be funded at the point in time that an Order of Selection must be implemented, starting with the first priority.

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**3.3.2. Definition**

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**3.3.2.1. Most Significant Disability**

The term "individual with a most significant disability" means an individual:

- A. who has a severe physical or mental disability that seriously impedes the individual's functional capacities in three or more areas (such as mobility, communication, self-care, self-direction, interpersonal skills, cognitive abilities, or work tolerance or attendant factors) in terms of an employment outcome, and
- B. whose vocational rehabilitation can be expected to require multiple and intensive vocational rehabilitation services over an extended period of time in order to result in an employment outcome.

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**3.3.2.2. Significant Disability**

The term "individual with a significant disability" means an individual:

- A. who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and



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- B. for whom vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.

**3.3.3. Assignment of Priority Order**

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Assign priority as follows:

**3.3.3.1. Priority Group I**

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The most significantly disabled individuals who require cost and / or no cost vocational rehabilitation services.

**3.3.3.2. Priority Group II**

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Significantly disabled individuals who require cost and / or no cost vocational rehabilitation services.

**3.3.3.3. Priority Group III**

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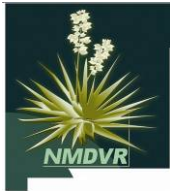
Eligible individuals with non-significant disabilities who require cost or no cost vocational rehabilitation services.

**3.3.4. Guidelines for Instituting an Order of Selection**

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- A. At the time that an Order of Selection is implemented, those individuals receiving services under an IPE will not be affected by the priority codes and will continue to receive cost and no cost services.
- B. Upon determining a participant eligible for services, the counselor shall assign a priority code (priority group I through priority group III).
- C. The participant shall be informed of his/her priority code and his/her right to appeal the priority code assignment.
- D. While the agency is operating under an Order of Selection, the counselor may only assist those individuals in those priority categories for which the agency has determined there are sufficient resources to serve.

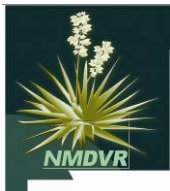




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- E. All other eligible participants that do not fit a funded category shall be placed in a holding status.
- F. There will be a "delayed status" for those eligible participants who are interested in DVR services and are waiting for a change in the Order of Selection which would allow them to be served. If the individual is not interested in being placed on a waiting list, then the case should be closed accordingly.
- G. If at any time the agency lifts the Order of Selection for a particular priority group, those individuals within that priority group will automatically be changed in the system and the individual will need to be contacted to initiate the development of an IPE.
- H. Every six months the agency shall inquire of the individuals in the "delayed status" as to whether they are still interested in VR services and / or if there are changes in the individual's disability, which may make them eligible for a serviceable priority code. If they are still interested in services but their disability has not changed, they will continue to remain in a "delayed status."
- I. If their disability has changed, the counselor shall contact the participant for further assessment. Based on this information, the Order of Selection priority code may be upgraded by the counselor at any time. If the participant indicates that he/she are no longer interested in DVR services or is non-responsive to inquiries, his/her case will be closed.
- J. When a participant is placed in delayed status, the Counselor shall refer the individual to other appropriate community programs including other components of the Workforce Investment System which are best suited to address their employment needs. Referrals shall be made in writing and include information and advice regarding the most suitable services to assist the individual and a specific point of contact within the agency to which the individual is being referred.



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Service Status / IPE

## **4. Service Status / IPE**

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### **4.1. Policy Statement**

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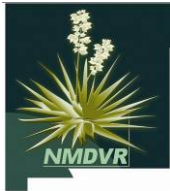
Services required to achieve an employment outcome are provided in Service Status. The mechanism for providing services is the Individualized Plan for employment (IPE). The IPE is the written agreement between DVR and the eligible participant and is designed to achieve the employment outcome consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The IPE is developed in collaboration and partnership with the participant or their representative, as appropriate and the VR Counselor.

### **4.2. Comprehensive Assessment**

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During the development of the IPE the VR Counselor must conduct an assessment of the participant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice as these issues relate to the identification of an employment outcome and nature and scope of rehabilitation services necessary to achieve that outcome. In conducting the assessment the VR Counselor must:

- To the extent possible, utilize existing information gathered during the eligibility determination process.
- To the extent possible, utilize existing information that is current.
- Utilize information available from other programs and providers, particularly information used by education officials and the Social Security Administration.
- Utilize information provided by the participant and the participant's family.
- Conduct the assessment in the most integrated setting(s) possible, consistent with the informed choice of the participant.
- Interpret findings of the comprehensive assessment with the participant.



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Service Status / IPE

### **4.3. Options for IPE Development**

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There are various alternatives for developing the IPE. In order to facilitate an informed choice regarding which option is best suited to the participant's needs, the following information shall be provided to the participant, or as appropriate, the participant's representative in writing and; if appropriate, in the native language or mode of communication of the participant or the participant's representative:

- Information regarding the alternatives available regarding IPE Development. These options are listed on the Participant IPE Development Options handout and are as follows:
  - The participant writes the IPE himself/herself.
  - The participant writes the IPE with their representative.
  - The participant writes the IPE with their DVR Counselor.
  - The participant writes the IPE with an independent VR Counselor or other advocate. Generally, DVR will not cover the cost associated with payment to an independent VR Counselor for the purposes of assisting with IPE Development. Under special circumstances, DVR may cover the cost of a consultant to assist with IPE Development when determined appropriate by the Area Program Manager.
  - A combination of the above options. The eligible participant may decide to write part of the plan himself/herself or with his/her representative or advocate with assistance from the VR counselor at any time during the process.
- Information on the availability of consultation and technical assistance from the rehabilitation counselor in developing all or part of the IPE.
- Information describing the full range of components included in the IPE.
- Information describing DVR's Participant Financial Contribution and policy regarding comparable services and benefits.
- Information regarding participant's rights including the availability of the CAP program.
- Information regarding the choice of vendors and the procurement options available.
- Any additional information requested by the participant and / or participant's representative necessary to exercise informed choice in completing the IPE.



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The VR counselor shall make the IPE and other pertinent forms available and discuss the alternatives for developing the IPE with the eligible participant or, as appropriate, the participant's representative.

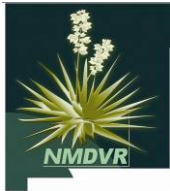
A determination shall be made by the participant on which alternative is most appropriate for him/her. The requirement that the VR Counselor and / or Program Manager must approve the final IPE, regardless what option for development of the plan is chosen, should be clearly communicated to the participant or representative at that time.

#### **4.4. Employment Outcome**

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An appropriate employment goal is consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the eligible individual. It should also result in employment in an integrated setting. Identification of an appropriate employment goal and agreement between the participant and VR Counselor on the employment goal is key to successful rehabilitation. In determining whether the individual possesses the strengths, resources, priorities, concerns, abilities and capabilities needed to perform the desired employment goal, the VR Counselor may acquire performance-based data through evaluations such as situational assessments, intelligence or aptitude evaluations, and other essential information utilizing any appropriate methods available. These factors include but are not limited to the following:

- transferable skills
- education, academic achievement
- financial situation/resources
- level of independence
- motivation to work
- personality
- physical/mental limitations
- talents
- aptitudes
- work behaviors
- intelligence
- attitudes
- interests
- transportation
- job accommodations
- assistive technology
- accessibility



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Term	Detail
Consistent with Capacities and Abilities	Work which is not precluded by the disability; will not exacerbate the condition; and work which is compatible with the individual's mental or physical abilities or aptitudes (not solely determined by earnings or income level).
Transferable skills	Full exploration of the participant's transferable skills, education and abilities should be conducted and these strengths and resources utilized to the fullest extent possible when identifying an appropriate employment goal. Primary consideration should be given to utilization of skills the participant already possesses, so that with the provision of counseling, selective placement, and / or restoration or other appropriate and necessary rehabilitation services, the participant can return to suitable employment.
Labor Market	It is advisable to consider local labor market conditions in determining the appropriateness of an employment goal. If the local market for a participant's desired employment goal is limited, the focus at that point should be on whether or not the individual is willing to relocate to a market in which that particular job is available. Support for the employment goal is dependent on the participant's ability to achieve his or her desired employment outcome.
Employed Participants	The provision of VR services to an eligible individual who is currently employed, but whose job is not consistent with the participant's strengths, resources, priorities, concerns, abilities and capabilities, must assist that participant to achieve employment consistent with the above and informed choice. Under such circumstances, "career advancement" or "upward mobility" factors should be considered in identification of an employment goal.

**4.5. Guidelines for IPE Development**

- A. The IPE shall be developed in a timely manner. An IPE should be developed as soon as all the pertinent information is available but generally, no later than three months following the determination of eligibility. This timeline may not always be feasible as a result of incomplete assessments determined to be necessary and unexpected events not within the VR Counselor's control. The VR Counselor should take all steps to ensure the timely development of the IPE and promptly address any issues which are causing a delay.



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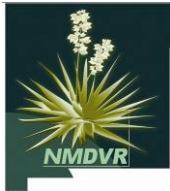
Service Status / IPE

- B. The IPE shall be developed and implemented in a manner that affords the eligible individual, or as appropriate, the individual's representative the opportunity to exercise informed choice in selecting an employment outcome, the specific vocational rehabilitation services to be provided under the plan, the entity that will provide the services and the methods used to procure the services. The methods used to purchase goods and services may be flexible, but the agency and participant must comply with the recognized state procurement requirements.
- C. The IPE for an eligible student who is receiving special education services (Transition Student) must be developed and approved prior to the completion of the student's senior year. There may be special circumstances such as application for services late in the school year which prevent this, but such circumstances must be documented in the case record. The IPE must be coordinated with the student's Individual Educational Plan (IEP) in terms of the goals, objectives and services identified in the IEP.
- D. Rehabilitation services identified in the IPE must be services which are needed in order to achieve the employment outcome and must be provided in the most integrated setting possible and must be consistent with the informed choice of the participant.
- E. Both the Participant Financial Contribution, as applicable, and comparable services and benefits must be considered when identifying payment sources for planned services.
- F. The IPE must contain statements concerning the expected need for post-employment services (PES) prior to closing a participant successfully rehabilitated and, if possible, include a description of the terms and conditions for the provision of any PES identified and identification of comparable services and benefits to be utilized for PES

**4.6. Procedures**

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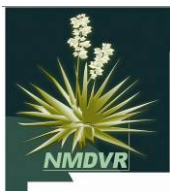
- A. Review with the participant or, as appropriate, participant's representative, IPE approval requirements emphasizing need for counselor approval along with possible subsequent supervisor approval.
- B. Review with the participant or, as appropriate, participant's representative all pertinent data gathered during the comprehensive assessment.
- C. Ascertain from the participant the chosen method of IPE development based on options provided in the Individualized Plan for Employment Development Options handout.



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- D. Provide technical assistance required for developing the IPE.
- E. Complete the Financial Summary worksheet to determine level of individual's participation in the cost of their plan. If the participant is an SSI or SSDI recipient they are exempt from the Participant Financial Contribution and completion of the financial worksheet is not necessary.
- F. Evaluate availability of comparable services and benefits.
- G. Complete the Plan Datapage in AWARE providing the following information:
  - justification for selected employment goal
  - identification of services which are needed in order to achieve the employment goal, identifying costs of services and breakdown of who will be responsible for various costs including participation and identification of comparable services and benefits. The Plan Datapage in AWARE provides a comment section to justify planned services and discuss arrangements and agreements made between the participant and DVR surrounding the provision of services.
  - documentation outlining DVR and participant responsibilities in achieving the employment outcome and in securing comparable services and benefits.
  - a description of the criteria that will be used to evaluate progress toward achievement of the employment outcome.
  - statement concerning the expected need for post-employment services (PES) to include a description of PES if identified and identification of comparable services or benefits available for the PES.
- H. Submit for approval as necessary. If the IPE is not approved by the supervisor, he/she shall consult with the counselor and clearly outline the reasons as well as the changes necessary to obtain approval.
- I. Obtain signatures of the participant or, as appropriate, participant's representative and VR Counselor.
- J. Provide a copy of the IPE as well as a copy of the Rights and Responsibilities Handout to the participant or, as appropriate, to the participant's representative and, if appropriate, explain to the participant in the native language or appropriate mode of communication of the participant or representative.
- K. A copy of the signed IPE shall also be placed in the case file.
- L. Authorize planned services once IPE is approved and signed as necessary.



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- M. Review the IPE annually, or more often if deemed necessary by the participant and the VR Counselor. At the time of annual review, the VR Counselor shall meet with the participant, or as appropriate, the participant's representative, to assess the participant's progress in achieving the employment goal and amend the IPE as necessary.
- N. Document Annual Reviews in the Plan Review Browse.

#### **4.7. IPE Amendments**

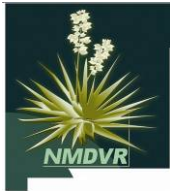
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The IPE must be amended as necessary to reflect the changing vocational rehabilitation needs of the participant. An amendment is required when there are changes in the follow areas:

- A. the employment goal
- B. the vocational rehabilitation services to be provided
- C. vendor(s) for an identified service
- D. extension in program completion dates

IPE amendments are reflected as subsequent plans in the AWARE Plan datapage. The provisions related to informed choice must continue to be applied. When adding new services or extending existing services, it is necessary to apply the Participant Financial Contribution, as appropriate, and review availability of comparable services and benefits. Appropriate approval from the Area Program Manager must be obtained for all amendments. Amendments do not take effect until agreed to and signed by the participant or, as appropriate, their representative and the VR Counselor. A copy of the IPE Amendment should be provided to the participant or, as appropriate, their representative and a copy retained in the case file.





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Supported Employment

## **5. Supported Employment**

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Revised: 08/03

### **5.1. Policy Statement**

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NMDVR supports the employment of individuals with disabilities including those with most significant disabilities who, without intense, comprehensive and ongoing support, would be unable to locate, train for or maintain employment. Supported Employment services emphasizes coordination of services from various sources including other State and Federal Agencies, private non-profit entities, employers and family members; aimed towards providing intensive and long term support required for the participant to become employed. It is appropriate to give all applicants full consideration for eligibility for the basic vocational rehabilitation program, however, in some cases participants with the most significant disabilities would be unable to obtain or maintain employment without the use of supported employment services.

### **5.2. Definitions**

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#### **5.2.1. Supported Employment (SE)**

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Supported Employment (SE) is competitive employment in an integrated setting, or employment in integrated work settings in which an individual is working toward competitive employment, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; for individuals who are most significantly disabled for whom:

- A. competitive employment has not traditionally occurred;
- B. competitive employment has been interrupted or intermittent as a result of the disability; and
- C. who because of the nature and severity of their disability, need intensive supported employment services from NMDVR and extended services after transition to perform this work;

or



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- D. Transitional employment which is a series of temporary job placements in competitive work in integrated settings with ongoing support services for individuals with the most significant disabilities due to mental illness. In transitional employment, the provision of ongoing support services must include continuing sequential job placements until job permanency is achieved.

**5.2.2. Competitive Employment**

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Competitive Employment is work that is 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.

**5.2.3. Working Towards Competitive Employment**

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Working Towards Competitive Employment is work in which an individual is receiving ongoing support services while working in an integrated setting and is progressing or moving toward the minimum wage level. An individual in supported employment working toward competitive employment would not be considered to have achieved a "competitive employment" outcome until the individual is earning at least the state minimum wage. Participants who are progressing towards minimum wage can be closed as achieving a non-competitive "employment outcome".

**5.2.4. Most Significant Disability**

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Most Significant Disability is an individual with a disability:

- A. who has a severe physical or mental impairment which limits three or more functional capacities (such as mobility, communication, Self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome, and;



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- B. for whom competitive employment has not traditionally occurred or has been interrupted or intermittent; and
- C. whose vocational rehabilitation can be expected to require multiple and intensive vocational rehabilitation services over an extended period of time in order to result in an employment outcome.

**5.2.5. Integrated Work Setting**

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

**5.2.6. Extended Services**

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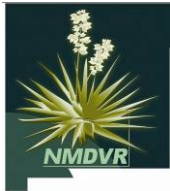
Extended Services are ongoing support services that are needed to support and maintain an individual with a most significant disability in supported employment and are provided by a state agency, a private nonprofit organization, employer, or any other appropriate resources other than NMDVR after the individual has made the transition from support provided by NMDVR. Examples of extended services include but are not limited to ongoing job coaching, follow-along support to include regular contact with employers, natural supports at the job site, guardians, parents and other involved professionals in order to reinforce and stabilize job placement. Examples of funding sources include but are not limited to Adult DD Service Agencies, local mental health clinics, Social Security funds, etc.

**5.3. Eligibility Criteria**

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In order to be eligible for Supported Employment services an individual must:

- A. meet the criteria for most significantly disabled; and
- B. meet the eligibility criteria for the basic support VR program as outlined in the Eligibility Section; and



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- C. because of the severity of their disability, require intensive supported employment services and extended services in order to maintain competitive employment; and
- D. have an identified long term funding source for extended services or a reasonable expectation that sources will become available at the time of transition to extended services.

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**5.4. Guidelines**

All guidelines and procedures outlined in the Application, Eligibility and Closure Sections for the basic support program apply to Supported Employment along with the additional eligibility criteria identified above.

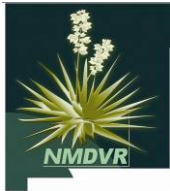
In SE cases, ongoing communication with the provider of job development/placement and job coaching, and the guardian or representative and case manager (in some instances) is critical in order to continuously assess the participant's placement and training needs and to determine when stability on a job site has occurred. Monthly written reports from the vendor supplemented with verbal reports and actual worksite visits by the VR Counselor or designee as necessary are strongly encouraged.

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**5.5. 5-Requirements for SE IPE**

Once eligibility for Supported Employment services is determined, the IPE can be developed. All guidelines and procedures identified in development of a basic support plan apply to SE cases. In addition, an IPE for an individual with a most significant disability for whom an employment outcome in a supported employment setting has been determined to be appropriate must:

- A. Reflect placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual with the most significant disability.
- B. Specify the supported employment services to be provided by DVR, i.e., job coaching, job development, etc.



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- C. Specify the expected extended services needed, i.e. natural supports, job coaching on an as needed basis, ongoing guidance, counseling and / or emotional support, mental health treatment, etc.
- D. Identify the source of extended services or, if not possible to identify the source of the extended services at the time the IPE is developed, include a description of the basis for concluding that there is a reasonable expectation that those resources will become available.
- E. Coordinate IPE services with services provided for in the participant's Individualized Service Plan or other individualized plans established by other support programs.
- F. Provide for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirements established in the IPE by the time of transition to extended services.
- G. To the extent that job skills training is provided, identify that the training will be provided onsite.
- H. Services under a SE IPE are not to exceed 18 months in duration. Under special circumstances, a longer period may be utilized in order to achieve job stabilization. This must be jointly agreed to by the individual and the rehabilitation counselor and established in the IPE. The 18 month time period for services begins when the participant, or as appropriate, their representative signs an approved IPE.
- I. An IPE must be identified as a Supported Employment case by checking the Supported Employment Box in the Plan Datapage in AWARE. This identifies the case as being in supported employment and ensures that appropriate SE funds for authorizations are utilized as well as tracking the case as SE for federal reporting purposes.

**5.6. Scope of Services**

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Supported Employment services are identified as ongoing support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment. Any service allowed for in a basic support case can be provided in a SE case. Guidelines and procedures for provision of services provided for in the various service sections apply to SE cases.



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**5.7. Guidelines for Closure**

- A. A participant in a Supported Employment Plan may be closed rehabilitated when he or she:
- has achieved and demonstrated stability in a suitable integrated work site for at least 90 days; or
  - has participated in an approved IPE and the VR Counselor, participant and the long term provider are in agreement to transition the case to extended services.

*Note: Stability on the job site is demonstrated when the individual is requiring minimal support (two site visits per month) to successfully maintain employment, or when it is determined that the participant has reached a plateau in his or her ability to benefit from DVR sponsored support services and it is appropriate to transfer the individual to extended support.*

- B. If the individual is in an integrated work setting, earning below minimum wage and is working towards minimum wage, the counselor must document the progress towards minimum wage and assure the individual is appropriately compensated in accordance with Section 14C of the Fair Labor Standards Act (FLSA). In cases where an individual is working towards minimum wage, the case cannot be closed competitively employed, but may be closed rehabilitated as reaching a suitable employment outcome.
- C. There must be an identified commitment in the form of a letter for ongoing support for the individual from a source other than DVR in the case record.
- D. Guidelines and procedures for Rehabilitated Closures found in Closure Section for the basic support program apply to Supported Employment closures as well.

*Note: Guidelines and procedures identified in the Closure Section should be followed regarding closing a Supported Employment case other than rehabilitated.*

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**5.8. Reviews**

For individuals who achieve an employment outcome in which the individual is working towards competitive employment and is being compensated in accordance with Section 14C of the FLSA, DVR must:



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- A. annually review and reevaluate the status of each individual for 2 years following the closure and thereafter if requested by the individual or, if appropriate, their representative;
- B. provide opportunity for the individual or, if appropriate, their representative to provide input into the review and reevaluation;
- C. document any input provided by the individual or, if appropriate, their representative on the Follow-up datapage on AWARE;
- D. identify "yes" for Participant Requests another follow-up next year under Section 1 - General Information, on the Follow-up datapage in order to flag a subsequent year review in the AWARE system;
- E. print the Follow-up datapage and have the individual or, if appropriate, the individual's representative sign the page indicating that the review has been conducted; and
- F. file the signed Follow-up datapage in the case file.



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Employed Status

## **6. Employed Status**

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Revised: 08/03

### **6.1. Policy Statement**

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It is the Division of Vocational Rehabilitation's policy to provide participants with vocational rehabilitation services leading to employment opportunities in integrated settings. Employment status is utilized when the participant has entered into suitable employment. The counselor's role is to monitor the participant's employment and provide the services necessary for the participant to remain employed. Employment outcomes must be work that is performed in an integrated setting and would include competitive employment, homemakers, self-employment and unpaid family workers.

### **6.2. Options for Employment Outcomes**

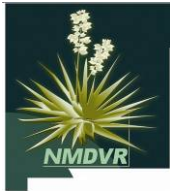
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#### **6.2.1. Competitive Employment**

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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.





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Employed Status

**6.2.2. Non-competitive Employment**

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Employment outcomes can be met which are not considered to be competitive employment. These outcomes would include work which is done within an integrated setting but for which an individual is not compensated at or above the minimum wage. Examples may include unpaid family workers, homemakers and for supported employment purposes, individuals who are employed at FLSA sub-minimum wage but are working towards minimum wage. Self-employed cases in which the participants are closed with earnings below the minimum wage are considered non-competitive employment.

**6.2.2.1. Homemakers**

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Homemaking involves household management and a significant contribution to maintaining a home. It is not measured solely by the participant's performance of selected housekeeping tasks. Homemaking activities can include responsibility for the following:

- A. Financial management including budgeting, paying debts, keeping records, filing taxes.
- B. Meals and nutrition including planning meals, cooking, purchasing or food growing.
- C. Safety and health including maintaining a safe environment, making and keeping appointments for routine or emergency medical or dental needs of self and others, keeping medical records.
- D. Clothing including laundering, ironing, mending, sewing, purchasing clothes.
- E. Maintenance including cleaning and repairing the home or home furnishings purchasing household supplies, furniture, etc.
- F. Care of others including attending to the basic needs of others for care and supervision.



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The responsibility for management and maintenance of the home may be shared with another person as long as the participant makes a significant contribution. Homemaking can also include individuals living alone that are performing homemaking activities.

When an employment goal of homemaker is identified, the IPE must reflect:

- A. That the conditions stated above are met.
- B. That VR services will have a direct impact on the participant's ability to perform homemaking duties which the participant could not perform without the provision of VR services.

**6.2.2.2. Unpaid Family Workers and Home Based Employment**

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Unpaid or family work is work performed in a family business, farm, or ranch for which the participant receives room and board in lieu of all or most of the wages due. Home based employment is work performed at home either under contract or for piece rate.

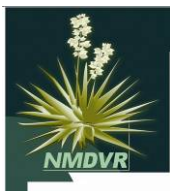
Unpaid farm or family work or home-based employment may be specified as the employment goal when:

- A. This is determined to be the most suitable type of employment for the participant and;
- B. Wages or in-kind support is commensurate with work performed.

**6.2.3. Exclusions from Employment Outcomes**

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Extended employment (previously known as sheltered employment) can be provided as a service leading toward an employment outcome, but does not meet the requirements for a successful closure.



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**6.2.4. Self-Employment**

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Self-employment, including small business enterprises such as a cottage industries and home based employment, is a vocational option which may be considered when the counselor and participant have explored potential options and determined that self-employment is the best course of action leading to a successful employment outcome. This option recognizes that self-employment is more prevalent in rural areas and that people with a disability tend to be self-employed at rates higher than individuals without a disability. The decision to support a self-employment plan will be based upon a variety of factors including but not limited to; participant choice, total start-up costs, viability of the business plan, potential for other financial sources and counselor judgment.

Self-employment is not an appropriate goal for everyone. The process for developing a plan for self-employment is progressive and begins with an assessment of a participant's potential for self-employment success based on the following conditions:

- Participant displays the personality, traits and characteristics conducive to self-employment
- Evaluation and appropriate feasibility studies reflect self-employment aptitude and a good employment match
- Self-employment is the result of a participant's informed choice and consistent with their unique strengths, resources, abilities, capabilities and interests, and each participant understands the complexities and challenges of this choice.
- Self-employment will produce the greatest likelihood of attaining and maintaining meaningful employment.

The purpose of self-employment is to assist individuals achieve a level of self-sufficiency. Self-employment is a vocational option available only to profit-making businesses.



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For the purposes of this policy, self-employment refers to an employment outcome in which an individual works for profit or fees in their own business, profession, or trade. The participant will manage and operate a business they own. Occupations such as cosmetology and realty would be considered self-employment under this policy only if the participant owns the business. When appropriate, individuals who legally organize their business as a corporation and are employed by their corporation may be eligible while in the startup phase of operations. Self-employment requires that the business is, at a minimum, 51% owned, controlled and managed by the New Mexico Division of Vocational Rehabilitation participant.

Self-employment requires that the anticipated net income of a business will solely support the individual or will significantly assist an individual monetarily if that person has income from other sources.

Self-employment is a business operated by the participant in which that individual performs, supervises or subcontracts the major part of the product or service to be produced. This may include sole proprietorships, partnerships, corporations or limited liability companies.

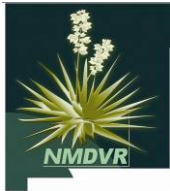
DVR does NOT support the following:

- Business ventures that are speculative in nature or considered high-risk by the Better Business Bureau (or a similar organization). Examples of this might include multi-level marketing or investment schemes.
- The purchase of franchises or real estate.
- The development of a Non-profit 501(c)(3).
- Businesses determined to be illegal by state and/or federal regulations.

**6.2.4.1. Participant Responsibilities**

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- A. Complete all agency approved business forms.



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- Participants Business Potential Assessment  
(See measure of Self-employment potential or Should You Start a Business work aides).
  - Feasibility Assessment  
(See Quick or Preliminary Business Evaluation or Feasibility WORKSHEET)
  - Small Business Plan and Proposal for Assistance
  - Forecast of Annual Income and Expenses
- B. Participate in the evaluation and analysis of the proposed self-employment by appropriate public or private entities recommended by the Small Business Consultant.
- C. Make available to the Small Business Consultant and/or the rehabilitation counselor pertinent financial records necessary to properly evaluate self-employment, e.g. profit and loss statements.
- D. If the participant's proposed plan for self-employment is implemented, then the participant shall file a profit and loss statement each month the business is in operation or until case is closed.
- E. Maintain routine contact with the counselor. Routine contact means a minimum of one personal contact per month for the duration of the plan.
- F. Fully cooperate with an auditor or other professional consultant, as appropriate, to assess and resolve financial or technical business problems that endanger the success of a business.
- G. Failure on the part of the participant to fully cooperate with his/her counselor will result in termination of the self-employment plan. If the participant disagrees, the counselor shall inform the participant of the right to a supervisory or Administrative Review or Fair Hearing.



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**6.2.4.2. Counselor Responsibilities**

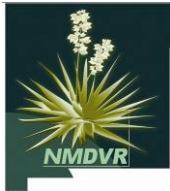
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Prior to developing an IPE or Amendment for a self-employment program the counselor shall:

- A. Assist participant in accessing services to develop a small business plan such as the Small Business Development Center or SCORE.
- B. Make participants aware of other small business funding sources besides DVR.
- C. Forward the participant's completed small business form(s) to the Small Business Consultant for an evaluation and written report.
- D. If the proposed business is recommended by the Small Business Consultant and the counselor concurs, the counselor prepares an IPE with written justification which includes:
  - A description of the self-employment objective.
  - Statement that the participant possesses all of the required education, training and work experience, or equivalent education, training or work experience, unless waived by the Program Manager.
  - An analysis of the self-employment proposal and likelihood that the business will be financially successful.
  - Listing of services needed for the IPE, including the participant's resources and anticipated contributions.

Counselors may, as part of the preliminary and/or ongoing evaluation:

- A. Obtain a credit check for the participant if the participant intends to apply for a business loan or expects to purchase goods on credit
- B. Arrange for an audit of the participant's business records when the participant and counselor agree that professional assistance is needed to assess and resolve financial and record keeping problems of the business.
- C. Arrange for expert consultation to assist the participant for a specific purpose, e.g. to improve a marketing or advertising plan, etc.



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Note: Small Business Consultants, with appropriate expertise, may be hired to provide services if no comparable services are available.

**6.2.4.3. Business Consultant's Responsibilities**

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The Small Business Consultant will be a third party consultant. Area Managers will evaluate resumes, interview consultants and negotiate fees if necessary. Consultants should have a college degree, preferably with a major in business administration or closely related field or extensive experience in the proposed area of self-employment. They must have experience in evaluating, writing and implementing business plans.

- A. The Small Business Consultant shall review the appropriate small business form(s) or business plan to determine:
- If the participant possesses the required training, work experience or business courses.
  - The thoroughness and soundness of the participant's business plan.
  - The sufficiency of the participant's skills and resources to succeed in the proposed business.
  - The likelihood that the proposed market area will support the business.
  - Feasibility of a new business producing increasing net profits by the end of the last quarter of the first year of operation. Typically, the estimated net monthly income (profit) at the end of the first year of business operation shall be sufficient to meet the participant's monthly living needs when combined with other income available.
  - If equipment requested in a business plan needs to be reviewed by an expert of that business field to determine reasonableness.
  - The likelihood for an established business to continue to generate sufficient income to meet participant's needs.



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- B. The Small Business Consultant may, if appropriate, arrange to interview the participant to obtain further information to more thoroughly assess the business plan or the participant's qualifications.
- C. The Small Business consultant shall prepare a written report. If recommendations are made to the counselor for further work, these should be followed by the counselor, e.g. participant to seek technical assistance from a Service Corps of Retired Executives (SCORE) representative, or attend specific workshops, seminars or courses.
- D. If the Small Business consultant concludes that the self-employment proposal is not likely to succeed, the reasons shall be set forth in a written report. If the counselor concurs with the Small Business Consultant, the participant will be informed of the reasons why the division will not support the proposed self-employment, in writing, including the participant's right to supervisor and administrative review and right to a fair hearing before the Agency Director.

**6.2.4.4. Self-employment Assessment Process**

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The case record will reflect the following:

- A. Assessment of Participant Business Potential
  - Evaluation of participant's interests, skills, aptitudes and personal qualities as they relate to self-employment. This may include formal vocational assessment to the degree necessary to ensure the individual has the basic skills necessary to operate and manage a small business. Formal assessment may be waived by the manager if the participant's work and educational history support the pursuit of the proposed self-employment goal. If it is evident that the participant does not possess, and cannot acquire such business management skills, the counselor must document how this will be accommodated through other means.





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- Counselors should encourage individuals to attend entrepreneurship training to affirm advantages and disadvantages of business ownership, preparedness from a personal perspective, assessment of skills related to the business venture, and guidelines for receiving technical and financial assistance for business development.
- Examine the participant's financial goals related to self-employment. Issues such as terminating government benefits, supplementing family income vs. primary source of family support, and earning sufficient funds to maintain competitive employment standards (minimum wage or above) should be considered.
- Participant expectations relative to the financial support they are expecting from DVR should be discussed at the onset. It is important the participant understand that DVR is not in a position to totally capitalize new business and any funding directed to the startup of the business will be limited.

**B. Assessment of Participant's Disability as it Relates to the Self-employment Goal**

- Ensure the viability of self-employment as it relates to the participant's disability. This may require consultation with medical or psychological service providers that have been treating the participant. If clear information is not available reflecting the participant's ability to handle the physical, mental/emotional, and cognitive aspects of the selected goal. Additional assessments such as a functional capacity evaluation, an assessment of cognitive skills and abilities, mental status evaluations, as well as job site analysis would be encouraged.

**C. Business Idea and Exploration of Feasibility**



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- Counselor and participant will discuss the business idea and its feasibility, and the participant will be referred to outside resources for assistance in examining their business ideas and feasibility as appropriate. Examples of programs providing assistance are the Small Business Development Centers, SCORE, ACCION, and WESST. The information developed at this stage will provide much of the basic data that will be used in completing the “Business Plan”. The following are questions that could be considered in a feasibility study:
  - i. Is the idea practical and will it fill a need?
  - ii. What is the competition?
  - iii. What is your advantage over existing businesses?
  - iv. Can you deliver a better quality service or product?
  - v. Where will you locate the business?
  - vi. What equipment or supplies will be needed?
  - vii. What financing will be needed?
  - viii. What are your resources?
  - ix. What is your target market?
  - x. Will the business have sustainable profits by the end of the first year?
  
- Testing the feasibility of the business idea should be formalized through a written Feasibility Assessment, a report documenting the following:
  - xii. Market Feasibility: Geographic description of market area; description of competitors working in or marketing to potential customers in geographic area; definition of target markets including size and scope of each market; zoning issues/requirements for establishing a business at intended location.



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- xiii. Financial Feasibility: Capitalization requirements consistent with individual's business concept; identification of resources for startup funding and ongoing capitalization.

At this point in the process, a criminal background check or credit check may be conducted if appropriate to the type of business, to ensure that the participant will be able to obtain all the necessary licenses, permits, bonding, certifications, etc. and that no unanticipated barriers related to the participant's legal status will be encountered as the self-employment process is pursued.

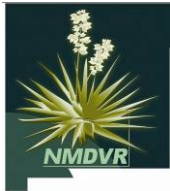
**6.2.4.5. Evaluation Criteria**

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Participants requesting vocational rehabilitation services in support of self-employment shall possess or acquire:

- A. Formal training which would meet current industry or occupational standards being considered for self-employment; or
- B. A minimum of one year paid work experience in the occupational area being considered for self-employment; AND
- C. Business management training or experience, to include a minimum of one semester of formal education or six months of work experience or specialized training in at least two of the following:
  - Business Administration
  - Office Management
  - Personnel Administration
  - Accounting and/or Bookkeeping
  - Sales and Marketing

Training, experience and educational requirements may be waived by the program manager where there is sufficient and compelling evidence that the participant has the capacity and skills to operate and manage a small business enterprise such as a cottage industry or home based operation. Factors to consider:



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- A. Physical and mental capacities: Analysis of actual work requirements considering the participants' physical and mental abilities; work history; availability of family member or others to provide assistance.
- B. Marketing: formal or informal market analysis prior to starting the business; participant's ability to carry out marketing activities as necessary to maintain the business.
- C. Sound revenue and expense projections prior to starting the business (See Business Plan Requirements).
- D. Record Keeping - ability to keep accurate records, knowledge of tax and other State and Federal reporting requirement
- E. Inventory and Supplies - projecting the need for initial stock, equipment and supplies, maintaining inventory, purchasing, etc.
- F. Overall management skills; organization and planning; self-motivation and independence.

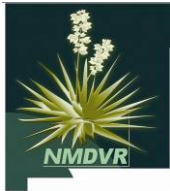
**6.2.4.6. Consultation**

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The business plan shall be reviewed by an independent business consultant with the education, training, work experience and expertise to provide this service. Consultation may be obtained at any point to determine:

- A. whether or not the participant possesses the required training, work experience or business courses;
- B. the thoroughness and soundness of the participant's business plan;
- C. the sufficiency of the participants skills and resources to succeed in the proposed business;
- D. the likelihood that the proposed market area will support the business;
- E. the feasibility of the new business producing a profit sufficient to enable the participant to be self-supporting by the end of the first year of operation.

Consultation may be waived by the program manager where there is sufficient and compelling evidence that these criteria are met.



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The small business consultant shall prepare a written report and submit to the counselor with recommendation. If the Small Business Consultant concludes that the self-employment proposal is not likely to succeed, the reason shall be set forth in a written report.

**6.2.4.7. Scope**

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When it is determined that self-employment is the most viable option leading to employment, the following services may be provided to achieve this goal:

- A. Assistance in preparing a business plan;
- B. Assistance in preparing loan applications or other business related documents;
- C. Assistance in identifying and obtaining available similar benefits.

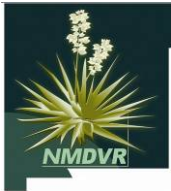
Provision of cost services such as adaptive equipment needed to operate the business, initial advertising costs, initial business insurance premiums and other startup expenses, purchase of initial business stock, tools, licenses and supplies.

**6.2.4.8. Business Plan**

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A Business Plan must be developed to determine the feasibility of self-employment as a vocational goal as well as to determine the basis for the IPE or amendment. Providing that the conditions specified exist, the participant shall complete a proposed self-employment plan that shall include all of the following elements:

- A. a detailed description of the proposed business
- B. products and services to be offered
- C. form of business such as sole proprietorship
- D. detailed marketing plan
- E. financial forecast
- F. itemized list of business expenses



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- G. list of assets that the participant will contribute to the business
- H. services participant expects the agency to provide.

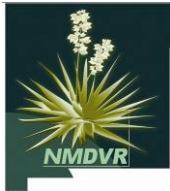
Agency's small business forms (PPI-07-01) shall be completed and may be utilized as a tool for exploration and initial assessment of the feasibility of a small business plan or if completed sufficiently, may stand as the proposed business plan. Use of Agency's business forms are not required if a comprehensive business plan, which includes all required components of forms, is available.

**6.2.4.9. Limitations and Restrictions**

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Participants must be informed that self-employment services do not include of any of the following services:

- A. Businesses deemed illegal by the New Mexico Attorney General and/or federal regulation.
- B. Speculative real estate development.
- C. Salary or benefits for any owner or employee of the business
- D. Purchase of land, real estate, or the erection of any permanent or structure/buildings action.
- E. Refinancing existing debt – business or personal



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6.2.4.10. Financial Participation Requirements

The DVR may not necessarily become the sole funding source for any self-employment endeavor. Participants will be required to make a contribution toward the self-employment venture in cash, materials, or in-kind labor in an amount consistent with the schedule below. The participant's contribution may come from personal resources, property critical to the business operation, loans from banks, loans' from micro-lender organizations, or funds derived from a PASS plan. The level of participant participation for business start-up costs (excluding training or modifications necessitated by the participant's disability) is as follows:

Cost of Participant IPE	Percent of Agency Financial Contribution	Percent of Participant Financial Contribution
Tier #1 \$1 - \$5,000	100%	0%
Tier #2 \$5,001 - \$10,000	50%	50%
Tier #3 \$10,001 +	25%	75%

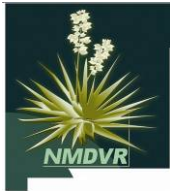


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The Agency's policy is to provide eligible participants with vocational rehabilitation services leading to competitive employment opportunities including self-employment in an expeditious yet cost effective manner. The financial participation requirements above must be applied and will be cumulative to determine to what extent the participant will participate towards the costs of their self-employment plan. DVR will provide agency financial contribution as per business plan cost tiers above starting with tier one, then two, then three. After the appropriate tiers have been applied, the Participant Financial Contribution (PFC) will then be applied to those participants who need to contribute to their plan based on this test. Those participants who meet financial need or those that are on SSI/SSDI will be excluded from Participant Financial Contribution (PFC) , but are still responsible for the identified level of participation for business start-up costs (excluding training or modifications necessitated by the participant's disability) as outlined above. See examples below:





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Example #1

Total for Self Employment Plan = \$5,000

**PFS**= \$300 participant contribution  
Tier #1 - DVR Contributes \$5,000

or

**PFS**= \$0 due to SSI, SSDI, **PFS**  
Tier #1 - DVR Contributes \$5,000

<b>Contribution:</b>	<b>DVR</b>	<b>Participant</b>	<b>Contribution</b>	<b>DVR</b>	<b>Participant</b>
Tier #1	\$5,000	\$0	Tier #1	\$5,000	\$0
Sub Total	\$5,000	\$0	Sub Total	\$5,000	\$0
<b>PFS</b>	-\$300	+\$300	<b>PFS</b>	-\$0	+\$0
<b>Total</b>	<b>\$4,700</b>	<b>\$300</b>	<b>Total</b>	<b>\$5,000</b>	<b>\$0</b>

Example #2

Total for Self Employment Plan = \$5,300

**PFS**= \$300  
Tier #1 - DVR Contributes \$5,000  
Tier #2 - DVR Contributes (50%) \$150

or

**PFS** = \$0 due to SSI, SSDI, FNT  
Tier #1 - DVR Contributes \$5,000  
Tier #2 - DVR Contributes (50%) \$150

<b>Contribution:</b>	<b>DVR</b>	<b>Participant</b>	<b>Contribution</b>	<b>DVR</b>	<b>Participant</b>
Tier #1	\$5,000	\$0	Tier #1	\$5,000	\$0
Tier #2 -	\$150	\$150	Tier #2	\$150	\$150
Sub Total	\$5,150	\$150	Sub Total	\$5,150	\$150
<b>PFS</b>	-\$300	+\$300	<b>PFS</b>	-\$0	+\$0
<b>Total</b>	<b>\$4,850</b>	<b>\$450</b>	<b>Total</b>	<b>\$5,150</b>	<b>\$150</b>

Example #3

Total for Self Employment Plan = \$20,000

**PFS** = \$300

or

**PFS** = \$0 due to SSI, SSDI, **PFS**



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Tier #1 - DVR Contributes \$5,000  
 Tier #2 - DVR Contributes (50%) \$2,500  
 Tier # 2 - Part. Contributes (50%) \$2,500  
 Tier #3 - DVR Contributes (25%) \$2,500  
 Tier #3 - Part. Contributes (75%) \$7,500

Tier #1 - DVR Contributes \$5,000  
 Tier #2 - DVR Contributes (50%) \$2,500  
 Tier #2 - Part. Contributes (50%) \$2,500  
 Tier #3 - DVR Contributes (25%) \$2,500  
 Tier #3 – Part. Contributes (75%) \$7,500

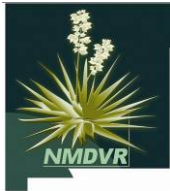
<b>Contribution: DVR</b>			<b>Participant</b>		
Tier #1	\$5,000	\$0	Tier #1	\$5,000	\$0
Tier #2	\$2,500	\$2,500	Tier #2	\$2,500	\$2,500
Tier #3	\$2,500	\$7,500	Tier #3	\$2,500	\$7,500
Sub Total	\$10,000	\$10,000	Sub Total	\$10,000	\$10,000
<b>PFS</b>	-\$300	+\$300	<b>PFS</b>	-\$0	+\$0
Total	\$9,700	\$10,300	Total	\$10,000	\$10,000

In all cases the counselor should assist the participant to access or leverage funding from other sources such as SBA, ACCION, WESST, New Mexico Seed Loan Program or private lending agents.

**6.2.4.11. Guidelines for Successful Self-Employment Closures**

The following guidelines will be utilized by the counselor to determine that the participant has achieved a successful employment outcome:

- A. The provision of services under the individual's IPE has contributed to the outcome.
- B. The employment outcome is consistent with the individual's strengths, resources, priorities, abilities, interest, and informed choice.
- C. The employment outcome is in the most integrated setting possible.
- D. The individual has maintained employment for at least 90 days; and
- E. At the end of the appropriate time period, the participant and counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job. The evaluation should take into account the following:
  - Participant is meeting the timeline and expectations addressed in the business plan and IPE as per the agreed upon gross income by the participant and counselor.



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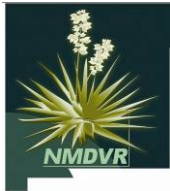
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- Participant is increasing amount of financial equity including sweat equity. This will be evaluated via monthly profit loss statements.
- There is a personal commitment to the business through active involvement and reinvestment in the business.
- Increasing level of take home pay and a sustained cash flow.
- Decreasing reliance on social service benefits and increased level of independence.

6.2.4.12. Summary of Activities Required

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- A. Completion of all necessary assessments to ensure that the participant has the potential to succeed in self-employment in his/her chosen field.
- B. Evaluate the feasibility of the business idea through a written Feasibility Assessment. The report should document Concept Feasibility, Market Feasibility, and Financial Feasibility. Evidence of consultation with programs or individual with small business or self-employment expertise and the results of the consultation and evaluation should be reflected in the case file.
- C. Business plan will be reviewed by an independent consultant qualified in the occupational area. If consultant is not qualified in the occupational area they will then conduct research in this area. A written consultation report will then be provided in the file unless waived by manager and documentation exists to support waiver.
- D. Obtain criminal background check when appropriate.
- E. The participant and counselor will explore and pursue comparable services and other resources that may help in the self-employment endeavor.
- F. Completion of a comprehensive business plan or agency-approved business plan forms for all self-employment.



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- G. The Rehabilitation Counselor will prepare a written justification for the IPE which includes a description of the self-employment objective, a statement that the participant possesses requisite education, experience and skills; an analysis of the self-employment proposal including prognosis of financial success of the business; a listing of services required to meet the employment goal including the participant's resources and anticipated contributions.
- H. An IPE/IPE Amendment will reflect the specific self-employment services required as well as the level of financial participation by the participant. This will include dollar amounts and will be cumulative. Plans will reflect the existing/in kind financial participation of the participant i.e. – participant provides wooden picture frames to display art work at \$40 a frame x 10 frames = \$400.
- I. The participant will provide counselor with monthly updates and profit/loss statements regarding the progress of the business plan. This will be measured against the business plans projections.

#### 6.2.5. Moving out of Employment Status

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If it is determined that the participant is no longer suitably employed, he or she should be moved out of employment status. To initiate this action in AWARE, complete the "end date" field in the "Employment" datapage. This will move the participant out of employment status and place them back in service status. See [AWAREHelp](#).



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**Post-Employment Services Status**

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## **7. Post-Employment Services Status**

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Revised: 08/02

### **7.1. Policy Statement**

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To implement a post-employment services (PES) program, an Individualized Plan for Employment (IPE) must be developed for the participant. The IPE must contain a description of the terms and conditions for the provision of any post-employment services, including the anticipated duration of those services. It must also include, if appropriate, a statement of how post-employment services will be provided or arranged through cooperative agreements with other service providers and / or through comparable benefits.

### **7.2. Guidelines**

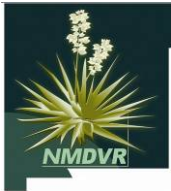
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- A. Post-employment services must be for the purpose of advancing (if the disabling condition is a barrier to advancement), maintaining and / or regaining employment for the participant.
- B. Post-employment services may be provided for up to 10 years after the participant has been closed rehabilitated. Thereafter, a new case will need to be opened.
- C. The Participant Financial Contribution must be applied and comparable benefits must be utilized in accordance with the financial participation guidelines.
- D. Any services which can be provided under a regular IPE may also be provided as PES, with the same requirements.
- E. In some instances, it may be more appropriate to open a new case rather than proceed with a PES program. The counselor should consider this option in situations where the participant must complete an entirely new rehabilitation process, or an additional comprehensive effort unrelated to the original IPE is required.

### **7.3. Procedures for Developing a PES Plan**

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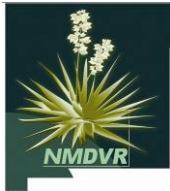
- A. Developing the IPE with the participant and, as appropriate, the guardian or representative in order to promote informed participant choice.
- B. Entering the agreed upon IPE in the PES datapage in AWARE, documenting services, entering costs, and providing evaluation criteria.



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- C. Obtaining supervisor approval as necessary. A copy of the IPE and a copy of the Participant Rights and Responsibilities form must also be provided to the participant.
- D. Closing the PES plan. The PES plan is closed from the PES datapage in AWARE. The PES plan may be closed as employment "maintained" or "not maintained." See [AWAREHelp](#).
- E. The Plan must be signed by the counselor and participant.



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Closure Status

## 8. Closure Status

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### 8.1. Policy Statement

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The types of case closures that can occur include - "rehabilitated" and "other than rehabilitated." Cases closed "rehabilitated" are considered successful employment outcomes. Cases closed "other than rehabilitated" involve all other types of closures including those closed from applicant status, eligible status, and service status. Cases served in Post-Employment status can be closed based on an outcome of employment being "maintained" or "not maintained."

The specific criteria outlined in the guidelines section must be met when proceeding with a case closure. In all instances, a closure letter must be sent to the participant outlining the reason(s) for closure and the availability of Post-Employment services (for participants closed rehabilitated). A copy of the letter must be kept in the hard case file. The participant should also be provided with a copy of the Participant Rights and Responsibilities form, and when possible, provided with an explanation of their rights through appropriate modes of communication.

### 8.2. Guidelines

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#### 8.2.1. Closed "Rehabilitated"

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A participant has achieved an employment outcome and can be considered "rehabilitated" when:

- A. The provision of substantial services under the participant's Individualized Plan for Employment (IPE) has contributed to the achievement of the employment outcome.
- B. The employment outcome is consistent with the participant's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- C. The employment outcome is in the most integrated setting possible, consistent with the individual's informed choice.
- D. The individual has maintained the employment outcome for a period of at least 90 days.



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- E. The participant and the VR counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.
- F. The participant's job is compatible with the employment goal identified in their IPE.

If a participant accepts a job that is contraindicated by the disability, not commensurate with abilities, in a different field from that for which they trained, the counselor may consider it as a successful rehabilitation if:

- A. After counseling is provided to point out the reasons it is considered questionable or unsuitable, the participant still accepts the job; and
- B. VR services were a significant factor in the vocational adjustment leading to employment and the case record reflects this; and
- C. The IPE has been amended to reflect the employment goal of the chosen occupation.

**8.2.2. Closed "Other Than Rehabilitated"**

---

"Other than rehabilitated" closures can occur for the following reasons in applicant status:

- Death
- Disability too severe/unable to benefit from services (with clear and convincing evidence available through use of Trial Work Experiences or Extended Evaluation)
- Does not require vocational rehabilitation services
- Failure to cooperate
- Institutionalized
- No impairment
- No impediment to employment
- Refused services or no further services needed
- Unable to locate, contact or moved.

"Other than rehabilitated" closures can occur for the following reasons in eligible and service status:

- Death
- Disability too severe/unable to benefit from services
- Failure to cooperate
- Institutionalized
- Refused services or no further services needed





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- Unable to locate, contact or moved.

**8.2.3. Closures from Post-Employment Services**

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Closures from Post-Employment services are either:

- Employment maintained or regained; or
- Not employed, no further services at this time

**8.3. Procedures**

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**8.3.1. Closed "Rehabilitated"**

---

To close a case "rehabilitated":

- A. Validate through the participant, guardian, representative if appropriate, community rehabilitation provider staff, and / or employer (verbally or in writing) that the participant has achieved suitable employment for at least 90 days, assuming the other criteria have been met.
- B. Verify that the participant is receiving minimum wage or higher to meet the criteria for competitive employment.
- C. If the participant is employed in a non-competitive position and / or receiving less than minimum wage, the counselor should:
  - Ensure that a Department of Labor waiver has been provided confirming that the wage is approved; or
  - In the case of self-employment, review the wages and benefits to ensure that they are commensurate with what other individuals in the industry are receiving.
  - Consult with the participant to make sure that they are informed and choose to receive these wages.
- D. Discuss the closure with the participant, the guardian, or representative as appropriate to determine if Post-Employment services will be needed.
- E. In conjunction with obtaining supervisory approval, complete the closure datapage in AWARE which includes:
  - Documenting whether the supported employment outcome was met or not (for Supported Employment cases).



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- Completing the rest of the required data fields
  - Documenting in the narrative field the reason and rationale for closure
- F. Printing a copy of the closure datapage and inserting it in the hard case file.
- G. Send the participant a closure letter describing the reason for closure and the availability of Post-Employment services along with a copy of the Participant Rights and Responsibilities form. Insert a copy of the closure letter in hard case file. Inform the participant of their rights and responsibilities through appropriate modes of communication and in writing, and document that this occurred.
- H. Pay or cancel any outstanding authorizations associated with the case.

**8.3.2. Closed "Other Than Rehabilitated"**

---

To close a case "other than rehabilitated" from applicant status:

- A. If the case is being closed because the counselor is unable to locate or contact the participant, a reasonable effort to contact the participant must be made and documented in a case note(s).
- B. If the case is being closed because of a failure to cooperate, document in a case note(s) the reasons and incidents that led to this conclusion.
- C. If the case is being closed because the participant does not require VR services, has no impairment, or has no impediment to employment, document the reason in a case note.
- D. If the case is being closed because the participant's disability is too severe and he/she is unable to benefit from services in terms of an employment outcome, there must be clear and convincing evidence that this is the case and this must be documented into the case record. Additionally, a program must have been developed in Trial Work Experiences and / or Extended Evaluation prior to proceeding with this type of closure. When an applicant has been determined incapable of benefiting from VR services, a referral must be made to a local extended employment provider.
- E. If the case is being closed because the participant makes an informed choice to pursue extended employment as their employment goal, the participant must be referred to a local extended employment provider.
- F. Discuss the closure with the participant, the guardian, or representative as appropriate.



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- G. In conjunction with obtaining supervisory approval as necessary, complete the closure datapage in AWARE which includes:
- Completing the required data fields
  - Documenting in the narrative field the reason and rationale for closure
  - Printing a copy of the closure datapage and inserting it in the hard case file.
- H. Send the participant a closure letter describing the reason for closure along with a copy of the Participant Rights and Responsibilities form. Insert a copy of the closure letter in hard case file. Inform the participant of their rights and responsibilities through appropriate modes of communication and in writing, and document that this occurred (or the reason that this did not occur if it is not possible).
- I. Pay or cancel any outstanding authorizations associated with the case.

To close a case "other than rehabilitated" from eligible, service or employed status:

- A. If the case is being closed because the counselor is unable to locate or contact the participant, a reasonable effort to contact the participant must be made and documented in a case note(s).
- B. If the case is being closed because of a failure to cooperate, document in a case note(s) the reasons and incidents that led to this conclusion.
- C. If the case is being closed because the participant makes an informed choice to pursue extended employment as their employment goal, the participant must be referred to a local extended employment provider.
- D. As able, discuss the closure with the participant, the guardian, or representative as appropriate.
- E. In conjunction with obtaining supervisory approval as necessary, complete the closure datapage in AWARE which includes:
- Completing the required data fields
  - Documenting in the narrative field the reason and rationale for closure
  - Printing a copy of the closure datapage and inserting it in the hard case file.



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- F. Send the participant a closure letter describing the reason for closure along with a copy of the Participant Rights and Responsibilities form. Insert a copy of the closure letter in hard case file. Inform the participant of their rights and responsibilities through appropriate modes of communication and in writing, and document that this occurred (or the reason that this did not occur if it is not possible).
- G. Pay or cancel any outstanding authorizations associated with the case.

**8.3.3. Closures from Post-Employment Services**

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To close a case from Post-Employment services:

- A. Discuss the closure with the participant, the guardian, or representative as appropriate.
- B. In conjunction with obtaining supervisory approval, complete the Post-Employment services datapage in AWARE which includes:
  - Selecting the reason for closure - employment maintained or regained; or not employed, no further services at this time.
  - Completing the other required data fields
  - Documenting in the narrative field the reason and rationale for closure
  - Printing a copy of the Post-Employment services datapage and inserting it in the hard case file.
- C. Send the participant a closure letter describing the reason for closure along with a copy of the Participant Rights and Responsibilities form. Insert a copy of the closure letter in hard case file. Inform the participant of their rights and responsibilities through appropriate modes of communication and in writing, and document that this occurred (or the reason that this did not occur if it is not possible).
- D. Pay or cancel any outstanding authorizations associated with the case.

**8.4. Annual Review of Closed Cases**

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Case reviews are required on closed cases as follows:



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8.4.1. Cases Closed "Rehabilitated" Receiving Sub-Minimum Wage Under Fair Labor Standards Act (FLSA)

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Supported employment cases closed rehabilitated with the participant receiving sub-minimum wage under 14C of FLSA, working towards minimum wage, require an annual review for at two years and thereafter if requested by the participant or representative. Purpose of the review is to reevaluate the interests, priorities and needs of the individual with respect to competitive employment or training for competitive employment.

The AWARE "follow-up" datapage must be completed when doing a review. In instances where the participant or representative opt to have subsequent annual reviews, the redo button should be selected indicating that the "participant requests another follow-up next year." This will allow for tracking in AWARE. The datapage must be printed and signed by the participant, or as appropriate, the guardian or representative. See [AWAREHelp](#).

8.4.2. Cases Closed Working in an Extended Employment Setting

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If the participant was closed working in an extended employment setting, an annual review is required for two years and thereafter if requested by the participant or representative. The purpose of the review is to reevaluate the interests, priorities and needs of the individual with respect to training for competitive employment. Prior to 10/01/01, participants may have been closed "successfully rehabilitated" working in an extended employment setting, however, after 10/01/01, these cases will all be closed "other than rehabilitated".

The AWARE "follow-up" datapage must be completed when doing a review. In instances where the participant or representative opt to have a review done in another year, the redo button should be selected indicating that the "participant requests another follow-up next year." This will allow for tracking in AWARE. The datapage must be printed and signed by the participant, or as appropriate, the guardian or representative. See [AWAREHelp](#).



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8.4.3. Cases Closed Due to Ineligibility

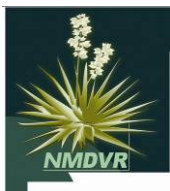
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In instances where the participant was closed due to ineligibility because the participant was "unable to benefit from VR services in terms of achieving an employment outcome", an annual review must take place within one year and thereafter if requested by the participant. The purpose of the review is to assess the individual's circumstances to determine their current appropriateness for VR services.

This review does not have to occur if:

- A. the individual has refused the review, or
- B. the individual is no longer present in the State, or
- C. the individual's whereabouts are unknown, or
- D. the individual's medical condition is rapidly progressive or terminal.

The AWARE "follow-up" datapage must be completed when doing a review or to document reasons for waiving the review. In instances where the participant opts to have review done the following year, the redo button should be selected indicating that the "participant requests another follow-up next year." This will allow for tracking in AWARE. See [AWAREHelp](#).



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Service Status / Scope of Services

## **9. Service Status / Scope of Services**

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Revised: 08/03

### **9.1. Policy statement**

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The New Mexico Division of Vocational Rehabilitation will ensure appropriate vocational rehabilitation services are available to determine eligibility of all applicants and to assist the eligible participants in preparing for, securing, retaining or regaining an employment outcome consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. Vocational rehabilitation services are provided based on the vocational rehabilitation needs of each participant and consistent with their informed choice.

### **9.2. Scope of Services**

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The following services will be available to all applicants and eligible individuals and provided based on the need for the service in order to achieve the employment goal:

- A. Assessment for determining eligibility for services in accordance with Eligibility, Trial Work and Extended Evaluation requirements.
- B. Assessment for determining vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology.
- C. Referral and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies.
- D. Interpreter services, including sign language and oral interpreter services, by qualified personnel for individuals who are deaf or hard of hearing and tactile interpreting services for individuals who are deaf-blind
- E. Rehabilitation teaching services and orientation and mobility services for individuals who are blind.
- F. Reader Services for individuals who are blind or cognitively impaired.
- G. Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.
- H. Post-employment services.
- I. Other goods and services determined necessary for the individual with a disability to achieve an employment outcome, including but not limited to, items discussed in detail in the following sections.



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**9.2.1. Purchase of Computer Equipment and Software**

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Under certain circumstances a computer and / or computer equipment may be purchased for participants when it is the most appropriate means of meeting training or employment needs. The participant must demonstrate capacity to effectively utilize the equipment requested with or without reasonable accommodation.

**9.2.1.1. Scope**

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The purchase of a computer must meet at least one of the following conditions:

- A. In the case of a self-employment plan, the computer and / or computer equipment is required for the operation of the business.
- B. In the case of a participant in a training program, the computer is required of all students in a training program and is verified by the instructor/school officials, and access to a computer cannot be addressed through the existing computer lab or similar resources offered by the school.
- C. In the case of employment, a computer is necessary for reasonable accommodation for employment when not provided by the employer.
- D. A computer is assistive technology required to facilitate the individual's full participation in a DVR sponsored training program or employment. An evaluation from a Rehab Engineer or comparable evaluator who specialized in computer aided adaptive equipment must be in the file and the evaluation must support purchase of the equipment.

**9.2.1.2. Guidelines**

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- A. The Participant Financial Contribution must be applied for computer purchases in accordance with the Financial Participation Section.

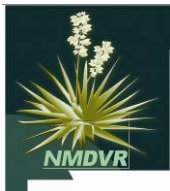




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- B. Comparable services and benefits shall be explored and utilized (except when the computer is assistive technology) prior to the purchase of a computer by the agency in accordance with the Financial Participation Section. Some examples of comparable services and benefits include the following:
- programs that have computers available for loan
  - availability of computers at training facilities such as computer labs and libraries
  - service providers who have computer labs available for participant use
  - availability of agency computer equipment which can be utilized by participants
  - review of the employer's responsibility to provide the equipment as a reasonable accommodation for employment.
- C. If a computer is needed for a short time, loan banks, rental of the equipment or utilizing pay per hour arrangement should be explored.
- D. Computers are purchased only for eligible individuals in service status with clear justification in the IPE documenting the connection between the computer and / or computer equipment to the desired employment outcome.
- E. The counselor shall assess the purpose of the computer and obtain consultation by someone with expertise in the subject area such as an employer or other businesses utilizing the same or similar equipment, to determine computer capabilities, software, hardware/ peripherals and equipment modification needs.
- F. In determining the capacity of the equipment needed, the counselor will provide only the current minimum needs as determined by present day standards.
- G. For individuals who require specialized adaptations to the computer equipment due to a disabling condition, an evaluation must be obtained through an evaluator or rehabilitation engineer who specializes in computer aided adaptive equipment. Consideration may be given to future computer needs as severity of disability(ies) warrants.



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- H. Computer purchases will only be considered if the participant is able to take responsibility for the maintenance, replacement and upgrade of the equipment and software. The IPE must reflect the participant's role in maintaining, replacing and upgrading the equipment.
- I. Counselors may consider assisting with upgrades for purchased computer systems if the additional equipment or upgrade is required due to a change or progression of the disabling condition or to obtain or maintain employment.

Prior to the purchase of a computer, computer equipment, and/or software applications, the participant should present documentation or demonstrate knowledge of, or successfully complete training in basic computer skills. At a minimum, the participant should be able to demonstrate/document knowledge in three of the following areas:

- Identify computer hardware or human interface components
- Demonstrate ability to navigate between programs in an operating system (MS Windows, Mac, Linux, etc.)
- Describe the essential components of computer networks
- Use the internet
- Create documents using desktop applications
- Work with a spreadsheet
- Maintain and use an email account

### 9.2.2. Guidance and Counseling

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Provision of quality guidance and counseling remains a fundamental aspect of the VR program and a key element in the successful rehabilitation of individuals with disabilities. In all cases, guidance and counseling service needs should be considered and these services may be all that is required to return the participant to work. All counseling sessions held with an applicant or eligible participant shall be documented in a case note.



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Counseling is generally provided to provide information related to:

- A. the disability and functional limitations
- B. availability of training, medical or other resources
- C. obtaining comparable benefits
- D. occupational requirements, job market trends, available openings, other vocational topics
- E. agency policies/procedures related to the rehabilitation process
- F. information regarding service providers and service options to facilitate participant choice
- G. assist participants with vocational and psychosocial adjustment to the disability
- H. provide support, coordination or assistance in obtaining needed services.

### 9.2.3. Maintenance

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Maintenance is financial support provided to an applicant or eligible participant for expenses related to subsistence, such as shelter, utilities, food and personal items that are in excess of the normal expenses of the individual and that are necessary for participation in the assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an Individualized Plan for Employment (IPE). Maintenance is provided only to enable the individual to participate in an derive full benefit from other VR services.

#### 9.2.3.1. Limitations

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Maintenance is not:

- A. intended as a means for increasing the participant's standard of living;
- B. to be used as a means to pay for any previous or current expenses incurred by the participant or family member - other than those extra costs of subsistence required by the applicant or eligible individual to participate in the rehabilitation process;
- C. to be provided during periods in which the IPE or other services are interrupted, such as summer vacations from school or while waiting for a VR program to begin; or
- D. intended to cover luxury items.



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*Note: Under no circumstances should DVR attempt to resolve a participant's debt or financial difficulties (e.g., making bank payments, installments on furniture or credit cards, etc.) through maintenance payments.*

**9.2.3.2. Guidelines**

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- A. Maintenance can be considered to cover a participant's subsistence costs which are above and beyond their normal subsistence costs and are a direct result of participating in the assessment for eligibility of VR services or planned services in an approved IPE.
- B. The Participant Financial Contribution must be applied in accordance with the Financial Participation Section of this manual when providing maintenance services.
- C. Comparable Services and Benefits should be fully considered when providing any maintenance according to the Financial Participation Section of this manual. The following Comparable Services and Benefits must be applied prior to providing maintenance. In cases where the Participant is ineligible for the following services, documentation to that effect must be included in the case notes prior to providing maintenance.

**Comparable Service Required:**

- 1. Rent or housing subsidy
    - TANF, General Assistance
    - SSI/SSDI
    - Workers Compensation
    - City, County, HUD or other housing subsistence
  - 2. Utilities
    - Same as above to offset housing expense
    - City, County or State utility subsidies
  - 3. Food
    - Food Stamps
    - Commodities
  - 4. Room and board while enrolled in an academic program
-



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- Student federal financial aid

*Note: It is important to review the case periodically to assess whether maintenance should be provided; or in instances when it is being provided over an extended period of time, assessment should be made about the appropriateness for continued maintenance assistance as well as changes in financial need.*

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**9.2.3.3. Income Support Division (ISD)**

Because maintenance is a subsistence payment, ISD will reduce TANF and / or General Assistance by an amount equal to the amount of DVR maintenance provided. Therefore, if a participant is receiving TANF or General Assistance it is not necessary to provide maintenance.

ISD excludes the following DVR payments in determining the participant's financial assistance eligibility and payment:

- transportation;
- medical, psychological or other therapeutic services;
- equipment, tools or stock;
- dependent care;
- training related costs; and
- other goods and services authorized directly to a vendor

---

**9.2.3.4. Relocation Expenses**

Relocation expenses in connection with job placement that is a significant distance from the participant's current residence can be provided when the following conditions are met:

- the move is necessary to achieve the participant's employment goal;
- job security has been established; and
- there is significant distance from the eligible individual's current residence and job site.



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9.2.4. Miscellaneous Goods and Equipment

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9.2.4.1. Definitions

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9.2.4.1.1. *Equipment*

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Mechanical items such as calculators, power tools, hand tools, etc.

9.2.4.1.2. *Goods*

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Tangible commodities such as supplies, clothes, books, furniture, stock, etc.

9.2.4.2. Self-Employment Equipment and Supplies

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Miscellaneous goods and equipment can be purchased for an eligible participant to assist in securing, maintaining or regaining an employment outcome. Comparable services and benefits as well as the Participant Financial Contribution must be applied in accordance with the Participant Financial Participation Section. Following is a list of various equipment and goods:

9.2.4.2.1. *Placement Tools*

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Basic tools customarily required for a worker to perform on the job and normally provided by the employee as a prerequisite to work in the field. The counselor is responsible for obtaining consultation concerning the basic tool requirements for a particular job.

9.2.4.2.2. *Special Tools*

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Tools over and above the basic tools normally required and may be provided if needed to improve the participant's job functioning in light of the disability.



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*9.2.4.2.3. Training Tools*

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The basic tools required to successfully complete a training program may be provided.

*9.2.4.2.4. Special Adaptive Equipment*

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A participant may be provided special adaptive equipment if required as a reasonable accommodation at the job site. Adaptive equipment may also be provided if necessary to enable the participant to participate in his/her rehabilitation program.

*9.2.4.2.5. Shelters*

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A permanent structure may not be purchased under any circumstances. A portable, easily dismantled shelter, i.e. storage unit and utility shed, may be provided to house a self-employment venture.

*9.2.4.2.6. Initial Stock*

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Stock and supplies, including "startup" inventory of merchandise or goods for resale may be provided to participants entering self-employment. The amount of items purchased should be adequate to ensure a gross profit margin that will allow for replenishment of stock without further DVR support.

*9.2.4.2.7. Livestock*

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Livestock necessary for the establishment of a base stock, or animals for a farming or agricultural self-employment venture may be provided as well as initial supplies of seed, fertilizer, feed, etc.



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*9.2.4.2.8. Supplies*

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Stationery, pens, forms and other expendable items necessary for the day-to-day operation of a small business enterprise may be provided.

*9.2.4.2.9. Land*

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Land may not be purchased under any circumstances.

*9.2.4.2.10. Equipment*

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Appliances, apparatus, machine, fixture or furniture may be provided when required by a participant to enter employment or self-employment.

**9.2.5. Occupational Licenses**

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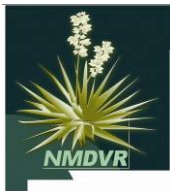
Occupational Licenses are any license, certificate, permit or other written governmental authorization prerequisite to entering an occupation or small business enterprise, and may be sponsored by DVR to eligible participants. Examples of Occupational Licenses include:

- Chauffeur's license for employment as a cab driver, bus driver, etc.
- Barber or beauty operator, food service, realtor, or other trade licenses
- Business licenses to operate a small business enterprise
- Certification, licensure or registration for the practice of a profession such as nursing, mental health counseling, teacher, massage therapy, psychology, law, etc.

Services in support of obtaining an Occupational License may include, but are not limited to:

- Licensure/certification/permit fees
- Transportation/lodging necessary to obtain the license
- Short-term training or study courses needed to obtain the license





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9.2.5.1. Guidelines for Purchasing

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- A. Attention should be given to licensure/certification during development of training plans to ensure that the participant will not encounter obstacles to meeting licensure requirements (e.g. criminal records, etc.).
- B. Only licenses/certifications required by the participant to be able to work in the profession shall be covered by DVR. Other licenses that are not required, but are felt to enhance the marketability of the participant, may be provided at the counselor's discretion.
- C. Comparable Services and Benefits as well as the Participant Financial Contribution shall be applied when providing support towards licensure.

9.2.6. Personal Assistance Services

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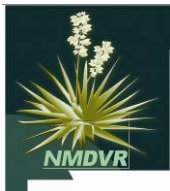
Personal Assistance Services are designed to assist the participant to perform daily living activities on or off the job that the individual would typically perform without assistance if non-disabled. Examples of Personal Assistance Services include attendant care services and training in managing, supervising and directing personal assistance services.

9.2.6.1. Requirements

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- A. Personal Assistance Services must be necessary to the achievement of an employment outcome and counselor must document this relationship in the Individualized Plan for Employment.
- B. Personal Assistance Services may be provided only while the individual is receiving other vocational rehabilitation services.
- C. Comparable Services and Benefits must be applied when providing Personal Assistance Services.

*Note: The Participant Financial Contribution cannot be applied when providing Personal Assistance Services.*



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9.2.7. Placement Services

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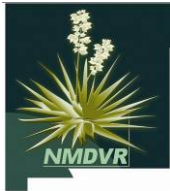
Placement services consist of those services planned, directed and coordinated by the counselor that result in employment for the participant. Placement services are designed to address barriers to employment resulting from functional limitations and other attendant factors. Services are provided to enable the participant to both obtain and maintain employment. Placement services may include, but are not limited to:

- Vocational Counseling
- Job Readiness Skills Training
- Interview Skills Training
- Job Club
- Job Referral
- Job Development
- Job Placement
- Job Coaching
- Job Re-engineering
- Reasonable Accommodations
- Task/Job Analysis
- Employer Consultation:
  - tax credits
  - federal certification
  - ADA issues
  - other incentives

9.2.7.1. Guidelines

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- A. Use of Comparable Services and Benefits cannot be required nor can the Participant Financial Contribution be applied when providing job-related services including job search and placement assistance, job retention services, follow-up services and follow along services.
- B. It is the counselor's responsibility to assess the participant's placement needs, provide counseling, plan for the provision of services and document these activities. The types of services used should be determined on an individualized basis.
- C. Counselors should enlist services provided by One-Stop Centers and / or other public or private organizations to promote job placements as determined appropriate.



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- D. Placement services may be purchased when such an arrangement is in the best interest of the participant, such as when DVR is unable to provide timely and appropriate services. Some placement services are time intensive and when viewed in terms of the counselor's overall job, are best arranged for when possible. An individualized determination based on the participant's needs must be made regarding the use of specific placement services through the use of other resources, the counselor or a combination of both.
- E. When placement services are purchased, the counselor still retains the primary responsibility for directing the placement process. The counselor must assure quality services are being provided and provide ongoing counseling to the participant as needed.

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9.2.8. Rehabilitation Technology

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9.2.8.1. Definitions

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9.2.8.1.1. *Rehabilitation Technology*

The 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. Examples of rehabilitation technology include vehicular modifications, telecommunications, sensory and other technological aids and devices.



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*9.2.8.1.2. Rehabilitation Engineering*

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The application of engineering sciences to design, develop, adapt, test, evaluate, apply and distribute technological solutions to problems confronted to individuals with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education and integration into the community.

*9.2.8.1.3. Assistive Technology Device*

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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.

*9.2.8.1.4. Assistive Technology Services*

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

- A. the evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in his or her customary environment;
- B. purchasing, leasing or otherwise providing for the acquisition of an assistive technology device for an individual with a disability;
- C. selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive technology devices;
- D. coordinating and using other therapies, interventions or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;



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- E. training or technical assistance for an individual with a disability or, if appropriate, a family member, guardian, advocate or authorized representative of the individual;
- F. training or technical assistance for professionals, 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.

**9.2.8.2. Guidelines for Purchasing**

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- A. A Rehabilitation Engineer should be consulted as needed for assistance in providing rehabilitation technology services.
- B. Comparable Services and Benefits cannot be required when providing Rehabilitation Technology including telecommunications, sensory and other technological aids and devices.
- C. Participant Financial Contribution must be applied in accordance with the Financial Participation Section when providing rehabilitation technology.
- D. Rehabilitation technology services, aside from evaluations of an individual's rehabilitation technology needs, should be identified in the IPE with documentation showing the connection of the rehabilitation technology service to the identified employment outcome.
- E. Should an assistive technology device be required during a TWE or EE period, the justification for the device should clearly identify why the device is necessary in addressing the question of eligibility.



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9.2.8.3. Computers as Assistive Technology

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Computers, computer equipment and software can be considered assistive technology equipment if the purpose of the equipment is to provide accommodations for an individual with a disability. Requirements for computer purchases are outlined in the Computer Purchase Section.

9.2.9. Restoration Services

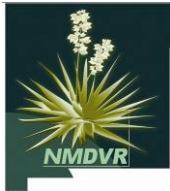
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9.2.9.1. Physical Restoration

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Physical Restoration Services include:

- Diagnostic exams to establish the diagnosis, prognosis and recommended treatment of a physical condition
- X-ray or laboratory work
- Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical impairment that constitutes a substantial impediment to employment
- Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services to include anesthesia
- Dentistry
- Nursing Services
- Medically prescribed drugs and supplies
- Prosthetic and orthotic devices
- Eyeglasses and visual services, including visual training, examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel that are qualified in accordance with State licensure laws
- Podiatry
- Physical therapy
- Occupational therapy
- Speech or hearing therapy



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- Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical or mental restoration services, or that are inherent in the condition under treatment
- Special services for the treatment of individual with end-stage renal disease, including kidney transplant, dialysis, artificial kidneys and supplies
- Other medical or medically related rehabilitation services.

*9.2.9.1.1. Diagnostic Evaluations*

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Medical evaluation reports shall include:

- diagnosis
- prognosis
- functional limitations
- recommended treatment (type, frequency, duration)
- short term treatment objectives
- expected final outcome of treatment
- testing to the extent needed.

*9.2.9.1.2. Surgery*

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Where inpatient or outpatient surgery is part of the IPE services, the counselor must ensure that provisions for payment through DVR, comparable benefits or the participant include:

- All hospital costs; room, board, supplies, drugs, operating room, etc.
- Surgeon and assistant surgeon
- Anesthesiologist and anesthesia
- X-rays and radiologist
- Lab work
- Post-operative follow-up and treatment
- Other costs such as co-instance payments if needed
- Required medication



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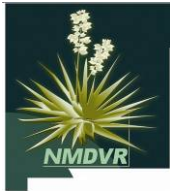
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*9.2.9.1.3. Orthotics, Prosthetics and other Assistive Devices*

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- A. Hearing aids, eyeglasses, prosthetics, orthotics or other medical equipment should be purchased only with a prescription or written recommendation from a licensed or certified diagnostician or provider.
- B. Purchase shall be made at the best available price. Some medical equipment is on contract with the State Purchasing Agent so the list of SPA contracts should be checked prior to authorizing these services.
- C. The Counselor is responsible for discussing the issue of "product warranty" with the vendor. If a warranty is normally provided, a copy should be placed in the case file. If no warranty is offered, the counselor shall discuss with the participant and vendor the responsibility for repair or replacement, particularly for prosthetics.
- D. In all cases, counseling should be provided to ensure the participant awareness of responsibility of repair and replacement after the participant becomes employed.
- E. Receipt of Equipment Form shall be completed when medical equipment is provided.
- F. Upon successful completion of their rehabilitation program, all medical equipment belongs to the participant. In instances in which the participant does not achieve a successful employment outcome, they are subject to having medical equipment reclaimed by DVR. In determining which medical equipment is to be reclaimed, the counselor should consider transferability of the equipment, i.e. can another participant potentially utilize the equipment or was the equipment customized for the original participant to the degree which makes transferability impracticable.





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*9.2.9.1.4. Organ Transplants*

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- A. Restoration services can be provided for eligible individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys and supplies. These services are only to be provided when other financial support is not available.
- B. No other organ transplants are to be provided. Individuals who have successfully undergone organ transplants may be candidates for VR services once the condition "stabilizes" provided other eligibility criteria are met.

**9.2.9.2. Mental Restoration**

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Mental restoration is a planned program of professional treatment which is designed to systematically reduce those major functional limitations of a mental or emotional disability which prevent adequate performance in a training or employment setting. Mental restoration services include:

- Psychotherapy
- Psycho-educational services (e.g., stress management, assertiveness training, etc.)
- Prescribed medication
- Medication monitoring
- Biofeedback
- Psychosocial rehabilitation services
- Cognitive therapy/retraining
- Therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive mental impairment that constitutes a substantial impediment to employment
- Drugs and Supplies
- Treatment of either acute or chronic complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services, or that are inherent in the condition under treatment
- Inpatient or outpatient drug or alcohol treatment



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*9.2.9.2.1. Diagnostic Evaluations*

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Psychological or psychiatric evaluation reports shall include:

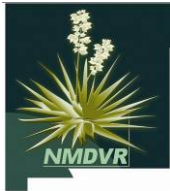
- diagnosis
- prognosis
- functional limitations in behavioral terms
- recommended treatment (type, frequency, duration)
- short term treatment objectives
- expected final outcome of treatment
- testing to the extent needed

If the participant fails to keep an appointment for a psychological or psychiatric evaluation or therapy that results in a financial loss to the vendor, payment will be made up to 50% of the authorized amount, unless the appointment is cancelled at least 24 hours prior to the appointment. No payment will be allowed if the participant was scheduled for a service such as group therapy which causes no loss of time to the vendor. When appointments are scheduled, the individual should be provided in writing with the date, time, location and phone number to the vendor and made aware of the need to cancel or reschedule at least 24 hours prior to the appointment if necessary.

**9.2.9.3. Guidelines**

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- A. Restoration services shall be provided only by facilities and professionals licensed or certified according to state law.
- B. Diagnostic examinations and procedures may be provided in any status and do not have to be identified as a service in plans for those individuals in TWE, EE, PES or Service Status.
- C. In all cases the counselor should clarify all rehabilitation issues pertaining to the individual's employability and their relationship to planned restoration services.



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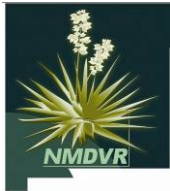
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- D. Guidance and counseling issues necessary for the individual's adjustment should be documented as an integral part of the rehabilitation program.
- E. Comparable Services and Benefits shall be applied when providing restoration services in accordance with the Financial Participation Section. When providing restoration services the following examples of comparable services and benefits shall be explored as appropriate:
  - Pharmaceutical Assistance Programs
  - Private Insurance
  - Worker's Compensation
  - Children's Medical Services (for ages 21 and under - Dept. of Health)
  - Medicaid
  - Medicare
  - [Hill Burton Funds](#)
  - [Knights Templar Eye Foundation Inc.](#)
  - County Indigent Funds
- F. The Participant Financial Contribution shall be applied in accordance with the Client Financial Participation Section.
- G. Restoration services provided under an IPE shall include objectives developed in conjunction with the service provider which identify measurable behavioral outcomes.
- H. Psychotherapy must be recommended through a psychological or psychiatric examination in order to provide psychotherapy in an IPE, TWE, EE or PES plan.
- I. When providing psychotherapy services, a brief monthly report outlining progress made in therapy shall be obtained.

**9.2.9.4. Non-Traditional or Unlicensed Providers**

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Non-traditional treatment or services, not covered by state regulation (licensures, certificates, etc.), cannot be covered by DVR. When there is a question surrounding a treatment request or prescription, medical consultation shall be obtained.



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9.2.9.5. Long-Term Care or Treatment

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DVR does not provide long term medical, psychiatric or psychological care or treatment. Upon receiving a request for Restoration services for the purpose of enhancing an individual's level of functioning to the degree necessary to actively participate in job search or training activities, the counselor shall:

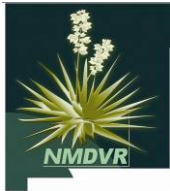
- A. negotiate a reasonable time frame for services
- B. identify expected benefits of the restoration services as it relates to the participant's employability
- C. ensure the services are measurable in order to determine the efficacy of the treatment
- D. obtain a medical consultation as appropriate.

If the individual has ongoing medical needs (medication, supplies, etc.) the counselor may assist with these needs during the rehabilitation program, provided the participant continues progressing in their program. The counselor should consider ongoing medical expenses when determining an employment goal and the level of earnings needed, as the participant will have to assume responsibility for the costs after closure.

9.2.9.6. Medication

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- DVR can assist with prescribed medications that are FDA approved. DVR cannot assist with the purchase of Non-FDA approved medications or prescriptions.
- The counselor must monitor the efficacy of the medication through medical or psychiatric updates as well as contact with the participant.
- Ongoing assistance with medication is dependent on medical reports supporting participant gains as a result of the medication and counselor documentation that these gains are connected with the participant's employability.
- Comparable services and benefits to include Pharmaceutical Assistance Programs must be explored and utilized as appropriate prior to providing assistance with medication.



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9.2.9.7. Consultation

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Medical Consultation is expert advice related to medical aspects of VR cases by a medical practitioner. These consultative services are provided by an area or state medical consultant or on a fee for service basis by private physicians and are rendered directly to VR counselors and supervisors. The medical consultant does not make eligibility decisions. This remains the responsibility of the VR Counselor. The purpose of the medical consultant is to:

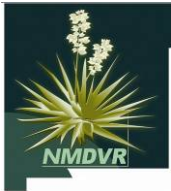
- provide technical assistance on medical aspects of rehabilitation
- help insure quality medical services
- assist the counselor to obtain, understand and use adequate medical services at a reasonable cost
- identify and assess the degree of functional limitations using existing medical information
- interpret and clarify medical terms and information provided in medical reports
- assist counselors in the choice of practitioners for diagnostics or treatment
- provide advice when medical incompetence, negligence or unlawful acts are suspected.

9.2.9.7.1. *Guidelines for Medical Consultation*

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Medical consultation must be obtained during the formulation of an IPE that provides for:

- A. in-patient or out-patient hospitalization
- B. severe physical impairment with uncertain prognosis, even if DVR is not providing restoration services
- C. controversial or experimental medical or health services, even if DVR is not providing the service
- D. clarification on AMA standard of care if counselor is uncertain about a recommended treatment
- E. extensive or long-term medical treatment.



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*9.2.9.7.2. Guidelines for Dental Consultation*

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The dental consultant serves essentially the same purpose as the medical consultant. Cases involving provision of any dental services in excess of \$500.00 shall be referred to the dental consultant for review. Referrals to the Dental Consultant shall include:

- cover letter
- dental examination and treatment plan
- x-rays

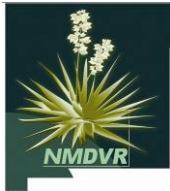
*9.2.10. School to Work Transition Services*

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*9.2.10.1. Policy Statement*

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The Rehabilitation Act emphasizes the coordination of services between Division of Vocational Rehabilitation and education officials responsible for the public education of students with disabilities; with the intent of facilitating a seamless transition from the receipt of education services in school, to successful performance in the world of work. To facilitate this process, New Mexico DVR has assigned a DVR Counselor to each New Mexico Public High School, BIA or Special State-Supported High School and has established the following procedures for outreach to the schools and processing of student referrals.



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9.2.10.2. Definitions

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9.2.10.2.1. *Transition Student*

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A secondary school student with a disability pursuant to the IDEA and / or the Rehabilitation Act, who is an applicant or eligible individual for Vocational Rehabilitation services and becomes a signed applicant for services prior to exiting a secondary school program. These programs may include public high schools, extended programs for individuals who are 18 to 22 years of age, home schooled individuals and adjudicated youth in institutional programs. An individual who has left a secondary school program prior to signing an application for services is not to be considered a transition student and there should be no "current grade level" or "current school" entered in his/her AWARE Personal Information page.

9.2.10.2.2. *Transition Services*

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The coordinated set of activities for a disabled student designed within an outcome oriented process that promotes movement from school to post-school activities, including integrated employment (including supported employment), postsecondary education, vocational training, continuing and 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-school 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 IPE.



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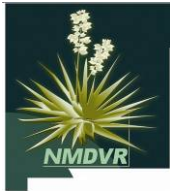
9.2.10.3. Procedures

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DVR Counselors are responsible for providing consultation and technical assistance to their assigned high schools on issues related to the transition of students with disabilities. Transition students are subject to all guidelines and procedures related to the VR application process, assessment for eligibility, eligibility criteria, plan development, delivery of services and closure identified within this Manual. In addition, the following procedures are established in order to better meet the needs of this population. DVR staff shall:

- A. Establish contacts within their assigned school district which are able to provide appropriate referrals of potentially eligible students. This should occur at the beginning of or early in the school year. A school may have more than one contact person for referral purposes. While private/charter schools are not generally assigned to a DVR counselor, memoranda of agreement may be developed. Transition services, including consultation services, can be supplied at their request.
- B. Prioritize with school representatives, students to be referred beginning with the exiting students and students at risk of dropping out. Other students may be provided consultative assistance as time permits.
- C. Provide potentially eligible students or, as appropriate, their representative or parents with information regarding the:
  - purpose of the VR program
  - application procedures
  - eligibility requirements
  - scope of services
- D. Provide the above information as early as possible during the transition planning process in order to enable students with disabilities to make an informed choice on whether to apply for VR services while still in school.





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- E. Arrange initial interviews with students interested in DVR services. Applications can be taken at any time the VR Counselor, student, parent and / or student's representative feel it is necessary to begin the rehabilitation process but preferably no later than the first semester of the student's exiting year. There may be instances, considering the complexity of the case or other factors, where parties agree that opening a case earlier than the student's exiting year is in the best interest of the student's rehabilitation.
- F. Identify referrals as being transition students on the Personal Information datapage - See [AWAREHelp](#).
- G. Make an eligibility determination in as timely a manner as possible.
- H. Develop and have approved, an IPE for eligible students by the time the student exits the school program. Development and approval of an IPE is obviously dependent upon receiving the referral in a timely manner. When this cannot be accomplished, the counselor should document in a case note their efforts to achieve this and why it did not occur.
- I. Coordinate, as closely as possible, the IPE goals and services for transition students who are receiving special education services with their goals, objectives and services of their Individualized Education Plan (IEP).

9.2.11. Services to Family Members

Family members may be the most effective resource for providing essential support to participants and can make critical contributions toward their efforts related to job readiness, job search and job retention. Family members can be a critical partner in the rehabilitation process and their participation in the process should be encouraged and respected. Vocational rehabilitation services to family members of an applicant or eligible individual can be provided if necessary to enable the participant to achieve an employment outcome.



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9.2.11.1. Definition

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

9.2.11.2. Scope

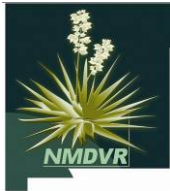
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Any VR service allowed an applicant of eligible individual may also be made available to a family member provided the service is necessary to enable the participant to achieve an employment outcome.

9.2.11.3. Requirements

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- A. Services to family members should meet the same requirements as a service being provided to the applicant or eligible individual.
- B. If a VR service is to be provided to a family member during TWE, EE or in Service, Employed or Post-Employment Status, the service must be identified and justified in the respective plan clearly identifying why the service is necessary in addressing the question of eligibility or in assisting the eligible individual to achieve their employment goal.
- C. Comparable Services and Benefits must be utilized when providing services to family members in accordance with the Participant Financial Participation section.
- D. The Participant Financial Contribution must be applied when providing services to family members in accordance with the Participant Financial Participation section



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9.2.12. Training

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9.2.12.1. Academic Training

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Academic training can occur in a vocational or technical institution, community college or university, either private or public, with the purpose of acquiring skills specific to a particular job or occupation.

Ample time is required for a comprehensive assessment to be completed to jointly determine whether the academic training program is required to achieve the agreed upon employment goal. Refer to the policy section on eligibility (applicant status section) and individualized plan for employment (service status section) for the average time needed for eligibility and the development of an individualized plan for employment which varies for each participant. An immediate decision of approval or disapproval of an academic program is not feasible or appropriate.

Some training programs lend themselves to self-employment and the counselor needs to review employment options with participant prior to initiating training program. Refer to self-employment requirements.

*9.2.12.1.1. Prerequisites*

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The completion of a training program must be required to achieve the agreed upon employment goal. Prior to consideration of academic training there shall be reasonable evidence of the participant's ability to succeed in their chosen field. The participant must also meet the college or university's standards for admission.

Assistance with a limited number of classes can be provided as an additional assessment tool as a continuation of the comprehensive assessment when there is no clear evidence that the participant can or cannot succeed.



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If academic training is determined to be required to achieve the employment goal, the participant must provide a copy of the required core classes and follow the outlined curriculum in the school catalog.

The Participant Financial Contribution and comparable benefits must be applied prior to DVR paying any related costs, including tuition and books.

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**9.2.12.2. Guidelines for College Training Programs**

*9.2.12.2.1. Grade Point Average*

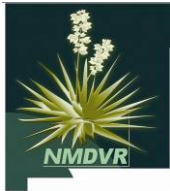
Training should be authorized one semester at a time pending grade reports. Participants shall maintain a cumulative 2.0 grade point average to continue funding of the IPE. If the participant falls below this average, the counselor should assess the overall performance of the participant in the training program and the feasibility of assisting with further training. In situations where timely authorization is needed such as with pre-registration, and obtaining grades or update transcripts in a timely manner is not possible, other means of verifying progress should be used such as reviewing previous or mid-term grades.

Continued support may be warranted if the participant has suffered an illness or other set back beyond his/her control.

*9.2.12.2.2. Scope*

Services which can be provided include, but are not limited to:

- Tuition and fees,
- Books and supplies, as required by the course syllabi



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- Tools; purchase must be related to profession and study only. Tools will be outlined in the equipment utilization form and are considered DVR property until released to participant.
- Special services to aid in compensating the functional limitations for successful completion of the training program,
- Other services listed on the Individualized Plan for Employment (IPE).

**9.2.12.3. Choosing a Post-Secondary School**

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Quality academic training can usually be obtained through publicly supported institutions. In comparing post-secondary school programs, the counselor should consider:

- Placement rate of graduates
- Time required for completion
- Cost, including travel, room and board, or other expenses associated with the training
- Availability of comparable benefits and or other funding sources
- Graduation rates

DVR supports the attendance at local community colleges and universities. A participant may be assisted with taking required courses (based on degree plan) at the local community college for the first two years. Should the participant choose to attend the local university or an out of town college or university versus the local community college, DVR will only support the cost the participant would have incurred attending a local community college completing the required core classes.

Listed below is a guideline for the maximum amounts of tuition support for an entire associate or baccalaureate degree program unless the participants disability has precluded the achievement of the degree within the time frame. This is to be documented in the case note.



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- A. Associate's degree (not including pre-college level courses), a maximum of 150% of the published length of the degree unless the individual's disability and/or extenuating circumstances results in an excess in the number of credit hours required to complete the program.
- B. Baccalaureate degree (includes costs/time frames of associate degree) a maximum of 150% of the published length of a bachelor's degree unless the individual's disability and/or extenuating circumstances results in an excess in the number of credit hours required to complete the program.

(Example, average length of a bachelor's program is 128 hours; 150% is 192 attempted hours).

*9.2.12.3.1. Full-Time Status*

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Participants will maintain a full-time status as defined by the training institution unless:

- A. Participant's disability precludes full-time attendance. A doctor's note should be provided to VRC.
- B. The participant must work while attending school, and will, therefore, not be able to maintain a full-time load. The counselor along with the participant shall determine the degree to which the participant's employment affects his or her ability to maintain a full time load.
- C. The participant is attending school part-time during the recovery or restoration phase of rehabilitation and will attend full-time at a later date as appropriate.
- D. Other circumstances beyond the participant's control, such as class scheduling and/or course availability.

*9.2.12.3.2. Continued Support of Academic Training*

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Continuing support of academic training is contingent upon:



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- A. Participant maintaining a cumulative 2.0 GPA
- B. Participant providing an official grade report at the end of each term.
- C. Verification of annual FAFSA application (Federal Aid for Students Assistance).
- D. Participant maintaining a full-time course load sufficient to complete the program within the standard time frame, barring unusual circumstances.
- E. A degree plan or certificate plan filed in the case record of the participant's program, and evidence of adherence to the program. It is the counselor's responsibility to ensure that the degree plan is being followed and that repeat classes are not being taken. DVR will not support repeat classes unless otherwise justified.
- F. Participant providing registration document (class schedule w/tuition fees) within a reasonable time frame to allow the counselor ample time to review progress, address any relevant issues and process necessary paperwork.
- G. Participant notifying their counselor if they must withdraw from school prior to withdrawal or further sponsorship could be jeopardized. A copy of the withdrawal is needed for the case file.

*9.2.12.3.3. Advanced Degrees*

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In some instances, advanced degrees may be required for the achievement of an employment goal. The employment goal for a participant with a disability receiving services under the State DVR Service Program must be based, primarily on the participant's strengths, resources, priorities, concerns, abilities, capabilities and agency policies. The employment goal also must reflect the participant's interests and informed choice to the extent that those factors are consistent with the participant's strengths, resources, priorities, concerns, abilities, and capabilities.



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A thorough comprehensive assessment is required prior to consideration of an advanced degree. When considering advanced degrees, the counselor and participant should consider all factors including the length of time necessary to complete the training and enter employment, job demand, the cost of services based on agency policies and participant's financial participation. Whether the pursuit of advanced training is the most practical method of completing the IPE and achieving the employment goal should be considered.

When considering a participant's request to attend graduate level training, the counselor must employ the guidelines outlined under the "Informed Choice" section.

Aptitude for graduate level training is generally indicated by acceptance into the graduate program and satisfactory work at the undergraduate level.

If the specific professional field of study has license requirements, the counselor must insure that the participant meets the licensure requirements prior to the approval of advanced degree.

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**9.2.12.4. Training Alternatives**

*9.2.12.4.1. Private Schools*

Some private institutions offer more intensive programs at higher costs per hour. The duration of the program is not enough to justify going with a private institution. When a request to attend a private institution is made, the counselor should assess the overall cost of participation in the training program to include financial aid availability, tuition and fees, transportation, housing, and any required equipment.





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When the overall costs of the training programs are comparable between a public and private institution, other factors such as duration of the program, placement rates of the institution, disability related issues, or attendant factors that may impact school performance should be explored. The counselor, in consultation with the participant, should use his or her judgment to determine the best possible option.

When the overall costs of the programs are not comparable, DVR only supports the less expensive program. Should the participant choose to attend the higher cost program, DVR will only support the most economical training program.

For comparable training programs, DVR will pay rates charged at local state institutions after comparable benefits have been applied.

DVR will not pay entire costs of a private program at the beginning of the training. Authorization will be made based on participant's successful progress (minimum cumulative 2.0 GPA) on a term basis verified by grade reports. The local rehab team will negotiate a payment schedule with their local private schools that allows for a series of payment based on successful performance.

Employment goals requiring specific private training programs (i.e., beauty schools, barber schools, dog grooming schools, massage therapy schools, motorcycle mechanic schools, etc.) must be in demand and demonstrated through local labor market analysis. Tools such as the O-Net and Department of Workforce Solutions Bureau of Labor Statistics are reliable tools available to conduct a market analysis. Support for training must be based on anticipated availability of work based on desired work location and/or participant's willingness to relocate to a location where there is a demand for the job.



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Some training programs lend themselves to self-employment and the counselor needs to review employment options with participant prior to initiating training program. Refer to self-employment requirements.

The counselor must consider the following:

- Placement rate of graduates
- Time required for completion
- Cost, including travel, room and board, or other expenses associated with the training
- Availability of comparable benefits and or other funding sources
- Graduation rates

It is the counselor's responsibility to explore, research and counsel the participant on their responsibility in terms of cost, loan repayments, etc. to make an informed choice resulting in responsible decision making.

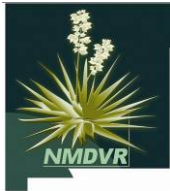
*9.2.12.4.2. Out-of-State Training*

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Out-of-state training may be supported if:

- A. The course of study is not available in the state, does not meet accreditation standards, or is not fully accessible; or
- B. The financial assistance available will make the program less costly than an in-state program.

Participants who desire an out-of-state school strictly for reasons of personal choice may be supported at the same level they would be supported in an in-state comparable program. The participant will be responsible to make up the difference in cost including room and board after applying financial aid.



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To the extent necessary, courtesy counseling should be arranged through the state DVR agency where the participant will be attending school. This may be helpful in coordinating special services or financial aid.

When it is determined that out of state training is the best option, a one round trip per academic school year may be approved. Other travel such as for holidays will not be provided. Application of the Participant Financial Contribution is required.

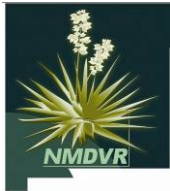
*9.2.12.4.3. Distance Learning*

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Distance education, or distance learning is education obtained remotely that aims to deliver education to students who are not physically on site using various technology. Participant must demonstrate the ability to be self-disciplined for non-structured classroom and be proficient in the use of technology.

Counselor must verify participant's proficiency in the use of the required technology (technology evaluation may be required). Additionally, the counselor must assess the participant's ability to successfully complete course work timely which would require self-initiative & discipline. Self-initiative and discipline could be demonstrated by participant attending scheduled appointments on time and following through with counselor's requests, including but not limited to completing homework assignments, etc.

In some instances, distance learning is a viable option. As when considering private institutions, the overall cost of the program should be considered. The counselor should also explore whether there are suitable alternatives. Considerations including cost and comparable benefits as they relate to agency policy must be taken into account. The school must be accredited.



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9.2.12.5. Student Support Services

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Special needs related to the disability shall be assessed prior to initiation of the training program.

The counselor shall consider issues related to:

- Accessibility including assistive technology,
- The need for readers, interpreters, note takers, tutoring or tape recorders or other reasonable accommodations,
- Reliable transportation,
- Attendant care or other medical needs
- Coordinate through the Special Services Office on campus whenever possible.
- Comparable services must be accessed prior to DVR paying for the service

Counselors are responsible for providing the participant the contact information about student support services and ensuring that participant has accessed services as appropriate.

9.2.12.5.1. Academic Remediation

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Academic remediation may be provided to:

- Upgrade academic skills to the level needed to achieve the vocational goal.
- Prepare the participant for further training.
- Teach the participant specific skills needed for a job such as recognition of selected words, measuring, making change.

Academic remediation should only be provided to the extent necessary for achievement of a goal.

Services may be provided through Adult Basic Education Centers, a rehabilitation facility, a private tutor, or other learning center.

Books, supplies, or other materials may be provided in addition to the training.



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When the participant has inadequate academic skills for a formal training program being contemplated, the counselor should first attempt to upgrade these skills to avoid failure in the program. Delaying the training program for one semester to provide academic remediation is advisable if it will help ensure success and give the participant and counselor an indication of how the participant will perform in a classroom setting.

*9.2.12.5.2. Requirements for Academic Remediation*

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Prior to providing such training the counselor shall have an assessment of the participant's current level of functioning.

The IPE shall specify the proficiency to which the participant will be trained (usually a grade level in reading or math). This should correspond to the level needed for the occupation or training the participant will enter (i.e. reading at the 7th grade level for cosmetology exam). Refer to DOT/COJ for reasoning, math and language requirements.

If ongoing remediation is required for continued participation, the counselor must continually assess, in consultation with the participant, ongoing progress and determine if further remediation services are justified. For example, if there is demonstrated evidence of progress, further remediation may be considered. In other instances, it may be appropriate to discontinue remediation services when there is no evidence of improvement or further improvement towards their goal. This will require a re-evaluation of employment goal and further career exploration.

*9.2.12.5.3. Private Tutorial Services*

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Private tutorial services may be provided if this is the best method given the participant's individual needs. These services are generally utilized when:



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- A. Academic remediation programs are not available in the community.
- B. The participant needs to learn some selected academic skills which could be taught much faster through a tutor on a one-to-one basis than in a classroom. This may be related to medical maintenance of a disability, use of special tools or adaptive equipment, or skills related to a specific job, for which formal training may not be available.

The tutor should be given specific objectives on which to work, and report periodically to the counselor on progress. The frequency of progress reports will depend on the length and intensity of the training.

The tutor should be qualified in the area of expertise and provide documentation attesting to this, i.e.: resume, transcript.

**9.2.12.6. Comparable Services and Benefits**

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No 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) may be paid for unless maximum efforts have been made by DVR and the participant to secure grant assistance in whole or in part from other sources to pay for that training. Comparable services do not include awards and scholarships based on merit. Any unrestricted merit based award given directly to participant will not be counted in the Participant Financial Contribution.



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Prior to authorization of tuition fees, books, and supplies, the participant will apply for Student Financial Aid unless the school is not approved for Pell Grant or other types of financial aid. If the participant qualifies for financial aid, the difference between the monies made available by the grant programs and the costs associated with a post-secondary education training program are services that could be authorized by the counselor after considering the level of participant participation in the cost of the IPE.

In instances where the financial aid is pending and/or there are circumstances that could result in the delay of services, the participant will not be required to provide proof of financial aid award. Services can be authorized, but the participant must provide verification of financial aid application. The award notice must be provided by the second semester.

The participant's financial responsibilities will be clearly outlined in the individualized plan for employment and documented in a case note.

If the participant owes a refund or is in default, they must make the necessary arrangements with the post-secondary institution in order to clear the default status. In view of the flexibility of loan repayments, if the participant remains in default status, it may indicate that they have not attempted to make arrangements to repay their student loans. If this is the case, the counselor should assume that these individuals may not have made the maximum effort to obtain assistance. If the participant remains in default through actions under their control, the counselor should treat the grant assistance for which the participant is now ineligible as an available comparable service. The counselor would be prohibited from paying the participant's post-secondary education costs.



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Family contributions identified on FAFSA report should be considered as available as comparable services and benefits to the participant.

Prior to DVR authorizing services, all participants in applicable programs:

- Must apply for the Pell grant and provide FAFSA documentation to be filed in the case record prior to counselor authorizing tuition and books.
- Make a maximum effort to secure grant assistance, in whole or in part, from other sources to pay for the training.
- Must provide documentation that a Pell grant application has been denied before payment is authorized for a second semester
- Provide written confirmation of financial award notice.

If the family refuses to participate in costs, DVR will only provide “no cost” services i.e.: assessments, guidance and counseling and job placement.

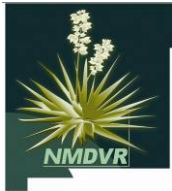
**9.2.12.7. Participant Financial Contribution**

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Participant financial contribution must be applied for academic support in accordance with the Participant Financial Contribution policy.

Exceptions to this provision include:





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- Requiring the participant to apply for a student loan as a condition for receiving VR services. Any type of student aid that contains a pay-back requirement would not be considered either a grant or comparable benefit or service. The participant cannot be required to apply for a student loan as a condition for receiving services, but the participant may exercise the option of obtaining a loan to further support their program. If the participant does secure a loan, these funds are considered when calculating the Participant Financial Contribution.
- Work study arrangements cannot be made if the serious nature of the participant's disability makes work/study an unreasonable option. Although not required under these circumstances, there may be other situations in which it is appropriate to exercise the option of utilizing a work study arrangement.

9.2.12.8. Informed Choice

To facilitate Informed Choice, the counselor should consider the participant's potential for maximizing employment in terms of obtaining meaningful employment - which is not necessarily the same as premium employment. This means training, including, advanced training does not have to be automatically honored. In some instances it may be appropriate to consider such a request, in others it would not be. The counselor must assess factors related to strengths, resources, priorities, concerns, abilities, and capabilities. If the assessment reveals that the participant can achieve meaningful employment that can clearly meet his/her potential, based on analysis of labor market, then a denial of a request for advanced training is appropriate.



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9.2.12.9. On the Job Training

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9.2.12.9.1. *Definition*

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Training activity or series of training activities provided by an individual, group of individuals, or employees for the purpose of developing a job skill and related work experiences. Typically, this is an appropriate, and in many cases, a preferential method of enabling a participant to acquire training by placement in a setting which emphasizes "learning by doing".

9.2.12.9.2. *Scope*

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On-the-job training includes both formal and informal training activities for the purpose of acquiring skills specific to a particular job or occupation.

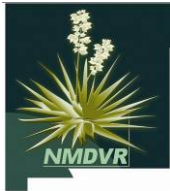
A participant may be considered as an OJT placement for DVR's purposes if the participant's program falls within the definition of this section. The counselor, however, must also consider the requirements of the Fair Labor Standards Act, and U.S. Department of Labor regulations regarding definitions of "student-learners", "apprentices", "learners" and other "trainees", as distinguished from an "employee", to determine whether a participant placed in an OJT must be paid training stipends or must be paid wages.

9.2.12.9.3. *Guidelines and Considerations*

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The following factors must be considered prior to providing on-the-job training:

- A. The counselor should meet with employer to discuss participant's current skill level and identify training needs.



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- B. It is appropriate in many cases to obtain a one week, two week or 30 day on-the-job assessment of the participant's training needs once a suitable training site has been identified. The counselor should explain to the employer and participant the purpose of the assessment and arrange for a face-to-face meeting upon its completion to establish terms for the OJT.
- C. The duration of an OJT should be based upon the standard vocational preparation (SVP) available in the "Classification of Jobs" manual, the "Dictionary of Occupational Titles," or the "O\*Net." Adjustments to the OJT duration may be made by taking into account the participant's functional limitations and the circumstances of the training situation.
- D. The individual or entity providing the training at the job site should possess the knowledge, skill and ability to train the participant.
- E. There should be in place the necessary training materials and resources including space, tools, equipment, accessible facilities and working conditions conducive to learning and skill development.
- F. On-the-job training should serve to enable trainees to acquire the skills and level of proficiency necessary for entry level employment in that particular field or occupation.
- G. The employer or individual providing training should be willing to make appropriate arrangements for the training and agree to provide DVR with periodic progress reports on the training.
- H. Comparable services and benefits must be taken into consideration when providing on-the-job training.
- I. Worker's Compensation (W/C) or Accident Liability responsibility in case of accident or injury to the participant while at the work site shall be specified on the OJT Agreement Form.



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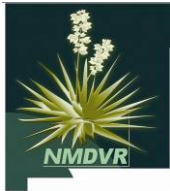
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*9.2.12.9.4. Training vs. Employment?*

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It is important to acknowledge, and the law distinguishes the difference between what constitutes training and what constitutes employment. The counselor must determine if a participant is a trainee or an employee according to DOL regulations. Training stipends **must** be paid to a trainee; wages **must** be paid to employees. A participant is considered a trainee when all of the following conditions exist. A participant is considered an employee if any of the following conditions are **not** met:

- A. The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a vocational school.
- B. The training is for the benefit of the trainee or student(s);
- C. The trainee or student does not displace regular employees, but works under their general supervision.
- D. The employer that provides the training derives no immediate advantage from the activities of the trainee or student and on occasion his operations may actually be impeded.
- E. The trainee or student is not necessarily entitled to a job at the conclusion of the training and;
- F. The employer and the trainee or student understand that the trainee or student is not entitled to wages for the time spent in training.



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*9.2.12.9.5. Training Stipend*

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If a participant meets the above Department of Labor criteria to be considered a trainee, the participant must receive a "training stipend" if wages are not paid. A stipend is intended to offset the costs associated with participating in the training program and expected to improve the likelihood of successful placement by increasing motivation or teaching the participant the relationship between work and money received.

*9.2.12.9.6. Wages*

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If a participant does not meet the above Department of Labor criteria to be considered a trainee, the participant must be paid wages and afforded benefits commensurate with their contribution to the business. The amount of wages paid should be based on the employee's productivity in relation to others doing the same work. Participants who are employees must be paid at least the state minimum wage.

*9.2.12.9.7. Training Fee*

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A training fee can be paid if:

- A. The trainer is paid on the basis of a percentage of participant wages (if applicable). This arrangement is designed to reimburse the trainer for the costs of training the participant. Because participant skills are expected to increase over time, the training fee or percent of wages is expected to decrease over time; or
- B. The trainer is paid a flat fee by the week or month for providing the training. The fee is negotiated between the DVR counselor and the trainer.



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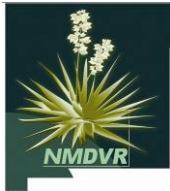
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*9.2.12.9.8. OJT Training Agreement*

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After an OJT has been arranged, the counselor shall develop an OJT agreement using the On-The-Job Training Agreement. The agreement should:

- A. Describe the type of business, organization or agency providing the training.
- B. Stipulate the length of time involved in the training program.
- C. Indicate and describe those job skills which will be taught to the participant and describe those tasks which participant will perform as part of the OJT.
- D. Include an understanding of which party will be responsible for Worker's Compensation or Accident Liability.
- E. Indicate the method or manner of compensation and benefits afforded the trainee. These can include wages, stipend and entitled benefits.
- F. Indicate if the individual, employer, firm or organization will be paid a training fee and, if so, indicate the amount.
- G. The agreement shall be signed by DVR counselor, participant, employer, or designated individual with authority to honor the terms and conditions of the agreement. A copy shall be forwarded to the Rehabilitation Services Unit (RSU) OJT Manager, State Office, following IPE approval.
- H. Upon termination of OJT, a copy of the completed OJT agreement and a copy of all completed authorizations pertaining to training should be forwarded to the RSU OJT Manager, State Office.



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*9.2.12.9.9. Progress Reports*

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Monthly progress reports of training shall be received from the trainer. The Training Progress Report Form will be used as a convenience to the trainer. Copies for each month of anticipated training will be provided at the time the OJT Agreement is signed.

*9.2.12.10. Work Adjustment Training*

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*9.2.12.10.1. Definition*

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Teaching the participant appropriate work habits and behaviors, in preparation for further vocational or skill training, entry-level employment, or extended (sheltered) employment.

*9.2.12.10.2. Prerequisites*

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Prior to providing work adjustment training, the counselor shall assess:

- Work habits and behaviors.
- Specific behavioral indicators of any problem behaviors noted.
- The degree, frequency or severity of the problem

*9.2.12.10.3. Scope*

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Work Adjustment Services include training to:

- A. Assist the participant in acquiring personal habits, attitudes, and skills for effective job functioning.
- B. Develop or increase work tolerance, stamina, and concentration on the job.
- C. Develop appropriate interpersonal and communication skills with co-workers and supervisors.



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- D. Acquire job-seeking skills.
- E. Learn employer expectations concerning work production (quality and quantity of work).
- F. Learn work practices related to payroll deduction, insurance, timeliness, safety, etc.
- G. Learn specific skills such as counting, measuring, handling money, using public transportation.

*9.2.12.10.4. Referral*

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The development of a work adjustment program shall be done jointly by the counselor, service provider and participant. Intermediate behavioral objectives shall be mutually agreed upon and time frames established for their achievement.

These objectives should be established from baseline data collected in the initial assessment.

*9.2.12.10.5. Monitoring Progress*

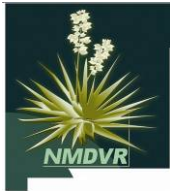
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Monthly reports of progress shall be obtained from the service provider and must include:

- Attendance.
- Behavioral indicators of progress on each of the stated objectives.
- Negative or positive changes since the last progress report.
- Recommendations for changes in the program or changes in the time frames for meeting objectives.
- Other information that might be helpful to the counselor.

General statements such as "participant continues to improve" or "participant is doing better" are unacceptable as indicators of progress toward stated objectives. Progress from baseline indicators should be stated in measurable terms.





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9.2.13. Transportation Services

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9.2.13.1. Scope

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Transportation services are travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service.

Transportation is a supportive service intended exclusively for the purpose of enabling the participant to participate in and derive full benefit of other vocational rehabilitation services.

Transportation services include:

- A. Fares or costs associated with public transit systems including but not limited to:
    - taxi
    - bus
    - airplane
    - train
  - B. Costs associated with use of private transportation including but not limited to:
    - gasoline/oil for a private automobile
    - payment to a private individual for transportation services
  - C. Short term rental of a vehicle (i.e. 1-2 weeks) to enable an individual to participate in a planned service in an approved IPE. Rentals should be authorized as direct payment to the participant with the participant assuming full responsibility for all liability issues associated with the rental.
  - D. Costs associated with the upkeep and maintenance of operating a private vehicle including but not limited to:
    - automobile insurance
    - automobile maintenance
    - vehicle repairs
    - purchase of automobile parts
-



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- vehicle registration
- E. Other incidental costs associated with minor services which are short term yet necessary to meet a participant's transportation needs.

9.2.13.2. Guidelines

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- A. The most economical means for transporting the participant will be selected taking into consideration the participant's needs, limitations, etc.
- B. Comparable services and benefits for transportation must be considered (and documented) in accordance with the Financial Participation Section of this manual.
- C. The Participant Financial Statement must be applied in accordance with the Financial Participation Section prior to agreeing to transportation assistance.

9.2.13.3. Mileage

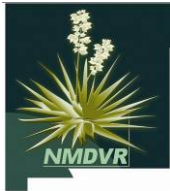
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Mileage expenses are permitted when using a private vehicle based on estimated costs of gasoline as determined by the estimated miles traveled to participate in the planned service. Authorizations to vendors for gasoline is the preferred method for providing this service, however, in those instances where a vendor is unavailable or it is not feasible to utilize a vendor, an authorization may be issued directly to the participant.

9.2.13.4. Auto Repairs

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Payments for repairs and part replacements of private vehicles may be made in compliance with agency purchasing policies and procedures under the following conditions:



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- There are no comparable services or benefits available to meet the participant's transportation needs, or the repair of the vehicle is deemed the most economical method for meeting the participant's transportation needs.
- Only those repairs that render the vehicle safe and operable are allowable.
- The cost of the repair does not exceed the value of the vehicle. If the agency cost of the repair is determined to be higher than the value of the vehicle, as determined by a reputable source such as NADA or Kelly Blue Book, NMDVR will not provide the service.
- If the overall condition of the vehicle indicates need for constant repair and the aggregate costs of the repairs exceed value of the vehicle, NMDVR will not provide the service.
- A review of extent of participant or his/her family's use of the vehicle to determine appropriate share in costs of the repair given that, in most cases, vehicles are not used exclusively for the participant's rehabilitation program.

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9.2.14. Vehicle Modification

9.2.14.1. Policy Statement and Purpose

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The New Mexico Division of Vocational Rehabilitation will modify a vehicle for a participant if the Vocational Rehabilitation Counselor can demonstrate that:

- it is required for the participant to achieve or maintain employment
- it is a necessary component of an Individualized Plan for Employment (IPE)
- such demonstration is based on the policy and procedures as presented in this Manual of Operating Procedures (MOP) section.



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In order to receive vehicle modification services as part of an IPE, the Participant Financial Statement must be completed.

9.2.14.2. Definitions

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*9.2.14.2.1. Non-Structural Modification*

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Modification that does not require a vehicle to be structurally altered or major overhauls of the driving compartment or booster systems to activate the brake, accelerator, and steering systems. Such modifications include, but are not limited to:

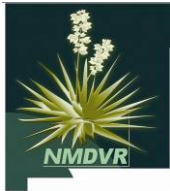
- Hand controls.
- Wheelchair carriers or truck loaders.
- Pedal blocks.
- Left foot brake and accelerator pedals.
- Extensions on turn signal and/or shift lever.
- Electric parking brake.

*9.2.14.2.2. Structural Modification*

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A structural modification is a major modification (usually to a van) that requires specialized expertise as well as specific knowledge of a participant's functional ability to drive. Structural modifications may require major overhauls of the driving compartment or booster systems to activate the brake, accelerator, and steering systems. Structural modifications may include but are not limited to:

- wheelchair lifts
- reduced effort hand control systems
- raised roofs
- lowered floors
- console adaptations to access dashboard controls, etc.



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Structural modifications require input from consultants with engineering expertise acting on the recommendation of a driving evaluation. They are usually permanent modifications to the vehicle that typically cannot be transferred to another vehicle.

9.2.14.3. Scope of Services

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Motor vehicle modifications are rehabilitation technology services that may be provided only when necessary to enable an eligible participant to achieve a viable employment outcome. Modifications will not be provided for participants in trial work experience or extended evaluation.

Motor vehicle modification services shall be provided only as part of an approved IPE.

**Evaluating the need for modifications**

Prior to initiating an evaluation for motor vehicle modifications, the counselor must explore the availability of other options to transport a participant for the intended purpose. When the following transportation options are available and suitable, the agency shall not authorize modification to a vehicle:

- A. When the participant owns or has use of - as driver or passenger - another vehicle that meets his or her transportation needs.
- B. The availability of other modes of transportation or solutions, such as:
  - Taxicabs, carpools, paid co-workers, volunteers or attendants;
  - Para-transit (an alternative mode of flexible public transportation that does not follow fixed routes or schedules), accessible public transit or other community services;



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- Relocating participant to where the specialized needs may be met if such a move is cost effective. For example, the participant relocates from an area outside of the range of public transit/para-transit to a location in the same city where accessible public transit/para-transit is available and suited to her or his needs.
- Telecommuting when this is an appropriate vocational avenue.

Participants who request motor vehicle modification services which will enable them to drive shall be required to undergo an evaluation by a Certified Driver Rehabilitation Specialist to determine:

- functional capacity to drive
- need for motor vehicle modification
- type of vehicle which would be appropriate
- type and extent of modification which will be required.

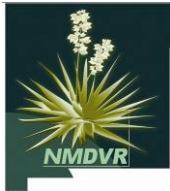
The Agency will assume the costs of such an evaluation.

Participants who request motor vehicle modification services to enable them to ride as a passenger shall be required to undergo an evaluation by a Certified Driver Rehabilitation Specialist to determine the need for motor vehicle modification, the type of vehicle which would be appropriate, and the type and extent of modification which would be required. The Agency will assume the costs of such an evaluation.

**WHEN NOT TO MODIFY:**

The Agency will not provide or purchase:

- A. Modifications to a vehicle for the purpose of enabling a participant to drive who, in the opinion of a consultant with expertise in the field (i.e. certified driving evaluator, physician, etc.), is not capable of operating a motor vehicle with reasonable safety due to the limitations of the disability.



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- B. Structural modifications to a van, with or without existing modifications, if an automobile would satisfy the participant's need for transportation. However, non-structural modifications such as hand controls, steering knobs, left-foot accelerator extensions, etc., may be considered if van transportation is preferred and no extensive structural modifications are required to make the van accessible to the participant with a disability.

The Agency will not provide **structural** modifications to a vehicle if the following conditions exist:

1. The vehicle is more than three (3) years old, and/or has more than 40,000 miles on the odometer, unless a qualified mechanic inspects the vehicle's power train, brakes, electrical system, body and safety features and certifies - in writing - that the inspected items are in good condition.
2. A vehicle, meeting the standards in the above paragraph and having structural modifications meeting the participant's needs already installed, is available for purchase by the Participant. In an instance where some, but not all necessary modifications are installed, the agency may consider assisting the participant in obtaining the additional and necessary modifications when all other MOP criteria are met.

**PARTICIPANT RESPONSIBILITIES:**

The participant is responsible for the regular, on-going maintenance and repair of the modified vehicle, including all modifications.

The participant is responsible for adequate ongoing insurance coverage of the modified vehicle. This includes all modifications and will usually require an additional insurance rider. The agency is not responsible for repair/replacement of vehicle modifications damaged as a result of accident, vandalism or fire.

**ALLOWABLE MODIFICATIONS:**



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The agency may assist in the installation of non-structural or structural modifications as described in the “Definitions” section above that are necessary for the participant to achieve or maintain a suitable employment outcome.

**NON-ALLOWABLE MODIFICATIONS:**

The Agency will not provide standard equipment or customary optional equipment that is ordinarily available when an individual purchases a new vehicle. Such equipment includes, but is not limited to:

- Automatic transmission.
- Power steering.
- Power brakes.
- Automatic speed control.
- Air conditioning.
- Heavy duty alternators.
- Power windows.

The Agency will not purchase or pay for the installation of non-essential equipment or options, such as:

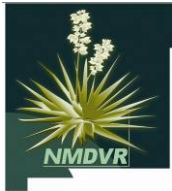
- Entertainment systems.
- Burglar alarm systems.
- Insulation
- Tinted windows.

**9.2.14.4. Procedure for Providing Motor Vehicle Modifications**

The Agency procedures follow the process in place for all referrals (i.e., initial interview, adequate evaluation to determine eligibility and the nature and scope of services, etc.).

- A. Upon notification of the participant’s interest in vehicle modification, the counselor will review this MOP section with the participant and provide the participant with a copy of the MOP section regarding vehicle modification.





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- B. If a participant has purchased a vehicle prior to referral or at any point after referral, the counselor must explain that such does not guarantee that the Agency will participate, either in part or in whole, in the cost of modifications.
- C. The case record must:
- Reflect evidence of adequate vocational evaluation and exploration along with guidance and counseling, which provides the rationale for the participant's employment goal and required support services.
  - Reflect evidence of satisfactory progress toward achieving an employment outcome, if the participant has already been receiving services under an IPE.
  - Contain an assessment of alternatives and comparable benefits that must be utilized, if appropriate, to meet the participant's transportation needs.

If there is a question about the participant's basic ability to operate a vehicle, written certification of the participant's ability to drive shall be obtained from appropriate medical or psychological professionals prior to authorization of an evaluation by a Certified Driver Rehabilitation Specialist.

**9.2.14.5. Procedure for Evaluating Modification Needs**

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At this point in the process, the counselor may proceed with evaluating the participant's vehicle modification needs in preparation for the development of the IPE.

- A. The counselor must explain that proceeding with the evaluations is not a guarantee that the Agency will participate, either in part or in whole, in the cost of modifications.
- B. The participant must provide proof of a driver's license or ability to obtain a permit, if the participant will be the driver of the vehicle.



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- C. Driver Evaluation: A report from a driver evaluator certified by The Association for Driver Rehabilitation Specialists must document the participant's ability to drive safely and, as necessary, should include specifications for adaptive driving equipment and vehicle modifications. The only exception to this procedure is when replacement equipment is requested and the participant is a licensed driver and already using comparable adaptive driving equipment whose driving ability is unchanged.
- D. Passenger Evaluation: a participant who requests modification services to enable them to ride as a passenger must undergo an evaluation to determine the need for modifications, the type of vehicle which would be appropriate, and the type and extent of modification which would be required.

**NOTE:** The Agency reserves the right to seek further consultation on received recommendations.

- E. Because the Agency reserves the right to limit by year, make or model which vehicles it will consider for modification, the agency must be involved in the selection of the vehicle to be **structurally** modified.
- F. If the participant does not own the motor vehicle under consideration the counselor must obtain a notarized statement from the owner--who is a family member--giving permission to the participant to drive or otherwise utilize the vehicle for at least **ten (10) years if structurally modified, three (3) years if non-structurally modified**. The owner must also provide written permission to proceed with the proposed modification and provide proof of ownership (i.e., Title Certificate, Copy of Bank Loan, etc.). If there is a lender or mortgagor, clearance from that party must also be obtained in writing.
- G. The specifications for adaptive driving equipment and vehicle modification shall be submitted to a vendor listed with the National Mobility Equipment Dealers Association (NMEDA) and participant, in order to obtain documentation of cost.



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- H. When necessary, document that the vendor has completed a site visit to assess the participant's needs and conduct any measurements needed to make an accurate determination of cost.

9.2.14.6. Procedure for Program Manager Review

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- A. The Program Manager shall review all required documentation and provide the counselor with a written decision if the request exceeds that counselor's level of independent approval.

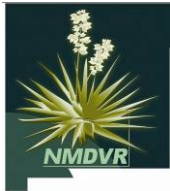
**NOTE:** The Field Operations Director is available for consultation in cases of high cost or unusual circumstances.

- B. After approval has been received, the counselor and participant may proceed to develop an IPE for implementing approved motor vehicle modifications. The IPE shall stipulate the amount of the motor vehicle modifications less any manufacturer's rebate and/or contribution by the participant.
- C. The IPE shall include planning for the long-term transportation needs of the participant. Such planning will include, but is not limited to, participant savings planning for a replacement vehicle, use of benefits such as PASS plans and impairment related work expenses (IRWE), and discussion of loans or other financial programs as available.
- D. The counselor shall seek approval of the IPE according to existing agency policy.
- E. The Program Manager and FOD are available to the counselor on a consultant basis to review the proposed plan and to attempt to resolve any issues that may develop in the course of developing an IPE for vehicle modification.

9.2.14.7. Procedure for Participant Satisfaction

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- A. Upon completion of the modification(s), the counselor shall consult with the participant to ascertain whether services have been completed to his/her satisfaction.



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- B. If the participant is dissatisfied with the work, the counselor shall discuss the areas of dissatisfaction with the vendor and determine if services have been delivered to the Agency's satisfaction in accordance with the authorization and/or any arrangements or agreements made between the vendor and Agency. Once it is determined that the service has been provided satisfactorily, the Agency will process the vendor's invoice for payment. The participant may also utilize the NMEDA mediation process to resolve dissatisfaction with the vendor.

**9.2.14.8. Requirement for Driver Training**

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In all cases where motor vehicle modifications are provided by the Agency to a participant who is also the driver, the counselor will ensure that proper training is provided concurrently with the provision of motor vehicle modifications. Driver training is to be provided by a Certified Driver Rehabilitation Specialist who is familiar with the motor vehicle technologies. The only exception to this procedure is when replacement equipment is provided and the participant is a licensed driver already using the provided adaptive driving equipment.

**9.2.14.9. Transfer of Equipment**

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Upon successful completion of a rehabilitation program, all modifications and equipment belong to the participant. If the participant does not achieve a successful employment outcome, he or she is subject to having some or all components of the modifications reclaimed by DVR. Factors to be considered by the counselor in determining what equipment may be reclaimed are:

- Transferability of the equipment, i.e., determination if another participant can potentially utilize the equipment, or if the equipment was customized for the original participant to the degree that transferability is impractical.
- Cost associated with removal of the equipment from the vehicle.



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- Whether the equipment is reusable if removed from the vehicle.



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## **10. Participant Financial Contribution**

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### **10.1. Philosophy**

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NMDVR provides vocational rehabilitation services to eligible participants in the most expeditious manner possible. The use of comparable benefits and a process to determine the participant's financial contribution are intended to provide a vehicle for maximizing the responsibility of all concerned parties in meeting the cost of vocational rehabilitation services, not to screen out or deny services to participants.

NMDVR will not require a financial contribution of SSI/SSDI beneficiaries who are receiving benefits based on their own disabilities.

### **10.2. Process for determining participant financial contribution**

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#### **10.2.1. How the Participant's Financial Contribution is Determined**

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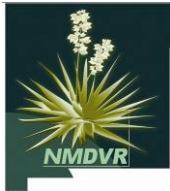
Federal Poverty Guidelines are published in January of each year by the Federal Department of Health and Human Services. These Guidelines shall be posted annually on the Intranet, and sent through an e-mail communication to DVR offices to coincide with the publication month of these Guidelines.

#### **10.2.2. Implementation Guidelines**

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The Participant Financial Statement (Financial Statement) shall be completed in all cases prior to the authorization of the first cost service. It will be valid for a twelve-month period. The Financial Statement will be updated as the participant's financial circumstances change, but at a minimum, on an annual basis, usually at annual review. If a case is reopened within twelve months of the most recent Financial Statement, the participant shall not incur a second financial contribution until the end of the original twelve-month period if the obligation was met with the contribution per the original IPE.

- A. The counselor shall complete the Financial Statement with the participant, or if the participant is non self-supporting, the spouse, parent or guardian responsible for the participant.



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- B. Family income will be used to complete the Statement if the spouse, parent, or guardian responsible for the participant claims the individual as a dependent for federal income tax purposes.
- C. The participant, or if appropriate, the spouse, parent, or guardian shall be provided with a copy of the completed DVR form.

**10.2.2.1. Exceptions**

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Expenses not included on the Participant Financial Contribution include current expenses directly related to the participant's disability or the disability of another family member dependent on the Financial Statement income. These include expenses which are not covered by other sources and are non-reimbursable, and shall be deducted from the Statement's Adjusted Gross Annual Income. These expenses include, but are not limited to:

- medical/hospital bills,
- medical supplies/equipment,
- prescribed medication,
- therapy,
- adaptive equipment, (including equipment maintenance and supplies),
- attendant care,
- extraordinary transportation costs,
- driver, reader or interpreter services, and
- disability-related home modifications.

These expenses, if documented and approved by the VR counselor, will be deducted from the Adjusted Gross Annual Income in an amount equivalent to anticipated costs during the ensuing 12-month period, including annualizing of monthly installment payments; e.g., loans for disability-related home modifications.

**10.2.3. Participant Responsibility to Cooperate**

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The participant, spouse, parent, or guardian is expected to provide the counselor with documentation of income and exceptional expenses when the Financial Statement is completed. When there is a refusal to provide this documentation, or a refusal to contribute, the counselor shall attempt to ascertain the reasons for refusal, and provide guidance on the benefits of cooperation.



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When the participant is self-supporting, and/or in control of their income and reasons for refusal are not forthcoming, or guidance is denied, cost services may not be provided.

#### 10.2.4. Comparable Benefits

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Comparable benefits shall be used whenever possible unless a determination of availability would interrupt or delay the progress of the individual toward achieving the employment goal in the IPE, an immediate job placement, or services to an individual at extreme medical risk. Extreme medical risk shall be based upon medical evidence provided by an appropriate licensed medical professional. If another agency does not have funds available to provide the service, a comparable benefit is considered not available.

##### 10.2.4.1. SSI Recipients/SSDI Beneficiaries

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DVR will not require a financial contribution from SSI/SSDI recipients who are receiving benefits based on their own disabilities. However, NMDVR's Manual of Operating Procedures regarding the following categories may limit the provision of certain services:

- college training
- business, trade, and technical school
- small business enterprises

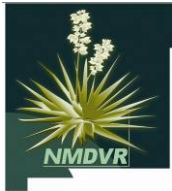
SSI recipients are required to comply with federal regulations related to use of their benefits. The counselor must consider these requirements of receipt of SSI benefits in planning for and funding services.

### 10.3. Identification of Services which Require Participant Financial Contribution or Comparable Benefits

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The chart below delineates which services provided in a TWE, EE, IPE or PES plan do or do not require application of financial statement or exploration of comparable benefits.



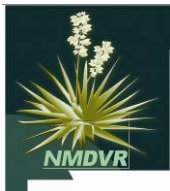


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SERVICE	Requires Participant Financial Contribution	Requires Exploration of Comparable Services and/or Similar Benefits
Adjustment/mobility training	No	No [MOP 09-02-12-05]
Assessment for determining eligibility (and priority of service)*	No	No [MOP 09-02]
Assessment for determining rehabilitation needs	No	No [MOP 09-02]
Books/Supplies/Occupational Tools / Equipment / Licenses / Personal Computers	Yes	Yes [MOP 09-02-04, 05]
Computer-related equipment and software	Yes	Yes [MOP 09-02-01]
Cost services to other family members	Yes	Yes [MOP 09-02-11]
Dental services	Yes	Yes [MOP 09-02-09-01]
Discretionary training fees/not included in tuition	Yes	Yes [MOP 09-02-12-06]
Guidance/Counseling	No	No [MOP 09-02-02]
Home accessibility modifications (are considered Assistive Tech.)	Yes	No [MOP 09-02-08]
Incidental Expenses	Yes	Yes
Job Placement	No	No [MOP 09-02-7]
Maintenance	Yes	Yes [MOP 09-02-03]
Other capital outlay purchases	Yes	Yes [MOP 09-02-04]
Personal assistance services (example: attendant, scribe, reader, interpreter)	No	Yes [MOP 09-02-06]
Physical/Mental Restoration, including medications	Yes	Yes [MOP 09-02-09]
Referral to other Agencies, programs	No	No
Rehabilitation Technology, including assistive technology devices and services	Yes	No [MOP 09-02-08-01]
Small Business Enterprise Costs	Yes	Yes [MOP 09-02-04-02]
Transportation	Yes	Yes [MOP 09-02-13]
Tuition and course related fees for college/vocational training	Yes	Yes [MOP 09-02-12] Also, requires maximum efforts to secure grant assistance for training expenses in institutions of higher education
Vehicle modifications (are considered Assistive technology.)	Yes	No [MOP 09-02-14]
Work tools, supplies, uniforms	Yes	Yes [MOP 09-02-04-02-01]

\*Note: an exception would be for those non-assessment services that are provided to a participant with a significant disability during either an exploration of participant's abilities, capabilities, and capacity to perform in work situations through the use of Trial Work Experiences or Extended Evaluation.



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The same guidelines apply for post-employment, trial work or extended evaluation services consisting of any of the above-listed services.

**Exemptions**

No financial contribution is required as a condition for furnishing any vocational rehabilitation service if the participant in need of the service has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act.

**10.4. Procedures**

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- A. In situations where participant refuses to provide verification, only those services that do not require Participant Financial Contribution can be provided.
- B. A determination as to whether the Participant Financial Contribution is necessary is made at the time that the participant and counselor are developing an Individualized Plan for Employment (IPE), for Trial Work Experience, for Extended Evaluation, for service status, for Amendments, and for Post Employment Services.
- C. If the service(s) to be provided under the IPE requires a Participant Financial Contribution, it is applied to that respective service in the IPE. If the service(s) to be provided on the IPE does not require a Participant Financial Contribution, it is not necessary to apply the test to those exempt services in the IPE.
- D. The Financial Statement must be completed annually and revised when the participant reports a change in their financial situation or family size which might affect the contribution to the cost of services.
- E. The Financial Statement is completed to determine whether the participant meets the financial needs requirement or not. If the participant meets the Participant Financial Contribution, he/she is not required to contribute to the cost of the service(s). If the participant does not meet the Participant Financial Contribution, he/she is expected to contribute to the cost of the services.



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- F. Once the Financial Statement is completed, the AWARE "Application" database should be updated to reflect the verified information that was provided at the time of application including: number in family, number of dependents, family income amount, primary source of support, whether the participant meets the Participant Financial Contribution, and if medical insurance is available/supplied by the employer.
- G. The criteria used to determine if the participant meets or does not meet the Participant Financial Contribution are based on the Federal Poverty Rate as published by the Department of Health and Human Services. If the participant/family's income is at or below 130% of the identified poverty rate, they meet the Participant Financial Contribution. If the income is higher, then they do not meet the Participant Financial Contribution and will be required to participate in the cost of the good or service.

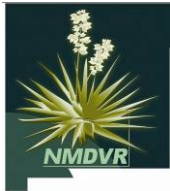
#### 10.4.1. Countable Income

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Income and resources of the family are to be used when the individual is part of a family. "Family" is defined as the family members (including any dependents) reported on the most recent federal income tax return. If the participant has been claimed as a dependent on any household member's income tax, then all family income reported on the return must be considered. If the participant filed an individualized income tax return and was not claimed on any household member's income tax he or she is counted as an individual.

When the most current income tax return does not reflect current income, the following sources of income must be considered:

- Wages - net wages of participant and family members (if considered a member of a household).
- Family contribution - contributions from family or individuals in cash or in kind on a regular basis.
- Public assistance - TANF, General Assistance



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- SSDI and SSI received by family/household members.
- Veterans Benefits.
- Worker's Compensation.
- Income from room and board, and rental property.
- Assistance from private welfare agencies, service clubs, or church groups.
- Income from stocks, dividends, bonds, interest, or other financial investments.
- Insurance benefits, retirement benefits, pensions
- Unemployment compensation benefits.
- Social Security other than SSDI.
- Liquid assets in the form of cash and savings accounts.
- Any other form of income not listed above

10.4.1.1. Requirements for Verifying Income

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All applicants are required to provide verification of income. Examples of income verification include:

- Current income tax returns
- Check stubs
- FAFSA
- Award letters for public assistance, i.e. TANF, veterans benefits, SSI/SSDI (or copies of checks)
- Bank statement
- Receipts from renters or in-kind services
- Financial investment report

In situations where participant refuses to provide verification, only those services that do not require a Participant Financial Contribution can be provided.

**Unusual or Exceptional Circumstances**



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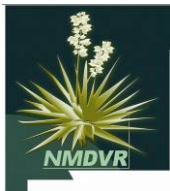
In situations where the case record documents an unusual or exceptional family circumstance, the Area Manager must approve any exceptions to proof of income requirements. The Area Manager must document the exception in the participant's case file. The Manager will maintain a log of exceptions approved.

Exceptions to proof of income will require documentation from sources other than NMDVR case record narrative and at a minimum, must include at least two letters from unbiased third parties who personally have knowledge of the participant's situation and can verify the circumstances. At least one letter must be on letterhead and must come from a guidance counselor, physician, social worker, clergy person, or other individual who has been involved in the circumstances in a professional capacity.

10.4.1.2. **Summary of Procedures for Calculating Participant Financial Contribution**

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- A. When the participant does not meet the Participant Financial Contribution, he or she will be required to contribute to the cost of services if required as identified in the chart at 10-02-01 above.
- B. Comparable benefits must be considered and documented by the Counselor. If they do apply, the award amount would be subtracted from the grand total and this would then be averaged out in the same manner.
- C. Participant contribution calculations will be documented on the NMDVR approved Participant Financial Statement.
- D. The Statement must be completed at least annually, usually at the annual review.



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## **11. Participant's Rights**

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Revised: 08/03

### **11.1. Policy Statement**

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The New Mexico Division of Vocational Rehabilitation has established procedures to ensure that participants or, if appropriate, the participant's representative, who are dissatisfied with any determination made by DVR staff that affects the provision of vocational rehabilitation services, may request a timely review of that determination.

DVR may not institute a suspension, reduction or termination of any planned service in an approved Individualized Plan for Employment that is being provided to the participant pending a resolution through any of the appeal processes. A planned service may be discontinued if:

- A. the planned service expires as identified in the IPE, or
- B. the participant or, as appropriate, the participant's representative, requests the change in service, or
- C. DVR has evidence that the service has been obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the participant or participant's representative. Evidence or documentation must be available and placed in the case file.

Appropriate evaluation and assessment services as well as IPE development should not be delayed pending resolution through any of the appeal processes.

While notifying participants of their appeal rights and while conducting any procedure related to appeals, DVR will ensure appropriate modes of communication are being utilized in order to facilitate effective communication with the participant and / or participant's representative.

### **11.2. Notification Process**

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Notification of the options for dispute resolution, how to access these options and information regarding the availability of the Client Assistance Program (CAP) to assist during these processes must be provided to participants in writing and through methods that can be adequately understood by participants.

Options for dispute resolution:



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- A. Mediation - Process by which the participant and counselor meet with an impartial mediator to try to resolve impasse and reach an agreement.
- B. Internal Processes
  - Area Manager review of the disputed decision in which the counselor's decision may be overturned or amended.
  - Field Operations Director (FOD) administrative review of the disputed decision in which the counselor's and / or Area Manager's decision may be overturned or amended.
- C. Fair Hearing - Process by which an impartial hearing officer reviews the disputed decision, gather's relevant information from all parties and makes a determination regarding the appeal.

Written notification to include participant's rights and responsibilities in the above appeals process along with name and address of the DVR Director must be provided to participants at the following times during the rehabilitation process:

- A. At application for VR services
- B. If on an Order of Selection, upon assignment of a category at the time of eligibility
- C. At IPE development
- D. At any time when a service is denied, reduced, suspended or terminated and the action is in dispute
- E. Upon determination of ineligibility for VR services
- F. At case closure

### **11.3. Mediation**

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#### **11.3.1. Requirements**

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- A. Mediation will be conducted by an impartial mediator who is trained in effective mediation techniques.
- B. Participation in mediation shall not be used to deny or delay the right of an individual to a Fair Hearing.
- C. Participation in the mediation process is voluntary on the part of the participant and the DVR staff involved in the disputed determination.
- D. The participant has the right to representation during the mediation process by a representative or advocate.
- E. Discussions that occur during the mediation process must be kept confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings.



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- F. Cost of mediation is covered entirely by DVR. The participant is not expected to bear any cost associated with mediation services aside from any fee for representation they choose to acquire.

### 11.3.2. Procedures

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- A. A participant may request mediation services by writing to the Deputy Director of Rehabilitation Services.
- B. Once a request for mediation is received at Rehabilitation Services Unit, the Deputy Director will determine if the counselor or other staff, as appropriate, is in agreement to participate in the mediation process and if the issue(s) can be resolved through mediation. If at that point it is determined that mediation is not an option, the Deputy Director will notify the participant in writing and advise them of their right for internal review processes and / or a Fair Hearing.
- C. If all parties agree upon mediation, the Deputy Director will refer the case to a mediation contractor.
- D. It is the mediator's responsibility to contact the participant and agency personnel to arrange mediation session(s) which are to be conducted in a timely manner and held in a location that is convenient to the parties involved.
- E. An agreement reached by the parties must be described in a written mediation agreement that is developed by the parties with the assistance of the mediator and signed by both parties. Copies of this agreement will be sent to both parties.
- F. At any point during the mediation process, either party or the mediator may elect to terminate the mediation. If this occurs, the mediator will notify the participant of their rights to proceed with internal reviews or a Fair Hearing.
- G. The counselor will ensure agreement(s) outlined in the mediation agreement are implemented unless otherwise assigned by the Area Manager, FOD or RSU Deputy Director.

## 11.4. Internal Processes

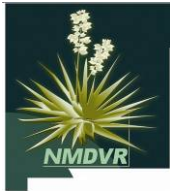
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### 11.4.1. Procedures for Area Manager Review

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The following internal reviews are available for dispute resolution. Participation in Internal Reviews shall not be used to deny or delay the right of an individual to a Fair Hearing.





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- A. The participant may request a supervisor's review through verbal or written means to either their counselor or directly to the Area Manager.
- B. The Area Manager will conduct an interview with the participant regarding their request, review the case file and clarify with the counselor their rationale for their decision.
- C. Within a two-week period, the Area Manager will respond to the participant in writing with a copy placed in the case file and notify the counselor of their decision. Written notice to the participant shall include information regarding further appeal processes.
- D. The counselor shall ensure any decision(s) made by the Area Manager are implemented unless otherwise assigned by the Area Manager, FOD or RSU Deputy Director.

11.4.2. Procedures for Administrative Review by the F.O.D.

- A. A participant may request an administrative review by the FOD through verbal or written means to either their counselor, the Area Manager or directly to the FOD.
- B. If a review by the Area Manager has not occurred, the FOD will refer the participant back to the Area Manager for review. If circumstances prevent the Area Manager from reviewing the file within a two-week period or if extenuating circumstances exist which preclude the area manager from reviewing the disputed decision, the FOD may waive the requirement to refer to the Area Manager.
- C. The FOD will review the case record, conduct an interview with the participant and discuss the disputed decisions made in the case by both the counselor and area manager if appropriate.
- D. Within a two-week period, the FOD will respond to the participant in writing with a copy placed in the case file and notify the counselor and area manager of their decision. Written notice to the participant shall include information regarding further appeal processes.
- E. The counselor shall ensure any decision(s) made by the FOD is implemented unless otherwise assigned by the Area Manager, FOD or RSU Deputy Director.



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## 11.5. Fair Hearings

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### 11.5.1. Requirements

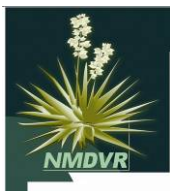
The Fair Hearing is the final process for dispute resolution available through the agency. Either party who disagrees with the findings and decision of an impartial hearing officer may pursue civil action in State or district court.

- A. A Fair Hearing must be conducted within 60 days of receipt of the request, unless informal resolution or a mediation agreement resolution is achieved prior to the 60<sup>th</sup> day or the parties agree to a specific time extension.
- B. The participant has the right to representation during the mediation process by a representative or advocate.
- C. During the Fair Hearing, both parties are given the opportunity to present witnesses and to examine all witnesses and other relevant sources of information and evidence.
- D. A decision based on federal law and state policies will be provided by the Fair Hearing officer through a written report of the findings and basis for the decision within 30 days of the completion of the hearing.

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### 11.5.2. Procedures

- A. A participant may request a fair hearing by writing to the DVR Director within 45 days of a disputed decision. Upon receipt of the request, the request is forwarded to the Executive Support Unit who will manage the process.
- B. Executive Support Services notifies the counselor, Area Manager and FOD in writing of the request for Fair Hearing.
- C. Upon notification of the request for hearing, the counselor should review the case and, if appropriate, notify the participant and advise them of the availability of mediation and internal processes available to resolve disputes.
- D. Upon receipt of the decision by the Fair Hearing officer, the counselor is responsible for ensuring implementation of the decision unless otherwise assigned by the Area Manager, FOD or RSU Deputy Director.
- E. Should either party pursue civil action, DVR staff may be subpoenaed to testify. If served with a subpoena, DVR staff should notify the DVR attorney for consultation and guidance throughout this process.



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## 12. Case Documentation

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Revised: 08/03

### 12.1. Policy statement

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New Mexico Division of Vocational Rehabilitation must maintain a record of services for each applicant and eligible individual, that includes documentation supporting the eligibility determination, IPE, closure, and a description of how the applicant or eligible individual exercised informed choice throughout the rehabilitation process.

There are two elements to DVR's case file. The first is a physical (hard copy) file and the second is the on-line file maintained within the AWARE case management system. Together they comprise the participant's record of service. The following section provides requirements for the physical case file, standards for proper case documentation, procedures for transfer of cases, and provides an overview of mandatory reviews.

### 12.2. Case Files

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A physical case file shall be established for all applicants with the participant's name and Participant Number affixed to the file folder. Upon entry into Eligible Status, dividers will be placed in the case file and all documents will be filed according to these divisions. The dividers shall be labeled to identify the information contained in the particular section. Under each divider, information will be filed chronologically with the most recent on top. The case file shall be set up as follows:

#### 12.2.1. Left Side

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From Top Down:

- Hardcopies of AWARE datapages requiring signature and related worksheets
  - IPE(s)
  - IPE Worksheet (if completed by participant)
  - Trial Work Experience Plan
  - Extended Evaluation Plan



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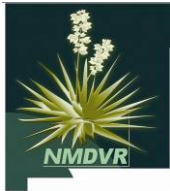
- Eligibility Statement
- Eligibility Determination Extension
- Financial Information
  - Authorizations for Services

12.2.2. Right Side

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From Top Down:

- General Information
  - Supplemental Case Notes (in those exceptional circumstances when they are attached as a supplement to on-line case notes)
  - Financial Summary Form
  - Participant Rights and Responsibility Handout
  - Application for Service
- Diagnostics and Treatment
  - Medical Records
  - Psychological Records
  - Vocational Assessments
  - High School records such as IEP and school generated diagnostics
- Training
  - Grades
  - Transcripts
  - Degree Plans
  - Schedule of Classes
  - Certificates/Diplomas
  - Financial Aid Award Letter
  - On-the-Job Training (OJT) Agreement
  - OJT Progress Reports
  - Training Progress Reports
- Placement/Equipment



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- Placement Forms
  - Placement Reports
  - Sub-Minimum Wage Forms
  - Special Employment Certifications or Exemptions
  - Long-Term Letter of Support
  - Transfer of Equipment Forms
  - Receipt of Equipment and Agreement
  - Self-employment Worksheet
  - Small Business Plans
  - Resume
  - Other Documents Related to Equipment or Placement
- Correspondence and Other Documents
    - Release/Request for Information
    - Incoming/Outgoing Correspondence
    - Miscellaneous documents or information

#### 12.2.3. Case File Security and Confidentiality

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All DVR staff are responsible for case file security in the field offices. The Area Manager is responsible for instructing all employees' appropriate methods of insuring the participant's confidentiality and the security of these documents.

#### 12.2.4. Guest Access

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AWARE is designed to promote confidentiality by limiting access to the electronic case record. Access is limited to the primary user, support users, backup users and managers related to the particular caseload. Guest Access is a procedure that allows time-limited access to other staff for the purposes of providing services or for review of potential transfers. For example, an assigned representative from an NMDVR grant program may be granted access to a specific case for the purposes of a case consultation. This eliminates the need to provide the hard case file or to make copies of specific items (except for medical/psychological records not contained within AWARE).



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Guest Access can be provided for a period of up to six months. The primary user sets up the guest access and parameters. For levels of security and the methods for establishing Guest Access, see the [AWAREHelp](#).

#### 12.2.5. AWARE Case Documentation

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The AWARE case management system is designed to document participant information from referral through closure. The various datapages capture information relevant to the particular status or action associated with the datapage. Not all relevant information readily fits into headings provided for in the datapages and it is incumbent upon DVR staff to utilize the application documentation, comment sections and case notes to document:

- all relevant historical information;
- identify and address critical case questions;
- interpret medical/psychological/vocational assessments;
- justify decisions related to eligibility decisions, IPE development and case closure;
- DVR efforts to facilitate informed participant choice, describing the extent to which participant exercised informed choice throughout the rehabilitation process.

Narrative sections located throughout the AWARE datapages should also be utilized to ensure that thorough documentation takes place.

#### 12.2.6. Case Notes

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Case notes are an on-going record of significant events regarding participant activity as it relates to their rehabilitation process and includes analysis and synthesis of data relevant to the rehabilitation process. Any member of the rehabilitation team can enter documentation related to their interaction with the participant. Case notes become critical due to the fact that on-line reviews are an option for eligibility decisions, IPE and case closure. The following are guidelines related to case notes:

Case notes should not be changed or deleted once entered.



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Case notes should be as long as necessary to convey the relevant information but should not report every detail of an interaction with the participant or verbatim conversations unless such detail is significant to documenting problems or rationale for decisions. The same applies to summarizing diagnostic, treatment, or progress reports.

Comments that may be considered derogatory should be substantiated by observed behavior or factual information.

Case notes pertain only to a particular participant's rehabilitation program. Critical comments about other agency personnel or procedures or philosophical discourses are inappropriate.

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### **12.3. Transfer of Cases**

When a request for a case transfer is received:

- The sending counselor must consult with their Area Manager to obtain approval on the transfer.
- Once approved by the Area Manager or designee, the sending staff member must notify and provide guest access to the receiving Area Manager for review.
- Once approved by the receiving Area Manager, he or she shall notify the sending counselor and provide name of the new counselor assigned.
- Transfer will be initiated in AWARE by the sending counselor. See the [AWAREHelp](#)
- Consultation between the sending counselor and receiving counselor should occur as necessary to facilitate a smooth and efficient transfer.
- Transfer requests and other aspects of the transfer process should be communicated via e-mail as appropriate and documented in case notes.

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### **12.4. Mandatory Reviews**

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#### **12.4.1. Annual Review**

Annual review of all Individual Plans for Employment. The AWARE Case Management System will prompt team members when an annual review is due in the activities due column. The prompt is activated by the date of the latest IPE entered for the participant. The annual review must be documented on the Plan Review datapage in AWARE. See [AWAREHelp](#).



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**12.4.2. Review of Closed Cases**

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Review of closed cases. Mandatory reviews due to closure status are listed in the federal follow-up report located under Caseload Reports in the AWARE Case Management System. Closure reviews must be documented on the Follow-Up datapage in AWARE. Further detail on procedures for conducting the reviews is identified in the Closure Section and Supported Employment Section of this Manual.

The table below lists required reviews based on closure reason.

Closure Reason	Mandatory Review
Successfully Rehabilitated - employment outcome in a SE case in which the individual is working towards competitive employment and is being compensated in accordance with Section 14C of the Fair Labor Standards Act	Annual review for 2 years and annually thereafter if requested by the participant.
Disability too severe/unable to benefit from VR services from any status	Annual review and annually thereafter if requested by the participant.
Closed Rehabilitated working in an Extended Employment setting (prior to 10/1/01) or closed Other than Rehabilitated working in an Extended Employment setting after 10/01/01	Annual review for 2 years and annually thereafter if requested by the participant and / or representative.

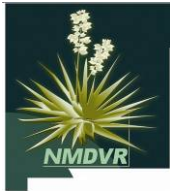
**12.5. Protection, Use, and Release of Information**

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Participant provision of information is voluntary, but failure to provide pertinent information may result in case closure or delay in case development. A copy of the "Authorization for Release of Records or Information" will be used to document records and information that the participant has authorized DVR to use and / or disclose. Retain a copy in the participant file and provide a copy to the participant. The participant has the right to revoke this authorization at any time by writing, to the organization holding records or the DVR counselor.

All information obtained by DVR will be held confidential and will not be given to any person or agency without written consent of the participant except by order of the court. When staff members receive subpoenas for client records, the DVR staff attorney should be immediately consulted. The exception to this rule is through cooperative agreements between DVR, the Social Security Administration, the Department of Labor, and the Human Services Department. Information related to employment status and wages can be provided to or requested from these agencies.





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DVR may use and disclose participant information without their consent when considered necessary to reduce or prevent a serious threat to a participant's health and safety or the health and safety of another individual or the public. Participants have the right to file a complaint if they believe their privacy rights have been violated. Complaints may be submitted, in writing, to DVR or the Secretary of the Health and Human Services.

Division of Vocational Rehabilitation  
435 St. Michael's Drive, Bldg. D  
Santa Fe, NM 87505

- OR -

Region IV, Office of Civil Rights  
U.S. Department of Health and Human Services  
1301 Young Street, Suite 1169  
Dallas, TX 75202

#### 12.5.1 Release to Other Agencies

Information may be released to any other agency or individual with written consent of the participant unless it is prohibited from further release by the originating entity.

#### 12.5.2. Release to Participants

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Any information in the case file that was generated by DVR must be released to the participant or representative upon request.

The only exception to this is in situations where the counselor has good reason to believe that the information would be harmful to the participant. In these situations the information may be released to a representative of the participant as deemed appropriate in the judgment of the counselor.

Information requested that was not generated by DVR may be released by DVR unless otherwise prohibited by the originating agency, in which case a referral should be made to the originating agency.

Copying information in the case file for release to the participant is discouraged, as participant inquiries concerning their record can generally be handled by reviewing the information with the participant and explaining medical and psychological terminology in layman's terms. When the participant insists on receiving copies, the agency must comply with the request with the exception noted above.



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12.5.3. Other Releases

Information requested for purposes of external audits, program evaluations, or research should be directed to the Deputy Director of Rehabilitation Services when such requests are not made through written consent of the participant.

Information may be shared with any unit of DVR for purposes related to administration of the VR program without written consent of the client.

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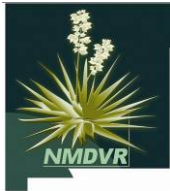
12.5.4. Reproduction Costs

The out-of-ordinary costs for reproducing and sharing information to non-agency recipients not directly related to rehabilitation purposes will be borne by those recipients at rates set by DVR.

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12.5.5. Ethical Issues

DVR staff shall not abuse the privilege of viewing participant records. A staff member who is a personal friend or relative of a participant shall remove himself / herself from any involvement in the case, including viewing the case record or discussing the case with other staff members. Exceptions should be made based on professional judgment and discretion. In all cases, The Client Services – Impartial Services to Employees, Family Members or Others Policy shall be followed. Violations of this trust may be considered grounds for disciplinary action.



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Services to Groups

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## **13. Services to Groups**

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Revised: 08/02

### **13.1. Policy Statement**

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In addition to providing assistance to eligible individual participants through the Vocational Rehabilitation process, the New Mexico Division of Vocational Rehabilitation is able to provide vocational rehabilitation services to groups.

### **13.2. Requirements**

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- A. In order to provide assistance under "Services to Groups" the identified service must promise to contribute substantially to the vocational rehabilitation of a group of disabled individuals.
- B. When a service is identified which may potentially be addressed through Services to Groups, the Area Program Manager shall contact the Field Operation Director for consultation.
- C. No commitments for services shall be made prior to approval of the Deputy Director of Rehabilitation Services.

### **13.3. Scope of Services**

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The following are examples of possible services that can be provided under "Services to Groups":

- A. Development of telecommunications systems that have the potential for substantially improving vocational rehabilitation service delivery methods and developing appropriate programming to meet the needs of individuals with disabilities.
- B. Technical assistance and support services to businesses that are not subject to Title I of the Americans with Disabilities Act and that are seeking to employ individuals with disabilities.
- C. Purchase or lease of a vehicle (e.g. van) to provide transportation to a group of disabled individuals
- D. Purchase of equipment or instructional materials that would benefit a group of disabled individuals. Consultative and technical assistance services to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including employment.