Quality Assurance

2008-2011

*Review Instrument Instructions*

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Instructions to staff are noted in italics and contain information from, current DRS policy, the Rehabilitation Act, or Federal Register.

**APPLICATION PROCESS**

**612:10-7-22.1**

**1. The case record contains a completed and signed application. 361.41 (b) (2) (i) (A); 612:10-7-22.1 (a) (1)**

**Yes** response requires **all** of the following:

* A completed application, signed and dated or date stamped is present in the case record and;
* Appropriate signatures by client or representative, guardian or required parental signatures.

**No** response requires the following:

* There is **no or part of the** application found in the case record or that the application found in the case record **does not** contain an appropriate signature and/or date on it.

*INSTRUCTIONS TO STAFF:*

*During the review the auditor should find a completed application and signed by all the required persons (i.e. Applicant, and or representative, guardian, or parents).*

**2 The individual was provided with an explanation of his/her rights and responsibilities, due process and given a copy of the Client Assistance Program & Clients Rights and Responsibilities” brochures, in an appropriate format if necessary? 361.57 (b) (1) (i-v); 612: 10.1.6 (b); 612:10.7.22.1(e) (1); 612:10.7.2 (g)**

**Yes** response requires **all** of the following:

* **The case record documentation** indicates that Clients R & R has been discussed, and client has been informed of rights and responsibilities, due process and was given a copy of both brochures, in appropriate format for individual, if necessary.
* AWARE has preprinted section that should be checked marked YES.

**No** response requires the following:

* The case record documentation **does NOT indicate** that there was a discussion with the client concerning their rights and responsibilities, due process and BOTH brochures **were NOT** given to the client, in appropriate format for individual, if necessary.
* The preprinted section on AWARE was not checked YES. (10/08/2012)

**N/A** response requires the following:

* No face to face contact has been established between the applicant and counselor prior to case closure.(added 02.08.10)

*INSTRUCTIONS TO STAFF:*

*During the review the auditor should see a statement in the Initial Interview where the applicant was informed about ALL these topics and given the brochures in an appropriate format. (Q. 2, 23, 60d. all require appropriate format be addressed. Personal information page will give appropriate format needed, seeing it one time will tell you what format is and then no longer necessary to repeat what the format is. However, it is still necessary to document in the case that each particular item (CRR and DP at application, order of selection and ineligibility) were given to the client in the appropriate format and at the appropriate time. (8/26/12).*

*Instructions to staff, if answering this question is yes, then question 27 is also yes. Logic behind this statement is that in the Clients Rights and Responsibilities brochure there is a statement on page 10, explaining the client’s rights and their right to write their own IPE, and page 11 their responsibilities.*

**3. Was voter registration addressed with the individual at the required times? (Application & when notified of address changes)** **612:10.7.22.1(e)(2)**

**Yes** response requires the following:

* The National Voter Registration Act requires that individuals by given the opportunity to register to vote (or to change their voter registration data) in elections for federal office when applying for (or receiving) services or assistance at any office in the state that provides public assistance.
* At application, (if application was mailed to applicant then response is **yes**, unless they fall under N/A response. (2/17/2011)
* when client informs DRS of change of address
* Preprinted section is marked YES. (10/08/2012)

**No** response requires the following:

* There is none or very little documentation that the voter’s registration was addressed with the applicant during a face to face contact. There is little or no documentation that the voter’s registration was offered when the client notified DRS of a change in their address.
* Preprinted is not marked YES.(10/08/2012)

**N/A** response requires the following:

* The applicant is a high school student under the age (18) appropriate for voting.
* Assess the age of the applicant at application.
* Unable to register to vote due to felony conviction. (was addressed)
* Applicant is an illegal immigrant and is unable to register to vote in the U.S. in any election process.

*INSTRUCTIONS TO STAFF:*

*The National Voter Registration Act of 1993 requires that when applying for services or assistance in the state that provides public assistance, the voter’s registration will be offered at application and at any point the client informs DRS of change in clients address. It is DRS policy that the voter’s registration is mailed with the application. If no face to face interview was conducted but application was received through the mail then answer YES to question. Check under correspondence section of case file to check and see if there is a letter requesting an appointment for initial interview.* (2/17/2011)

**TRIAL WORK EXPERIENCE (if not a TWE mark N/A)**

361.42 (e); 10.7.7 (d); 612:10.7.24.3 (b) (d)

The Act states “prior to any determination that an individual with a disability is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual’s disability. The Act specifies that, the DSU must conduct an exploration of the individual’s abilities, capabilities, and capacity to perform in realistic work situations through the use of trail work experiences to determine whether or not there is clear and convincing evidence to support such a determination” The DSU is required to develop a written plan for assessing an individual’s ability to perform in a real work setting and requires that trial placements for assessment purposes be as realistic as possible, meaning that the trial work must occur in the most integrated setting possible, consistent with the informed choice and rehabilitation needs of the individual.

**4. Was the TWE plan signed by the individual, or as appropriate by the individual’s representative, and the counselor? 612:10-7-24.3 (d) (2) footnote 3**

**Yes** response requires **ALL** of the following:

* The TWE has been signed by the individual, or as appropriate the representative of the individual and the Counselor. There is clear documentation that this was done by all parties. (Yes response requires at least two signatures maybe three if appropriate.)

**No** response requires the following:

* The TWE is not signed by the individual or their representative as appropriate, or by the counselor. There may be one or two signatures missing from the document.

*INSTRUCTIONS TO STAFF:*

*There needs to be at least two signatures on the document to have a yes response, the counselors and the individuals. If client is under 18, a parental signature is required.*

**5. A copy of the TWE plan was provided to the individual. 612:10-7-24.3 (d) (2) footnote 3**

**Yes response** requires the following:

* There is documentation in the case record that indicates that a copy of the TWE was given to the client or representative, in an appropriate format if necessary.

**No** response requires the following:

* There is NO documentation in the case record that indicates that a copy of the TWE was given to the client or representative, in an appropriate format if necessary**.**

**6. Was the individual provided a sufficient variety of work situations, over a sufficient period of time, in the most integrated setting, consistent with informed choice and rehabilitation needs? (i.e. supported employment, on-the-job training or other experiences using realistic work settings) 361.42(e) (2) (i-iii)**

**Yes** response requires the following:

* The Trial Work Experience Plan needs to indicate the variety of work situations that the individual is going to participate in to determine if that the individual is incapable of benefiting. The determination must meet the standard of “clear and convincing”.

**No** response requires the following:

* There is no TWE plan in case file or the TWE plan lacked or failed to provide a variety of work situations that the individual is going to participate in to determine if that individual is incapable of benefiting. The documentation must meet the standard of clear and convincing.

*INSTRUCTIONS TO STAFF:*

*During the review did the auditor find a TWE plan which includes the purpose and rational for the plan, list of services needed to make an eligibility determination, chosen service providers, payment source for the services, criteria and schedule for evaluating progress and the real work situation that is going to be utilized to do the TWE. Review the written plan and determine the extent to which it was consistent with the information contained in the justification and sufficient to fully explore the individual’s abilities, capabilities, and capacity to perform in a work situation, given all the information in the service record*.

**7.** **Does the case record contain periodical progress narratives (at least every 90 days) to assess the individual’s abilities, capabilities and capacities to perform in work situations through the use of TWE? 361.42 (e) (2) (i); 612:10.7.24.3**

**Yes** response requires the following:

* The case record contain periodically progress narratives (at least every 90 days) to assess the individual’s abilities, capabilities and capacities to perform in work situations through the use of TWE. There are counselor assessments of the individuals progress in the case record

**No** response requires the following:

* There is a lack of progress review narratives in the case record. Or the only progress reports are from the vendor. Counselor failed to document an assessment of the individual’s progress.

*INSTRUCTIONS TO STAFF:*

*During the review the auditor should find documentation (C-11) in the case record of progress reports, be made every 90 days and contains an assessment of the individual’s abilities, capabilities and capacities to perform in work situations. The document types directly relate to the ability of the DSU’s ability to demonstrate its compliance with important service provision requirements in the law, as well as its ability to justify its decisions regarding the individual’s participation under the VR program.*

**8. Were appropriate supports provided, including assistive technology devices and services and personal assistance services, to accommodate the rehabilitation needs of the individual during the TWE? 361.42 (e) (2) (iv);** **612:10.7.24.3 (b)**

**Yes** response requires the following:

* During the TWE the applicant must be provided with the necessary supportsincluding assistive technology devices and services and personal assistance services, that accommodates their rehabilitation needs, the case record documentation must provide the auditor with the conclusion that those necessary supports were provided during the TWE.

**No** response requires the following:

* The case record lacks documentation that would allow the auditor to make the conclusion that the necessary supports including assistive technology devices and services and personal assistance services**,** were provided during the TWE. There is a significant lack of documentation that provides clear conclusion by the auditor that this service was provided.

**N/A** response requires the following:

* There was no need for any types of supports, including assistive technology devices and services and personal assistance services, during the trial work experience to accommodate the rehabilitation needs of the individual.

*INSTRUCTIONS TO STAFF:*

*If necessary the individual is provided the supports that accommodate their rehabilitation needs during the TWE. There needs to be clear documentation of the need for the supports and who is providing them to the individual during the TWE.*

**9.**  **If the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual’s disability does the case record document there is clear and convincing evidence? 361.42 (e) (2) (iii) (A) (B); 612:10.7.24.3 (a)**

**Yes** response requires the following:

* Clear in convincing evidence means that there shall be a high degree of certainty before the conclusion that the individual is incapable of benefiting from services in terms of employment outcome. The term clear means unequivocal. Might include a description of assessments, including situational assessment and supported employment assessments from services providers who have concluded that they would be unable to met the individual’s needs due to the severity of the individual’s disability. Clear and convincing must include, if appropriate, a functional assessment of skill development activities, with any necessary supports in real life settings.

**No** response requires the following:

* The case record does not contain the required assessments that would provide the auditor with information that would lead to a clear and convincing decision that the individual was unable to benefit due to the severity of their disabilities.

**N/A** response requires the following:

* The case record contains enough evidence to determine eligibility for services. Go to Eligibility Section.
* Case was closed due to Failure to cooperate or other reasons other than “Unable to benefit from VR services”

*INSTRUCTIONS TO STAFF:*

*The Rehabilitation Act has placed the highest standard for answering this question. It requires that there be clear and convincing evidence that due to the severity of the disability the applicant cannot benefit from VR services. They require that there be evidence in the case record that the counselor went to great lengths to make this determination.*

**EXTENDED EVALUATION PLAN (if not a EEP mark N/A)**

 361.42 (f) (1); 612:10.7.24.3 (c) (d)

(Although the ACT clearly places a priority on using trial work experiences in the course of assessments, Congress recognized the need to allow for extended evaluation in those limited instances in which a real work test is impossible or the State Unit has exhausted its trial work options without reaching a determination of eligibility.)

**10**. **Does the documentation justifying why a TWE is not appropriate or if utilized, did not adequately answer questions related to the participant's ability to benefit from VR services? 361.42 (f) (1); 612:10.7.24.3 (c)**

*(Under limited circumstances if an individual cannot take advantage of trial work experiences or if options for trial work experiences have been exhausted before the State unit is able to make the determinations the DSU must conduct an extended evaluation to make these determinations.)*

**Yes** response requires the following:

* The case contained documentation supporting the determination that the individual is a person with the most significant disabilities, who cannot take advantage of TWE or if the options for TWE have been exhausted.

**No** response requires the following:

* The case record lacked supporting documentation to justify the use of EE.

*INSTRUCTIONS TO STAFF:*

 *The case record should contain documentation supporting the use of the EE and why the TWE was not utilized and there needs to be justification why the EE is being utilized, or why the TWE has been exhausted and cannot be used further. This should be a C-11 on the right side.*

**11**. **Does the EE plan contain only those services necessary to make an eligibility determination, in the most integrated setting, consistent with informed choice, rehabilitation needs? 361.42(f) (2) (4); 612:10-7-24.3 (c)**

**Yes** response requires the following:

* The Extended Evaluation Plan includes the purpose and rational for the plan, list of services needed to make an eligibility determination, chosen service providers, payment source for the services, criteria, schedule for evaluating progress, signatures of the individual, or authorized representative, counselor, and a copy was given to the individual.

**No** response requires the following:

* The EE plan lacked or failed to provide the purpose and rational for the plan, a list of services to be able make an eligibility determination, chosen service providers, payment source for the services, criteria, schedule for evaluation progress, the signatures of the individual or authorized representative, counselor, and a copy was given to the individual.

*INSTRUCTIONS TO STAFF:*

*The auditor should find documentation, of the purpose and rational for the plan, list of services needed to make an eligibility determination, chosen service providers, payment source for the services, criteria and schedule for evaluating progress, the signatures of the individual, or authorized representative, counselor, and a copy was given to the individual.*

**12. Does the case record contain periodical progress narratives (at least every 90 days) to assess the individuals’ abilities, capabilities and capacities to perform in work situations through the use of EE? 612:10.7.24.3 (d) (2)**

**Yes** response requires the following:

* The case record contain periodically progress narratives (at least every 90 days) to assess the individual’s abilities, capabilities and capacities to perform in work situations through the use of EE. There is documentation of counselor assessments of the individual’s progress.

**No** response requires the following:

* There is a lack of progress review narratives in the case record. Or the only progress reports are from the vendor. Counselor failed to do an assessment of the individual’s progress.

*INSTRUCTIONS TO STAFF:*

*The case record needs to contain progress notes from the counselor that will clearly indicate the applicant’s abilities and capabilities in a real work situation that will assist in making a determination of benefit. The document types directly relate to the ability of the DSU’s ability to demonstrate its compliance with important service provision requirements in the law, as well as its ability to justify its decisions regarding the individual’s participation under the VR program.*

**13. Was the EE Plan agreed to, signed by the individual, or as appropriate the individuals representative and the Counselor? 361.42 (f) (3); 612:10.7.24.3 (d) (2) Footnote 3**

**Yes** response requires ALL the following:

* EE Plan contains **ALL** the required signatures, individuals, counselors and as appropriate the individual’s representative or parent. As appropriate the Program Managers signature may be required.

**No** response requires the following:

* There are signatures missing from the EE Plan.

*INSTRUCTIONS TO STAFF:*

*The* ***required signatures*** *are Counselors, Individuals, Individuals representative or parent as appropriate. There should be at least two, if not three signatures on the documents. This is to include parental signatures if individual is under age 18.*

**14. A copy of the EE was provided to the individual. 612:10-7-24.3 (d) (2) Footnote 3**

**Yes** responserequires the following:

* There is documentation in the case record that indicates that a copy of the EE was given to the client or representative, in an appropriate format if necessary.

**No** response requires the following:

* There is NO documentation in the case record that indicates that a copy of the EE was given to the client or representative, in an appropriate format if necessary**.**

**ELIGIBILITY**

361.42 (a) (1) (i-iv), 612:10-7-50

*(The DSU is* ***required to document in some fashion, support for determinations of eligibility*** *as part of the record of service, specifically, the Act authorizes qualified professionals, both DSU and non-DSU employees, to determine the existence of an impairment and to determine whether the impairment results in a substantial impediment to employment. Qualified personnel refer to those individuals who meet the DSU personnel standards i.e.: national, state approved certification, licensing, or registration. F.R V. 66, N. 11, Wednesday, January 17, 2001 states “The document types that will comprise the record of services maintained by the DSU relate directly to the DSU’s ability to demonstrate its compliance with important service provision requirements in the law, as well as its ability to justify its decisions (e.g. eligibility determinations) regarding the individual’s participation under the VR program.”*

**15.** **Does the *case record documentation support the determination* by qualified personnel that the applicant has a physical or mental impairment? 361.42 (a) (1) (i); 612:10.7.24.1 (a) (1); 612:10.7.24.1 (a) (1) Footnote 1; 612:10.7.24.2 (c)**

**Yes** response requires all of the following:

* The case record includes documentation by a qualified personnel to support that the applicant has a physical or mental impairment and the documentation was available prior to or on the same the date on the DRS-C-21 eligibility determination form.
	+ Proper proof of receipt of SSI/SSDI is acceptable documentation.

**No** response requires the following:

* Documentation cannot be found in the service record or the documentation was not received until after the date on the DRS-C-21 eligibility determination form.
* Case record does not contain adequate supporting documentation
	+ The date of verification of receipt of SSI/SSDI is after the date on the C-21.

*INSTRUCTIONS TO STAFF:*

*The auditor should find documentation supporting the determination of eligibility. This determination should be based upon any information obtained from qualified professionals, or SSI/DI verification, and should support the determination of eligibility. All information and SSI/DI verification should be date stamped. A high school referral C- 16 is not adequate information to determine eligibility and order of selection for services, the information on an IEP does not meet the criteria for “documentation support the determination by qualified personnel”. Tuesday, May 14, 1996 Federal regulations page 24397, states “A DSU may not establish a priority under an order of selection for eligible individuals referred by school systems under IDEA or the Perkins Act because the sources of referral is not necessarily an indicator of severity or disability. While some of these individuals might be individuals with severe or the most severe disabilities, all individuals referred by schools under these program may not necessarily meet these criteria. This determination must be made on an individual basis.” Some diagnostic information is received after the C-21 is completed, and it should be revised to include new diagnostic information. (5.18.10)*

**16.** **Does the *documentation support the determination made by* the qualified personnel that the applicant’s physical or mental impairment constitutes or results in a substantial impedimentto employment? 361.42 (a) (1) (ii); 612:10.7.24.2 (c); 612:10.7.24.1 (a) (1), (b) (1&2)**

**Yes** response requires of the following:

* Case record includes documentation that the impairment constitutes or results in a substantial impediment to employment.
* Documentation was available prior to the date on the DRS-C21 Eligibility Determination form.
	+ Proper proof of receipt of SSI/SSDI is acceptable documentation.

**No** response requires the following:

* Documentation cannot be found in the case record or that the documentation was not received until after the date on the DRS-C-21 eligibility determination form.

 *Proper proof of receipt of SSI/SSDI is lacking from the case record.*

*INSTRUCTIONS TO STAFF:*

*During the audit the reviewer needs to look for documentation concerning the impairment; which should be considered substantial, and how it limits the individual’s ability to work. The date of the documentation from qualified professionals should be prior to the date of the eligibility determination. SSI/SSDI documentation is appropriate proof.*

**17**. **Does the *documentation support the determination made* by a qualified vocational rehabilitation counselor that the applicant requires VR Services to prepare for, secure, retain or regain suitable employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice? 361.42 (a) (1) (iii); 612:10.7.24.1 (a)(2)**

*(The counselor then assess whether the individual requires VR services to obtain and retain work in the individuals chosen field that is appropriate to his/her abilities)*

**Yes** response requires the following:

* The DRS C-21 eligibility determination or other documentation identifies at least one specific VR service to address identified impediments to the employment outcome. A determination by a qualified vocational rehabilitation counselor that the applicant requires vocational rehabilitation services to prepare for, secure, retain, or regain employment consistent with the applicant’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice is all that is required, this must be documented in case record.

**No** response requires the following:

* The DRS C-21 or other documentation fails to identify at least one of the individual’s impairment-related VR service need(s) to address impairment to the employment outcome. There is no documentation in case record supporting the counselor’s determination that the client requires VR services to become gainfully employed.

*INSTRUCTIONS TO STAFF:*

*The reviewer should find on the C-21 at least one specific VR service that will be required to address the vocational impediments to employment. This documentation should be or can be on the C-21 or in a case note/narrative.*

**18**. **If the applicant is eligible for Social Security Benefits under Title II or Title XVI of the Social Security Act, did the vocational rehabilitation counselor presume eligibility? 361.42 (a) (3) (i) (A): & 361.42 (d) (2); 612:10.7.24.1(c)(2)**

 *(With the 1998 reauthorized Act expanded this presumption by giving presumptive VR program eligibility (i.e. a presumption that individual meet all of the eligibility criteria under the VR program the change was adopted in the 1998 Amendments to streamline eligibility and expedite necessary VR services for those Social Security recipients since each category of recipients already has met stringent disability criteria under the Social Security Act and clearly needs VR services in order to achieve appropriate employment Conference Report 105-659, page 354 states “ The Senate amendment adds new language making individuals who receive SSI or SSDI benefits to be automatically eligible for vocational rehabilitation services”. To actually receive services, a person must have a disability and requires vocational rehabilitation services to prepare for, secure, retain, or regain employment. The “presumption of eligibility” is only the first step in the overall evaluation of whether or not an individual with a disability will receive vocational rehabilitation services.*

**Yes** response requires the following:

* Documentation indicates that applicant was informed about presumptive eligibility at application if SSI/DI and the eligibility were completed within a reasonable amount of time. Director O’Brien has stated that eligibility for this group of individuals is done expeditiously.

Memo from both Administrators utilizes the wording “We will presume that this individual is telling us the truth, take the application, and determine them eligible.” “Verification of SSI/SSDI is still necessary and should be placed in the case record; but it is not necessary at the time of eligibility determination.”

**No** response requires the following:

* Documentation is lacking in case record about presumptive eligibility information being conveyed to applicant, and the eligibility was not completed expeditiously as possible

**N/A** response requires the following:

* This particular case record is NOT a SSI or SSDI Case.

*INSTRUCTIONS TO STAFF:*

*The auditor should find the box checked on the C-21 that says “presumed eligible”, and at least a statement/discussion during the initial interview concerning informing client about being presumed eligible/presumptive eligibility.* *Transition cases need to have presumptive eligibility completed; at application a determination what type of benefits student applicant was receiving. If unable to determine the “type” of benefits documentation is required noting the situation. All Title II and Title XVI individuals should be presumed eligible for services. (5.18.10)*

*Instructions from Rod Van Stavern use the words, “same day the recipient makes application.” “AWARE eligibility page can be completed based on the best information available at the time of application”. Exceptions to “same day eligibility” should be clearly explained in the case record. (3.12.10)*

*Must base its presumption under paragraph (a)(3)(i) of this section that an applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act satisfies each of the basic eligibility requirements in paragraph (a) of this section on determinations made by the Social Security Administration.*

*Since circumstances in office procedures are varied, it is sometimes difficult to determine how the case was handled. QA must make a “presumptive eligibility” decision based upon the information in the case record. Look at dates of application, date of initial interview, time frame between both, any date stamps on case documentation, narratives concerning application and verification of SSI/SSDI status, any information supplied by applicant.*

*(i.e. Applicant provided SSI/SSDI verification at application, narrative informing applicant concerning presumptive eligibility was in file, however C-21 form was not completed or signed until the 59th day of application. And initial interview was conducted within a week of application. All documentation by counselor indicates that eligibility was determined based upon the medical information that was provided by sources)*

**19.** **Was verification of SSI/SSDI made within a reasonable period of time? 361.42 (a) (3) (ii);**

*(This change in the 1998 amendment to streamline eligibility and expedite necessary VR services for those SS recipients since each category of recipients already has met stringent disability criteria under the Social Security Act and clearly needs VR services in order to achieve appropriate employment this verification must be made within a reasonable period of time that enables the State unit to determine the applicants eligibility for VR Services within 60 days of the individual submitting an application for services in according with 361.41 (b) (2)*

**Yes** response requires **all** of the following:

* Appropriate documentation in the case record indicating that verification was obtained in a timely manner consistent with current directives.

**No** response requires the following:

* The verification was not obtained in a timely manner consistent with current directives or

the eligibility was based on records other than presumptive eligibility or verification. Or the verification in the case record was received after the 60 Federal requirements that eligibility be completed.

**N/A** response requires the following:

* Case record is not a current recipient of SSI or SSDI.
* Case closed prior to 60 day-never verified status (2.22.10)

*INSTRUCTIONS TO STAFF:*

*The auditor should find in the case record verification, date stamped, that supports the applicant’s claim to receiving SSI/DI, proof of receipt of payment, any printout from SSA concerning benefits, SDX (SSI) /BENDEX (SSDI) screen printout, or benefits statement from SSA. Appropriate documentation means what is required by current policy. This documentation should be obtained in a timely manner that meets current administrative directives. The type of Social Security the applicant is receiving must be verified. (5.18.2010)*

**20.** **Eligibility determination was made within 60 days of the individual's application? 361.41 (b) (1) (i); 612:10.7.24.2 (b)**

*(An eligibility determination must be made with 60 days unless: exceptional and unforeseen circumstances beyond the control to the DSU precluded making an eligibility determination and the DSU and the individual agree to a specific extension of time)*

**Yes** response requires the following:

* Signature on DRS C-21 are prior to or on the 60th day of eligibility determination,

**No** response requires the following:

* Eligibility was not determined prior to the 60th day; signature on the DRS C-21 indicates that eligibility was done after the 60th day. This does not include the Program Managers signature where required by policy.

*INSTRUCTIONS TO STAFF:*

*The eligibility determination is required to be completed by the 60 day of application. The date that is entered into the Data Base that DRS currently uses is the determining factor of the 60 day count.*

**a. If NO, is there an agreement between the counselor and the individual for a specific extension of time in the file? 361.41 (b) (i); 612:10-7-24.2 (b)**

*(An eligibility determination must be made within 60 days unless: exceptional and unforeseen circumstances beyond the control of the DSU precluded making an eligibility determination, and the DSU and the individual agree to a specific extension of time)Vol. 62, No. 28 February 11, 1997 Fed Register states “ The Secretary maintains that the 60-day time period for determining eligibility begins once the individual (1) has either completed and signed an agency application from or has otherwise requested services and (2) has provided information necessary for the DSU to initiate the assessment.”*

**Yes** response requires **all** of the following:

* Case record contains documentation that the individual was advised of delays caused by exceptional and unforeseen circumstances in determining eligibility. Case record contains a C-13 signed and dated by both client and counselor. (10.20.10)

**No** response requires the following:

* Case record contains no documentation that the individual was advised of delays caused by exceptional and unforeseen circumstances, and there is no extension (C-13) in the case record. Or there is one, but it is not signed, dated or one of the signatures is missing.

**N/A** response requires the following:

* Eligibility decision or movement into Service Status was made within 60 days of the date on the application.

*INSTRUCTIONS TO STAFF:*

*If eligibility was completed within the 60 day time frame then this question is answered with a N/A response. Check dates to assess the time frame. The C-13 is that is completed and filled out is considered documentation of this requirement. Even if the case record have a documented disagreement on date, as long as the C-13 is dated, signed and reached agreement is considered a yes response. It must show an agreement has been reached on the time frames.*

**Priority Category**

**Disability priority rating:** **Most Significantly Disabled**, **Significantly Disabled** or **Non-Significant Disabled** is:

**21**. **Upon review of the data that was developed to make the eligibility determination is the priority category assignment appropriate? 361.5 (b) (28) (30) (31); 612:10.7.25.1 (b) (1 & 2 & 3)**

**Yes** response requires the following:

* Documentation in the case record and the diagnostic and assessment information support’s the correct priority category and the number of severe restrictions under the Disability Rational section on the C-21.

**No** response requires the following:

* Documentation in the case record does not support the chosen category as noted on the C-21.The diagnostic and assessment information does not support the assignment of the chosen category on the C-21 in the case record based on the functional limitations**.**

|  |  |  |  |
| --- | --- | --- | --- |
| PG 1 | Most Significantly Disabled | 3 or More Severe Restrictions | Multiple Services & Extended Period of Time |
| PG 2 | Significantly Disabled | At least one but no more than 2 Severe Restrictions | Multiple Services & Extended Period of Time |
| PG 3 | Disabled  | May have 1 Severe Restriction/ OR MS OR EPT but not all three criteria at the same time. (10/08/2012) | Any combination other than all three components (changed 8/26/12) |

*INSTRUCTIONS TO STAFF:*

*Check to make sure the number of functional limitations is consistent with the chosen priority group decision. The supporting documentation from the qualified vocational rehabilitation counselor needs to justify the choice of priority group. (Added 3/20/2011)*

**22.** **Does the documentation support the determination that the individual has been determined to be an individual with a significant disability or an individual with a most significant disability? (Choose N/A if the individual is not MSD or SD) 361.47 (a) (1) (4); 612:10.7.20**

*(4) If an individual has been determined to be an individual with a significant disability or an individual with a most significant disability, documentation supporting that determination.*

**Yes** response requires **all** of the following:

* Documentation should reflect that the data gathered is appropriate and sufficient in terms of its accuracy, comprehensiveness, such that an appropriate assessment of the individual’s impediments to employment is made. The limitations, vocational impediments and required services should be supported by the information contained in the case record.
* Documentation should include the sources, including the dates, of medical/psychological records that were used to verify each disability. The qualified professional should write a brief description of the nature of the disabling condition.

**No** response requires **all** of the following:

* **Documentation in the case record does not** support the decision concerning category, does **not** address limitations and their impact upon the applicant, nor does it **not** address the severity of the disability, nor the impediments to employment.

**N/A** response requires the following:

* Documentation supports that the case has **no severe restrictions** and is therefore a Category Three (3) therefore there are **no severe restrictions** to address. However the **impediments to employment are required documentation.**

*INSTRUCTIONS TO STAFF:*

*Federal regulations agree that the professional opinion of the Counselor is critical in assessing an individual’s eligibility and priority for services. They require that documentation in some fashion support for determinations of eligibility and specify that documentation supporting the counselor decision of the priority group be in the case record in those cases where the individual is MSD or SD. However it does not require that for the NSD group. Documentation how it is impacting that individual’s life and affecting their ability to work.*

**23**. **Is there documentation in the case record of notification of the Order of Selection and Due Process in writing, and in accessible format for the individual? 361.36 (e) (2); 361.57 (b) (1) (2) (b) (1) (ii); 612:10.7.25.1 (c); 10.1.6 (2)**

*(At the time the individual is assigned, or reassigned, to a category in the States order of selection, if the state has established an order of selection under 361.36)*

**Yes** response requires **ALL** the following:

* Case record contains a copy of the eligibility letter. Letter must contain following items: eligible statement, informed of category placement, information related to due process and mediation, & phone number for contact with CAPs.

**No** response requires the following:

* There is no eligibility letter in case record or there is a letter but it is lacking either priority group notification or due process. The case record doesn’t contain any form of notification that would lead an auditor to believe client was notified of eligibility, informed of category placement, information related to due process and mediation, & phone number for contact with CAPs.

*INSTRUCTIONS TO STAFF:*

*AWARE address this on the eligibility letter. AWARE will create and save a copy of the OSS letter, this is acceptable, there is no need to scan in the letter to KL, Case note stating the letter “WAS” mailed on this date. (10/10/12) Other letters prior to AWARE may or may not meet all the requirements. (Q. 2, 23, 60d. all require appropriate format be addressed. Personal information page will give appropriate format needed.*

**24**. **If the eligible individual does not meet the agency's order of selection criteria, for receiving vocational rehabilitation services and is on a waiting list, has the individual been referred to appropriate State/Federal programs including other components of the statewide workforce investment system? 361.36 (a) (3) (iv) (B);** **361.47 (a) (13); 612:10.7.21.1 (b); 612:10-7-25.1 (f)**

*(2) The designated State agency will refer individuals with disabilities to other appropriate Federal and State programs, including other components of the statewide workforce investment system.*

**Yes** Response requires the following:

* The case record will have appropriate referral form, or a C-11 in the case record that documents a referral to the appropriate workforce office. Under the order of selection, and if the clients priority group is closed, there has to be a referral to the Workforce and other appropriate State/Federal programs.

**No** Response requires the following:

* There is no information in the case record either a referral form or narrative that indicates that the applicant was referred to the workforce office locally.

**N/A** response requires the following:

* This particular case is or was not in a closed group during the life of the case record.
* Homemaker cases are not referred to the local Workforce office; however they may be referred to other components of the One Stop system such as DHS.

*INSTRUCTIONS TO STAFF:*

*If a client’s priority group is closed and DRS is unable to provide services to that individual, there needs to be a referral to other State/Federal programs and to the Workforce system.*

*Regulations define appropriate referrals as:*

(*2) Provide the individual who is being referred—*

*(i) A notice of the referral by the designated State agency to the agency carrying out the program;*

*(ii) Information identifying a specific point of contact within the agency to which the individual is being referred; and*

*(iii) Information and advice regarding the most suitable services to assist the individual to prepare for, secure, retain, or regain employment.*

**COMPREHENSIVE ASSESSMENT**

**25. Is a written *comprehensive assessment present in the case file?* 612:10.7.50.1 (c)**

**Yes** response requires the following:

* The case record contains a comprehensive assessment

**No** response requires the following:

* Case record contains **no** comprehensive assessment

*INSTRUCTIONS TO STAFF*

*The employment goal chosen by the client needs to be supported by the assessment information. The comprehensive assessment needs to utilize information to identify rehabilitation needs, existing information from client and or family members, must include factors that affect the employment and rehabilitation needs, assess the individual capacities to perform adequately in a work environment. There is a thorough analysis of the assessment information from the case record in the comprehensive assessment.(added 2.12.10) POLICY DIRECTIVE RSA-PD-97-04 DATE: August 19, 1997 states the DSU should be able to determine whether an individual’s interests and informed choice are consistent with his or her primary employment factors during the comprehensive assessment of vocational rehabilitation needs. The DSU may see to acquire performance-based information, which may be sought during the comprehensive assessment.*

**26. Does the comprehensive assessment:**

***a. S*upportthe EMPLOYMENT OUTCOME that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice? 361.5 (b) (6) (B) (ii); 361.45 (f) (2) (i); 361.45 (b) (1); 612:10.7.50.1 (c)**

**Yes** response requires the following:

* The case record documentation utilizes existing data used for determining eligibility, information from client and or clients family, all assessment information, any work assessments, job performance assessments, all rehabilitation technology assessments, any explorations of the individuals capabilities to justify the employment goal.
* There is a thorough analysis of assessment information on the comprehensive assessment.

**No** response requires the following:

* Case record documentation indicates that **no** assessment information was utilized for the comprehensive assessment; the assessment lacks necessary information that would identifies the client’s abilities, strengths, capabilities, interests and informed choice.
* There is no analysis of the assessments in the case file.

*INSTRUCTIONS TO STAFF:*

*The employment goal chosen by the client needs to be supported by the assessment information. The comprehensive assessment needs to utilize information to identify rehabilitation needs, existing information from client and or family members, must include factors that affect the employment and rehabilitation needs, assess the individual capacities to perform adequately in a work environment. There is a thorough analysis of the assessment information from the case record in the comprehensive assessment. (Added 2.12.10) POLICY DIRECTIVE RSA-PD-97-04 DATE: August 19, 1997 The employment goal for an individual with a disability receiving services under the State VR program must be based, primarily, on the individual’s strengths, resources, priorities, concerns, abilities, and capabilities. The employment goal also must reflect the individual’s interests and informed choice to the extent that those factors are consistent with the individual’s strengths, resources, priorities, concerns, abilities, and concerns.*

**b. Identify the need for supported employment? 361.45 (C) (f) (2) (i); 361.46 (b); 612:10.7.180 (3)**

**Yes** requires the following:

* The comprehensive assessment identifies the need for supported employment services for the individual, to assist in obtaining the vocational goal. Documentation describing the reasons why the individual, due to their disability, will need supported employment and extended support services to be able to perform productive work in an integrated work setting.

**No** response requires the following:

* The comprehensive assessment is generic in content, lacks the identified need for supported employment to assist in obtaining the vocational goal. Does not describe the reasons why the individual, due to their disability, will need supported employment and extended support services to be able to perform productive work in an integrated work setting.

**N/A** *response requires the following:*

* *The case record is not a supported employment case.*

*INSTRUCTIONS TO STAFF:*

*The record must document in a case narrative titled comprehensive assessment the counselors determination that the client is an individual:*

* *For whom competitive employment has not traditionally occurred; or*
* *For whom competitive employment has been interrupted or intermittent as a result of a severe disability; and*
* *Who, because of the nature and severity of the disability, needs intensive supported employment services and extended services after the transition from intensive supported employment services, in order to perform such work?*

**c.** **Identify and describe all of the individual’sVR NEEDS to the extent necessary? 361.5 (b) (6) (B) (ii); 361.45 (b) (1); 612:10-7-50.1 (c)**

**Yes** response requires the following:

* Documentation in case record identifies those VR needs the client has in relation to needed VR services. The VR needs are identified on the comprehensive assessment and the needed VR services are also identified.

**No** response requires the following:

* The case record lacks documentation that identifies the VR needs of the client.

*INSTRUCTIONS TO STAFF:*

*The case record will contain reasonable justification of the services that will be provided in the IPE, considering the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choices of the individual. Include the nature and scope of services to be provided, consistent with the informed choice of the individual, using to the maximum extent possible and appropriate existing information that is current as of the date of the development of the IPE, including information available from other programs and providers, information provided by the individual and the individual’s family and information obtained under the assessment for determining the individual’s eligibility and vocational rehabilitation needs. (Added 02.12.10) 361.45 Development of the individualized plan for employment. (b) Purpose. (1) The designated State unit must conduct an assessment for determining vocational rehabilitation needs, if appropriate, for each eligible individual or, if the State is operating under an order of selection, for each eligible individual to whom the State is able to provide services. The purpose of this assessment is to determine the employment outcome, and the nature and scope of vocational rehabilitation services to be included in the IPE.*

**d.** **Describe the nature and scope of VR SERVICES to be included in the IPE *to the extent necessary* to the achievement of the employment outcome? 361.45 (f) (2) (i); 612:10-7-2 (c); 612:10.7.50.1 (a)**

**Yes** response requires the following:

* The case record documents the VR Services that the client requires to achieve an employment outcome. Those VR services are justified as necessary to compensate for, correct, any restrictions, limitations, or impediments to the employment outcome.

**No** response requires the following:

* The case record does NOT contain documentation concerning the VR services the client requires to obtain their employment outcome.

*INSTRUCTIONS TO STAFF:*

*Vocational rehabilitation services are provided using the service delivery methods, and within the time frames needed. Provision of services must be aimed at removing, substantially modifying or compensating for restrictions, limitations or impediments (612: 10.7.2) (l) The DSU must ensure that VR services are available to assist the individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choices of the individual.*

**INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE) DEVELOPMENT**

361.45; 612:612:10.7.51

**27. The participant was provided with the IPE *development option information* in writing, and in appropriate mode of communication?361.45 (c) (1) (i); 612:10.7.51 (a)**

*(The DSU must inform eligible individuals of the range of available options in obtaining assistance for purposes of developing the IPE, i.e. with DSU assistance, with non DSU assistance, or on one’s own. The DSU maintains final IPE approval authority as the Act requires)*

**Yes** response requires the following:

* The case record contains documentation that the client was informed of the IPE development option. There is a C-11 in the case record that identifies that this information was provided.
* This information is provided on page 6 of the Clients Rights and Responsibilities brochure; if during the course of the case file, there is a statement of this brochure being given to the client, then answer with a yes response.

**No** response requires the following:

* The case record does **NOT** contain any documentation with information that the client was informed of their right to develop their IEP with or without assistance from the counselor.
* There is no mention of the C R & R being given to the client anytime during the course of the case.

*INSTRUCTIONS TO STAFF:*

*This information is contained in the Clients Rights and Responsibility brochure on page 6. It clearly states that the client may write the plan themselves or with their counselor. To obtain a yes response, then it clearly must state the* ***C R & R brochure*** *was provided, not just that the rights and responsibilities were explained in the documentation. If there is documentation to the effect that this brochure was given to the applicant at application, then this satisfies this requirement.*

**28**. **The IPE was developed and implemented in a manner that gives eligible individuals the opportunity to exercise informed choice*,* consistent with selecting: employment outcome and setting, VR services, entity to provide services, and methods available to procure services.** [**361.45 (d) (2) (i-iv);**](https://compass.okdrs.gov/supportservices/msdpdps/casereview/Audit%20Tools/Reference%20Documents%20--%20Rehabilitation%20Act%20and%20Policy/361.43-361.44-361.45.pdf)[**612:10-7-51 (d) (1)**](https://compass.okdrs.gov/referencepoint/policymanual/Policy%20Manual%20PDPS%20Staff/Chapter%2010/Subchapter%2007/612-10-7-51.doc)

**Yes** response requires the following:

* There is documentation in the case record that indicates activities of informed choice by the client, or activities by the counselor giving the client information that indicates informed choice activities to be done.

**No** response requires the following:

* There is no documentation in the case record that would lead a Reviewer to make a determination that client had not exercised any informed choice. There is no discussion between client and counselor concerning any type of choices the client might need to make.

*INSTRUCTIONS TO STAFF:*

*Documentation must show activities of informed choice. Including information given to the client for opportunities to exercise informed choice.*

**29.** **The individual was informed of Rights and Responsibilities and Due Process at the time of the IPE development in writing and a copy of the CAP brochure provided.** [**361.45 (c)(2)(iii-iv);**](https://compass.okdrs.gov/supportservices/msdpdps/casereview/Audit%20Tools/Reference%20Documents%20--%20Rehabilitation%20Act%20and%20Policy/361.43-361.44-361.45.pdf)[**361.57 (b)(2)(iii);**](https://compass.okdrs.gov/supportservices/msdpdps/casereview/Audit%20Tools/Reference%20Documents%20--%20Rehabilitation%20Act%20and%20Policy/361.57.pdf)[**612:10-1-6 (b)(3);**](https://compass.okdrs.gov/referencepoint/policymanual/Policy%20Manual%20PDPS%20Staff/Chapter%2010/Subchapter%2001/612-10-1-6.doc)[**612:10-7-51(a)(1)(D)**](http://compass/referencepoint/policymanual/Policy%20Manual%20PDPS%20Staff/Chapter%2010/Subchapter%2007/612-10-7-51.doc)

**Yes** response requires the following:

* There is case record documentation that the client was informed of their rights and responsibilities and due process in the case file. Look for any C-11, letter to the client or other type of documentation.

**No** response requires the following:

* There is NO case record documentation in the case record that the client was informed of their rights and responsibilities or due process.

*INSTRUCTIONS TO STAFF:*

*This should appear on the planning narrative, if there is clear documentation of a Clients Rights and Responsibility* ***brochure*** *being given to the client, then the client has been informed in writing of their R & R. Documentation* ***must state “Brochure”*** *not just C. R & R being informed of.*

**30**. **The IPE is signed by the qualified vocational rehabilitation counselor and the individual, or as appropriate, the individual’s representative. 361.45 (d) (3) (i) (ii); 612:10.7.51 (d) (1)**

*(A qualified Counselor who is employed by the DSU must approve and sign the IPE and any amendments to the IPE)*

**Yes** response requires **ALL** the following:

* The signature sheet has all the required signatures for approval of the IPE. These are **client or representative, counselor and or program manager if appropriate.**

**No** response requires the following

* The signature sheet does not contain the required signatures or it has one but not all.

*INSTRUCTIONS TO STAFF:*

*All required signatures are needed on IPE, including if necessary parental signatures and Program Manager Signatures. Dates may vary when P.M. signature is required. The Act requires that a qualified vocational rehabilitation counselor’s signature is required. (Added 01.08.10) The date the client actually signed the plan on the original signature sheet.*

**31.** **A copy of the IPE was provided to the individual**. **361.45 (d) (4) (7); 612:10.7.2 (f); 612:10.7.51 (d) (1)**

**Yes** response requires the following:

* There is case documentation that indicates that a copy of the IPE was provided to the client, either personally or by mail, or through other means.

**No** response requires the following:

* There is no documentation that would indicate that the client was given or mailed a copy of the IPE, documentation is lacking in the case record to support this event.

*INSTRUCTIONS TO STAFF:*

*Documentation that indicates client was given copy of IPE. ORMIS cases will have a check mark, AWARE cases, look either in narrative (planning) or under section 5 on plan. (5.18.10)*

**32.** **Were established standards for the prompt development of the IPE, including the timelines that take into consideration the needs of the individual followed? 361.45 (e); 612:10-7-51 (a) (2)**

**Yes** response requires the following:

* Does the documentation indicate a “time frame” to develop the IPE and was the C-14 completed and signed by both the client, counselor and if appropriate by the Program Manger within the time frame agreed to.
* It is acceptable that PM signature is beyond the 90 days.
* This requires a C-14 to be in the case record if not completed within the 90 day time frame.
* 90 days from opening of a closed priority group.

**No** response requires the following:

* The IPE was **NOT** developed and signed by the appropriate people within the required time frame.
* There is no C-14 in the case record.

*INSTRUCTIONS TO STAFF:*

*This requires a completed and signed C-14 with an agreed upon day for development of the IPE. All signatures are required. Federal regulations do not specify a specific time frame, however they do*

**33**. **Did the individual, or as appropriate, the individual’s representative and the counselor jointly agree to an extension of time of a specific duration? 361.45 (e); 612:10.7.51 (a) (2)**

**Yes** response requires the following:

* The C.14 is signed by both counselor and client, and it is agreed upon extension of a specific duration of time.

**No** response requires the following:

* There is no signed C-14 in the case record.

**N/A** response requires the following:

* There IPE was developed within the 60 day time frame; there was no need for a C-14 form or extension of time.

*INSTRUCTIONS TO STAFF:*

*Specific duration of time means that the counselor and client agreed to an exact date that the plan will be developed by.*

**34**. **Has an evaluation of the client’s financial situation been completed, including income, assets, and liabilities and in-kind resources to determine if client is required to participate in the cost of any services? 361.54 (b) (1) (i); 361.46 (a) (6) (B) (C); 612:10.7.51 (d) (2)**

**Yes** response requires the following:

* Documentation shows a thorough review of client’s finances. A completed C-25 with proof of income (income tax returns, pay roll information, pay roll stubs, assets and in the case record verifying **all** assets) and allowed liabilities ( copies in the case record verifying **all** liabilities), are present in the case record, and have been reviewed and documented in a narrative.
* Client participation is clearly defined in the documentation and on the IPE.

**No** response requires the following:

* Documentation shows a completed a C-25 or there is an incomplete C-25 however; there is no proof of income (verification), liabilities or assets in case record. Poor or **NO** documentation of client’s current financial situation or client participation is not documented but it is required due to financial situation of client.

 **N/A** response requires the following:

* Exempt VR services are being provided; documentation shows that the client is exempt due to the nature of the VR services being provided. Or Client is recipient of SSI/DI and is exempt from cost of services.
* Client participation maybe required however, due to the nature of the VR services being provided on the IPE (for transition students, parental income), the client is exempt this requires documentation on a C-11.

*INSTRUCTIONS TO STAFF:*

*On the C-25 For Official Use Only is required to be completed. Verification means copies of all sources of income, assets, liabilities and other debts. Client participation in cost of services requires clear, concise documentation in the case record. Some VR services do not required client participation in their costs, clear documentation is required. Prior to any services being provided beyond diagnostic. (Added 01.08.10) Parents’ paying for a service is not considered a comparable benefit. SSI/DI or retirement of a family member or parental member is considered an asset and needs to be included in the financial needs test. (5.18.10)*

**35.** **Was a determination made prior to providing any Vocational Rehabilitation services that comparable benefits exist under any other program? 361.53 (a); 361.5 (b) (10) (i) (A); 361.46 (a) (6) (B) (C 612:10.3.2 (a) (1) (B); 612:10.3.2 (b) (c)**

**Yes** response requires the following:

* Case record documentation shows the identified comparable benefit, on a current C-25, or a narrative**,** or any identifying documents or an award letter to defray the cost of VR services.
* There is clear information identifying the source of the comparable benefit and how it is being utilized.

**No** response requires the following:

* There is **NO** documentation, (supporting documents or award letters) identifying any comparable benefits under any other program to defray the cost of VR services.
* C-25 is not filled out or “for office use section” is incomplete.
* Documentation is lacking in the case record addressing lack of comparable benefits.

**N/A** response requires the following:

* Documentation in the case record that even if there are **NO comparable benefits** for services, the documentation does address the lack of them.
* Or the services being provided on the IPE do not require comparable benefits. (i.e. Transition services )

*INSTRUCTIONS TO STAFF:*

*Comparable benefits are in source that has been identified private insurance, Medicare, Medicaid, public or private agencies, or other State or Federal or local public agencies or employee benefits, Mental Health services/Medication. Pell Grant, OTAG, however, awards or scholarships based on merit are not considered a comparable benefit.*

 *(c) Provision of services. (1) If comparable services or benefits exist under any other program and are available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual’s IPE, the designated State unit must use those comparable services or benefits to meet, in whole or part, to defray the costs of the vocational rehabilitation services. Federal Regulations Vol. 62, No. 28 Tuesday February 11, 1997 clearly define that it is the joint responsibility of the DSU and the individual to secure grant assistance from other sources before using VR funds to pay for training in institutions of higher education. The Senate committee bases its intent on an established public policy that the State vocational rehabilitation agency be the payor of last resort. This assures that more funds will be available to more individuals with disabilities while also assuring that other agencies and organizations live up to their obligations to individuals with disabilities.* *The Senate committee also clarifies that comparable benefits do not include awards and scholarships based on merit. The committee feels that individuals with disabilities, who achieve financial awards based on merit, should not have such awards used as basis to reduce publicly-funded assistance to achieve an employment outcome.(Parents paying for a services is not considered a comparable benefit)*

**36.** **Are the comparable benefits identified in question 35 utilized to defray all or part of the cost of Vocational Rehabilitation services identified on the individual’s IPE? 361.53 (c) (1)**; **361.5 (b) (10);** **612:10.3.2 (f)**

**Yes** response requires the following:

* Case record documentation identifies all comparable benefits that are available to the client at the development of the IPE, and are identified on the appropriate line of service on the IPE to defray the cost of that identified VR service. Comparable benefits were utilized consistently throughout the case record and IPE.

**No** response requires the following:

* The case record documentation does **NOT** identify comparable benefits nor does the line of services show any of the comparable benefits being utilized to defray the cost of the services on the IPE.

**N/A** Response requires the following:

* There were no comparable benefits to be utilized for the services on the IPE. Or the services are exempt from the search for comparable benefits and services.

*INSTRUCTIONS TO STAFF:*

*If 35 is N/A then 36 is N/A.*

**37. An IPE for an individual with a most significant disability for whom an employment outcome in a supported employment setting has been determined must: 361.5 (b) (53) (54);** **612:10.7.180**

*(Employment and retention services are not considered to be Supported Employment Services and therefore do not use this section if the case is a E & R case)*

**a. Specify expected need for extended services and their source, which may include natural supports, and: 361.46 (b) (2) (3); 612:10.7.183 & 184; 612:10.7.51 (e) (6) (A)**

**Yes** requires the following:

* The IPE has a line of service identifying the need for extended services which may include natural supports for the individual.

**No** response requires the following:

* The IPE lacks services that identify the need for extended services for the individual and fails to include natural supports.

*INSTRUCTIONS TO STAFF:*

*The IPE that includes supported employment services, information identifying: the extended services needed by the client, and the sources of the extended services, including natural supports.*

**b. Identify the source of extended services, including natural supports, or, to the extent that it is not possible to identify the sources of extended services at the IPE development, a statement describing the basis for concluding that there is a reasonable expectation that sources will become available. 361.46 (b) (3); 363.11 (g) (3) (i);** **612:10.7.51 (e) (6) (B)**

**Yes** responserequires the following:

* There is required documentation in the case record that identifies the source of extended services, including natural supports, and if not possible then a statement concluding that there is a reasonable expectation that sources will become available.

**No** response requires the following:

* There is no documentation that is found that would lead the auditor to think that extended services including natural supports are identified and no statement concluding that there is an expectation of them to be available.

*INSTRUCTIONS TO STAFF:*

*The IPE that includes supported employment services, information identifying: the extended services needed by the client, and the sources of the extended services, including natural supports, or an explanation concluding there is a reasonable expectation of a source will become available*

**c. Identify the weekly work goal? 361.46 (b) (4); 361.11 (g) (7);** 612:10.7.51 **(e) (6) (C)**

**Yes** responserequires the following:

* The IPE contains a weekly work goal on a line of service. The case record contains documentation of the weekly work goal specified in the IPE, is supported by the strengths, resources, priorities, concerns, abilities, capabilities and interests that were identified during the Comprehensive Assessment,

**No** response requires the following:

* There is no weekly work goal identified on the IPE or in documentation.

*INSTRUCTIONS TO STAFF:*

*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 include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resource, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual with the most significant disabilities.*

**d. Provide for periodic monitoring (90 days) to ensure the individual is making satisfactory progress toward meeting the weekly work requirement established in the IPE by the time of transition to extended services? 361.46 (b) (4); 361.11 (g) (3) (ii);** **612:10.7.182 Footnote 1**

**Yes** responserequires the following:

* The case record contains periodic progress reports that reports that the client is making progress to meet the weekly work requirement,

**No** response requires the following:

* Case record reflects no periodic progress reports. Documentation is lacking in the case record that shows the progress of the individual is being monitored.

*INSTRUCTIONS TO STAFF:*

*The case record documentation contain a record the analyses of progress reports from outside sources in light of the clients progress toward achieving the chosen employment goal.*

*Provide for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the IPE by the time of transition to extended services.*

**38. If Job Coach Services exceeded 18 months, was a plan amendment completed? 363.54; 612:10.7.185 (a); 612:10.7.185 (c) (3)**

**Yes** response requires the following:

* The case record contains a plan amendment that identifies the need for Job Coach Services beyond 18 months.

**No** response requires the following:

* The case record does **NOT** contain an amendment that identifies the need for Job Coach Services beyond 18 months.

**N/A** response requires the following:

* There was no amendment needed for Job Coach Services to exceed 18 months.

*INSTRUCTIONS TO STAFF:*

*For a period no to exceed 18 months, unless under special circumstances a longer period to achieve job stabilization has been jointly agreed to by the individual and the rehabilitation counselor and established in the individualized written rehabilitation program, before an individual with the most severe disabilities makes the transition to extended services.*

**39. Does the case record document that the services provided under an individualized plan for employment are coordinated with services provided under other individualized plans established under other federal or state programs? 361.46 (b) (5); 363.11 (g) (5)**

**Yes** responserequires the following:

* Is there another State or Federal Program that is also providing services and does the Individualized Plan that they require (for example, Mental Health Treatment Plan, DDSD Clients or Veterans), and if so does the plan show a coordinated set of services between the two Plans?

**No** response requires the following:

* The Individualized Plan do not indicate that there is a coordinated set of services that the client will require and they are not being provided to the client.

**N/A** response requires the following:

* If the client is not a Mental Health Client or a DDSD Client, or Veteran then choose N/A.

*INSTRUCTIONS TO STAFF:*

*Look for other Individualized Plans in the case record such as, treatment plans from Mental Health providers, IHP’s from DDSD services or community service providers. There should be a coordinated set of activities.*

**TRANSITION**

(If NOT a transition case Mark N/A)

361.5 (b) (55)

**40. Does the IPE coordinate with the IEP in terms of goals, objectives, and services identified? 361.45 (d) (8) (i-ii);** **361.46 (d) (8) (i); 361.5 (b) (55); 612:10.7.248**

**Yes** response requires the following:

* Documentation indicates the student’s IPE reflects the students transitioning needs as identified on the students IEP. There is a coordinated set of goals, objectives and outcomes.

**No** response requires the following:

* Documentation indicates the students IPE does not reflect the transitioning needs identified on the IEP.
* There is no IEP in case record.

*INSTRUCTIONS TO STAFF:*

*There should be a current IEP in each transition case record. Check each to see if the goals, objectives and services are identified on each one. Each IEP and IPE should have a coordinated set of activities (goals, objectives, and services) to assist the student in transition activities.*

*(Added 01/08/10) Any High School Student applied and or closed before graduation is considered Transition. Any High School Student that has been determined eligible for DRS services has to have an IPE written prior to graduation from High School.*

**SUBSTANTIALITY OF SERVICES**

361.47 (a) (14); 361.48; 612:10.7.52 (b)

If N/A then answer 41, 42, 43 &a. & 44

If 24 is yes make 46 auto yes, if 24 is No make sure you evaluate 46

**41**. **Were all significant goods and services that were provided to the individual identified in the IPE or amendments to the IPE? 361.47 (a) (2) (i); 361.48; 612:10.7.52**

**Yes** response requires the following:

* Documentation indicates that all of the significant goods and services that were identified as a vocational rehabilitation need was actually provided to the individual (identified through case notes, communication with service providers and/or copies of the authorizations and expenditure reports) were included in the original IPE or amendments to the IPE.

**No** response requires the following:

* There is lack of documentation that justifies why one or more identified vocational rehabilitation need was not provided or the there is a lack of significant services the individual received were not identified in the IPE or amendments.

*INSTRUCTIONS TO STAFF:*

*Federal Regulations request that substantial services be documented in the case record. Regular case recording which reflects the provision of vocational rehabilitation services in accordance with the approved IPE is required. Regular recording of counseling, guidance, and job placement services by staff is critical to the documentation of the client progress in achieving the established employment goal. Routine case management narratives are also important as they ensure the continuity of service provision when other staff will be required to work with the case. The counselor is to record the analyses of progress reports from outside sources in light of the clients progress toward achieving the chosen employment goal. If progress toward achieving the chosen employment goals has been interrupted, case recording must reflect the Counselor’s and client’s efforts to resume progress. Regular recording is most important since the documentation of counseling and guidance is the only way to show substantial services is being provided. They are descriptive of the framework within which counseling may be considered as a substantial service*

* *Assistance in selecting suitable and realistic vocational goals*
* *Assistance in understanding the client’s capacities, aptitudes and interests based upon the date secured during the case*
* *Providing information about occupations, education, health and other community services and facilities.*
* *Planning a program for attainment of selected goals.*

**42.** **Were all services necessary for the achievement of the employment outcome provided? 361.45 (b) (1); 612:10.7.51 (e)(2)(A)**

**Yes** response requires the following:

* Indicates that the individual received all of the services that were necessary to achieve the employment outcome planned on the IPE, even if they were not originally identified on the IPE. Documentation identifying those services.

**No** response requires the following:

* Indicates that there were one or more services that the individual should have but did not receive that would have assisted the individual to achieve the employment outcome, even if these services were not planned on the IPE.

*INSTRUCTIONS TO STAFF:*

*Federal Regulations request that substantial services be documented in the case record. Regular case recording which reflects the provision of vocational rehabilitation services in accordance with the approved IPE is required. Regular recording of counseling, guidance, and job placement services by staff is critical to the documentation of the client progress in achieving the established employment goal. Routine case management narratives are also important as they ensure the continuity of service provision when other staff will be required to work with the case. The counselor is to record the analyses of progress reports from outside sources in light of the clients progress toward achieving the chosen employment goal. If you’re reviewing a successful closure, the answer to this question will be “yes”. If reviewing a case that was closed in status 28, consider whether the necessary goods and services were provided in a timely manner up to the point at which the case was closed. Services that were planned to be provided after the date the case was close should not be considered in your analysis. Check authorization dates and IEP dates.*

**43**. **Were all services necessary for the achievement of an employment outcome provided in accordance with the timelines on the IPE without undue delays or interruptions on the part of DVR? 361. 50 (d) (1) (2); 612:10.7.52**

**Yes** response requires the following:

* Indicates that the individual began receiving services during the month agreed upon in the IPE. Timelines are to ensure that the provision of services is consistent with the individuals informed choice.

**No** response requires the following:

* Indicates that the services were not initiated in a timely manner in accordance with the agreed upon dates in the IPE. There is little or no documentation supporting any determinations or reasons why services were not provided in a timely manner according to the timelines on the IPE.

*INSTRUCTIONS TO STAFF:*

*Check authorization dates to see if services were provided in a timely manner. VR services are provided as specified on the IPE. If services listed on the IPE are not provided in a timely manner, there should be documentation that explains reasons for non delivery of that service. Look at services up until time of closure.*

**a. If NO, does the case record documentation substantiate the reasons for delays or interruptions for the services on the IPE, not being provided to the individual? 361.46 (a) (3); 612:10.7.52**

**Yes** response requires the following:

* Documentation in the case record indicates that there were no undue delays or interruptions to service provision or that any delays or interruptions that occurred were not caused by DRS. Documentation explains the reasons for delays or interruption of services.

**No** response requires the following:

* There is no documentation in the case record to support the reasons for any delay or interruption to service provision part or whole, by DRS.

**N/A** response requires the following:

* Appropriate response to this question if no delays or interruptions occurred during the life of the case record

.

*INSTRUCTIONS TO STAFF:*

*Any delay or interruption in services must be documented during the life of the case record.*

**44. Does the case record documentation reflect the counselor maintained contact with individual? 361.46 (a) (5); Removed from policy-added to ITS in near future**

**Yes** response requires the following:

* Indicates that the service record contained evidence that the individual’s progress is monitored toward completion of the IPE. This can include direct contact between the individual and as documented in the case notes, or contact with third party service providers.
* The reviewer should perceive that the parties worked together well to achieve the employment outcome, maintained productive communication, and partnered well to conduct planning activities and to carry out the responsibilities of the IPE.
* If the case record indicates that a partnership did not evolve, it should reflect that appropriate efforts to improve the working relationship were made. Documentation should indicate that intervention was in a timely manner when events requiring the direct involvement arose or the individual got off track from his or her employment plan.

**No** response requires the following:

* Indicates that the service record contains no evidence that any monitoring of progress with the individual after the development of the IPE. There are extended periods of time (beyond 6 months) that there is no contact with client. Case record indicates that no activity has taken place during the time frame.

**N/A** response requires the following:

* No face to face contact was established between client and counselor prior to case closure. (3.12.10)

*INSTRUCTIONS TO STAFF:*

*Documentation needs to show that contact was not just at annual reviews. (Added 02.05.10) Letters in case record for appointments and attempts to contact.*

**a.** **If NO, were reasons for extended periods without contact documented in the case record? 361.46 (a) (5) (ii) (A);** **Removed from policy-added to ITS in near future** (**If 44 is Yes or N/A, choose N/A)**

**Yes** response requires the following:

* Indicates that were extended periods without contact but there is legitimate documented reasons for the period in the service record. This can be due to client moving, change of phone number, or contact information was changed.

**No** response requires the following:

* Indicates that the period without contact was not legitimate or not documented in the service record.

**N/A** response requires the following:

* Appropriate response to this question if sufficient contact was maintained with the individual.

*INSTRUCTIONS TO STAFF:*

*Case record documentation indicates that monitoring the individual’s progress toward completion of the IPE, that if contact was lost with the client then case recording activities show attempts to reestablish contact or if this failed then other sources were contacted.*

**45. Does the case record documentation show counseling and guidance, including information and support services to assist an individual in exercising informed choice? 361.52 (a) (2-4); 361.47 (a) (7); 612:10-7-2 (c); 612:10-7-25.1(f)**

**Yes** requires the following:

* The service record contains mandatory narrative recordings at: Application, Eligibility, IPE development, Program/financial reviews and Case closures when applicable. Every IPE will include Counseling and Guidance.

**No** response requires the following:

* The service record lacks required narrative recordings and/or Counseling and Guidance is not included in the IPE.

**N/A** response requires the following:

* No face to face contact was established between client and counselor prior to case closure. (3.12.10)

*INSTRUCTIONS TO STAFF:*

*Counseling and guidance and activities of informed choice can come in many forms during the case recording. Situations where the counselor may convey information that the individual may choose from. Including training, service providers, financial aid options, use of Pell grant, client participation in cost etc. Examples: Assisting the client in understanding and adjusting to their disability; understanding his/her capabilities and interests; developing a program w/ the client to achieve the selected goals;  provide the client w/ information concerning occupations, education, health,  DRS services and community resources*

*F.R V. 66, N. 11, Wednesday, January 17, 2001 states “The document types that will comprise the record of services maintained by the DSU relate directly to the DSU’s ability to demonstrate its compliance with important service provision requirements in the law, as well as its ability to justify its decisions (e.g. eligibility determinations) regarding the individual’s participation under the VR program.” 361.52 specifies that applicants and eligible individuals must be given opportunities to exercise informed choice in selecting assessment services, and in selecting an employment outcome, VR services needed to achieve that outcome, entities providing services and methods used to secure the services. They believe it is appropriate and prudent to require documentation describing the extent to which the applicant or eligible individual exercised informed choice in accordance with the Act’s requirements.* *In a Policy Directive RSA-PD-01-03, Dated January 17, 2001, page 6, from RSA, it states clearly that “The VR counselor facilitates the process with knowledge of rehabilitation and the VR process”. “It is generally the responsibility of the VR counselor to inform the individual about available options for developing the IPE and for exercising informed choice and to assure that the individual understands the options.”*

**46. Does the case record contain documentation about referrals to any State or Federal programs, including other components of the statewide Workforce Investment system? 361.47 (a) (13); 612:10.7.21.1 (b)**

**Yes** requires the following:

* The case record contains documentation that a referral was made by the counselor.

**No** response requires the following:

* The case record contains no documented referral made by the counselor.

**N/A** response requires the following:

* A referral was unable to be made for the client due to death or client refused any type of referral opportunity.
* Homemakers where the individual is working in the home. This referral is not necessary.
* Job retention case/client is working no referral is necessary (added 01/08/10)

*INSTRUCTIONS TO STAFF:*

*Federal regulations require that in the case record there be documentation of:*

*(13) In the event an individual is referred to another program through the State unit’s information and referral system under § 361.37, including other components of the statewide workforce investment system, documentation on the nature and scope of services provided by the designated State unit to the individual and on the referral itself, consistent with the requirements of § 361.37.* *Question 24. If Yes, then make Question 46 and automatic yes. IF 24 is NO, make sure you evaluate 46.*

**Amendments**

 361.45 (d) (6) (7); 612:10.7.51(d) (2)

***N/A*** *response indicates that no amendment was completed in the case record (added 1.8.10) If amendment is in case record yet unsigned by client, counselor and PM, and if applicable, FC then mark N/A.*

**47. Was the IPE amended in a timely manner to address changes in the employment outcome, Vocational Rehabilitation services, vendors, or extension in program completion dates? 361.45 (d) (6) (7); 612:10.7.51(d) (2)**

**Yes** response requires the following:

* The case record indicates that an amendment was necessary and the service record contained a signed, dated and completed amendment.

**No** response requires the following:

* The case record indicates that an amendment was necessary, but the amendment was not completed.

*INSTRUCTIONS TO STAFF:*

*The IPE is amended, as necessary, if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the providers of the vocational rehabilitation services.*

**48. Has an evaluation of the individual’s financial situation been completed, including income, assets, and liabilities to determine if the individual is required to participate in the cost of any services?** **361.46 (a) (6) (B, C);** **361.54 (b) (1);** **612:10.7.2 (f); 612:10-7-51(d)(2)**

**Yes** response requires the following:

* Documentation indicates that a completed a review of the financial need analysis, there is verification in the case record of all assets and liabilities and client participation was applied per DRS policy if applicable. C-25 is completed and all assets and liabilities are verified. Verified means copies of payroll stubs and other documentation by policy requirements.

**No** response requires the following:

* Documentation is lacking that at the review of the financial need analysis was not conducted on this case record. There is no C-25 in case record that shows the same date as the annual review.

**N/A** response requires the following:

* Indicates client is exempt from financial consideration, or services provided are exempt. Services such as job placement services or no new services added to amendment.

*INSTRUCTIONS TO STAFF:*

*A financial review is required at the annual review of the IPE. Especially if there is client participation in cost of services or a change in the financial situation of the individual.*

**49**. **Documentation that the individuals’ rights and responsibilities were provided at the time the IPE was amended that reduces, suspends or terminates any VR service. 361.57 (b) (1) (i-v), (2) (iv);** **612:10.7.2 (e)**

**Yes** response requires the following:

* There is case record documentation that the client was informed of their rights and responsibilities and due process in the case file. Look for any C-11, letter to the client or other type of documentation.

**No** response requires the following:

* + There is NO case record documentation in the case record that the client was informed of their rights and responsibilities or due process.

*INSTRUCTIONS TO STAFF:*

* *Any amendment that changes the services provided or limits the services the client is to be informed of their rights and responsibilities and Due Process. This also is printed on the signature sheet to the IPE on ORMIS cases, and AWARE*.

**50. The IPE Amendment is signed by the qualified vocational rehabilitation counselor and the individual, or as appropriate, the individual’s representative. 361.45 (d) (3) (i) (4) (7);**

**Yes** response requires **ALL** the following:

* The signature sheet has all the required signatures for approval of the Amendment to the IPE. These are **client or representative, counselor and**/**or program manager if appropriate.**

**No** response requires the following:

* The signature sheet does not contain the required signatures or it has one but not all.

*INSTRUCTIONS TO STAFF:*

*The signature of the P.M. may be dated differently than the client and counselor. Federal Regulations state that amendments do not take effect until agreed upon and signed by eligible individual, or representative, and qualified vocational rehabilitation counselor employed by DSU.*

**51.** **A copy of the IPE Amendment was provided to the client. 361.45 (d) (4) (7);** **612:10.7.2 (f); 612:10.7.51 (d) (2)**

**Yes** response requires the following:

* There is case documentation that indicates that a copy of the IPE amendment was provided to the client, either personally or by mail, or through other means.

**No** response requires the following:

* There is no documentation that would indicate that the client was given or mailed a copy of the IPE amendment, documentation is lacking in the case record to support this event.

*INSTRUCTIONS TO STAFF:*

*Federal regulations specify that the client is to receive a copy of the IPE and any amendments made. On ORMIS cases there is a check mark on the bottom of the Signature Sheet C-29 for a yes response. AWARE does not have this check mark location, documentation is required that the client received a copy of the Amendment*.

**Annual Reviews**

 361.45 (d) (5); 612:10.7.51(d)(5)

**52.** **The IPE was reviewed at least annually by the qualified vocational rehabilitation counselor and the eligible individual to assess progress in achieving the identified employment outcome? 361.45 (d) (5); 612:10.7.51 (d) (5)**

*(A counselor must conduct the required annual review of the IPE and assess the individual’s progress toward achieving the identified employment outcome since the DSU is responsible for the proper delivery of services and the outcome of the individual’s participation in the program)*

**Yes** response requires **all** the following:

* That the Qualified Vocational Rehabilitation Counselor completed the annual review of the IPE along with the other necessary components of the annual review process. Documentation indicates that a comprehensive review of the entire IPE has been done, and the client was given the opportunity to review, participate in its redevelopment if necessary, and has agreed to its terms.

**No** response requires the following:

* That the Qualified Vocational Rehabilitation Counselor did not complete an annual review of the IPE, either by only sending a letter notifying client, or entering a case narrative without other components of the annual review process. Or the documentation indicates that the Tech or other person conducted the Annual review.

*INSTRUCTIONS TO STAFF:*

*Annual reviews should take place at least annually from the date of the IPE. There can be situations where the annual review was not able to be completed until a later date; however documentation should clarify this when completed. Federal Regulations state that a “Qualified Vocational Rehabilitation Counselor” conduct the annual review, (5.18.10) A plan revision done at annual review is considered an annual review for that time. (6.15.2010)*

**53**. **Has an updated evaluation of the individual’s financial situation been completed, including income, assets, and liabilities to determine if the individual is required to participate in the cost of any services?** **361.54 (b) (1); 612:10.7.51 (d) (2)**

**Yes** response requires the following:

* The case record contains an updated C-25 with verified proof of income and liabilities.
* Documentation in case record indicates that the amount of client participation is assigned to a line of service on the IPE and documented in the case record.

**No** response requires the following:

* The case record contains no updated C-25 or if present lacks proof of income and liabilities.
* The case record lacks documentation identifying the financial situation of the client.

**N/A** response requires the following:

* The services provided are exempt from participation in services (i.e. work site learning, individual is exempt from due to recipient of SSI/DI), or financial determination due to the type of VR services being provided, or the amendment has no change in services.

*INSTRUCTIONS TO STAFF:*

*Case record documentation shows that the C-25 was completed and all assets and liabilities have been reviewed and documented. As needed the client participation in cost of services is clearly defined in documentation and on the service of the IPE. If no services are being provided at the time of the annual review that require financial needs test, a C-25 may not be in case record. (5.18.2010)*

**SUCCESSFUL CLOSURE**

**(If not Successful Mark N/A)**

361.56 (a) (b) (c) (d); 361.47 (15); 361.47 (a) (9) (14); 612:10.7.58 (a) (1)

**54. Case record documentation must support that the following criteria have been met:**

**a.** **The individual has achieved the** **employment outcome *that is described* in the individuals IPE and is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice and most integrated setting possible? 361.56 (a); 612:10.7.58 (a) (2)**

**Yes** response requires the following:

* indicatesthat the employment outcome that the individual achieved, regardless of whether or not the it was the one planned in the IPE and/or amendments, was consistent with the individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. To determine this, review the information contained in the comprehensive assessment and any subsequent documentation of the individual’s current priorities, concerns, etc.
* If the outcome was not the most appropriate outcome, but the individual chose it, look for evidence that the client was provided enough opportunity to make an informed choice about that outcome.

**No** response requires the following:

* Indicates that the employment outcome that the individual achieved is not a good match for his or her strengths, resources, priorities, concerns, etc., based on the information contained in the comprehensive assessment and subsequent documentation.

*INSTRUCTIONS TO STAFF:*

*The amendment can reflect that the employment outcome was different than the original IPE if the supporting documentation shows that the current employment outcome is consistent with the individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.*

*However an amendment to close a record as successful rehabilitated that shows the individual returning to the same work environment doing the same job as when they became disabled may raise questions for the reviewer. Look for documentation supporting such a decision on the part of the client to return to a work environment that will or may cause more harm to them.*

**b. The individual has maintained the employment outcome for an appropriate period of time, but not less than 90 days, to ensure the stability of the employment outcome and the individual no longer needs VR services? 361.56 (b); 612:10.7.56 (a) (4) (h)**

**Yes** response requires the following:

* Indicates that the date that the individual began working at a job that is consistent with the planned employment outcome was greater than or equal to 90 days prior to closure, employment is considered to be stable and suitable by both the Counselor and the individual. If the individual switched jobs during those 90 days, there was no significant lapse in time between jobs and the new job is also consistent with the planned employment outcome.

**No** response requires the following:

* Indicates that the individual has been in a suitable job for less than 90 days prior to closure or that the job stability is not assured at the time of closure.

*INSTRUCTIONS TO STAFF:*

*Case record documentation must reflect that the individual maintained employment for no less than 90 days.*

**c. The individual and the qualified rehabilitation counselor consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment? 361.56 (c); 612:10.7.58 (a) (5) (h)**

**Yes** response requires the following:

* Indicates that the service record contains documentation that the Counselor and individual both agree that the individual is performing well in employment, and is expected to continue to do so without further DRS goods and services. Documentation should reflect that a direct conversation occurred when possible.
* However, in cases where a direct conversation was clearly not possible according to the counselor’s documentation, a letter can be sent to the individual stating that if the counselor does not hear back, he or she will assume that the individual is performing well in employment and expects to continue to do so without further DRS goods and services.

**No** response requires the following:

* Indicates that the agreement was not documented in the service record, and/or that the counselor made no attempt to determine the individual’s assessment of his/her job performance.

*INSTRUCTIONS TO STAFF:*

*Look for an agreement on the individual’s part that they are performing well on the job and will continue to do so without further VR services.*

**d. The individual was informed through appropriate modes of communication of the availability of post-employment services? 361.56 (d); 612:10.7.58 (h)**

**Yes** response requires the following:

* The case record documents the availability of post employment services in a C-11 narrative using appropriate modes of communication for that individual if necessary.
* ORMIS has a statement on the C-35 Closure that states the client was informed of post employment services if box is check then answer is yes.
* AWARE does not contain this statement. Therefore needs to be addressed in the closure statement.

**No** response requires the following:

* There is NO C-11 that indicates the client was informed of the availability of post employment services. There is no clear documentation that PE services were addressed with the client.

*INSTRUCTIONS TO STAFF:*

*Documentation should support the determination that Post Employment services were addressed with the client prior to closure.*

**55**. **If individual obtains competitive employment, verification that the individual is compensated at or above the minimum wage and that the individuals wage and level of benefits are not less than customarily paid by the employer for the same or similar work performed by non disabled individuals, is documented in the case record? 361.47 (a) (9); 612:10.7.58 (h)**

**Yes** response requires the following:

* Case record documentation that verifies the client is working at or above the minimum wage and level of benefits is not less than customarily paid by the employer for the same or similar work performed by non disabled individuals.

**No** response requires the following:

* The case record contains no documentation that the client is working at or above the minimum wage and level of benefits is not less than customarily paid by the employer for the same or similar work performed by non disabled individuals.

**N/A** response requires the following:

* The case record is a homemaker case and there is no earned income to be documented in the case record. But the documentation does show how the services provided improved their ability to function in their home environment.

*INSTRUCTIONS TO STAFF:*

*There needs to be verification in the case record that the client is working at or above the minimum wage and level of benefits this can be through pay roll verification. It must show the employer name, address, phone number, hourly wage and benefits.*

**56. Does the case record contain documentation that the *services* provided under the individual IPE *contributed to the achievement of the employment outcome?* 361.47 (14); 612:10.7.58 (c) (d) (h) Footnote 4**

**Yes** response requires the following:

* Indicates that the individual’s job at the time of case closure was consistent with the specific employment outcome planned in the IPE and/or the most recent IPE amendment and for which services were provided and indicates that the individual would not have been able to achieve the employment outcome without having been provided the services that he or she was provided through DRS.

**No** response requires the following:

* Indicates that the individual’s job at the time of case closure was in an occupation different from the one planned on the IPE and/or IPE amendments and for which services were provided and indicates that the individual could have attained the same employment outcome without one or more of the services that were provided through DRS.

*INSTRUCTIONS TO STAFF:*

*The services provided must be substantial in nature and contributed to the employment outcome planned on the IPE or most recent amendment to the IPE. Documentation must support the services were needed for the individual to become employed and without them would have not become employed in that employment outcome.*

**57**. **At the time of closure was the client informed of Client Assistance Program, client’s rights and responsibilities in writing? 361.57(b) (1) (i-v) & (2) (iv);** **612:10.1.6. (b) (4); 612:10.7.58 (h); 612:10.7.2 (e)**

**Yes** response requires the following:

* There is a copy of the letter informing client of case closure, or ORMIS C-35 with “copy provided to client” checked, AWARE letter contains statements of Clients Assistance Program and the client’s rights and responsibilities ORMIS closures have this on the C-35 There is also documentation supporting that the client was mailed, or given a copy of the letter.

**No** response requires the following:

* There is no documentation supporting the fact that the client was given or mailed a copy of the closure letter. The C-35 off ORMIS the “copy provided to client” is not checked, there is no documentation in the case record to lead the reviewer to conclude the client was informed of case closure.

*INSTRUCTIONS TO STAFF:*

*On the C-35 closure statement there should show a check mark on the copy provided to client, also on AWARE the letter covers the required documentation.*

**UNSUCCESSFUL CLOSURE**

**(If not an Unsuccessful Closure Mark N/A)**

361.43; 361.44; 361.47 (a) (2)

*(if an individual becomes too severely disabled to achieve an employment outcome, {as supported by clear and convincing evidence} or, for whatever reason, stops participating in the VR program then the DSU need not continue serving that individual)*

**For Cases closed prior to eligibility determination:**

**58. Did the applicant decline to participate in, or was unavailable to complete, an assessment for determining eligibility and priority for services? 361.44; 612.10.7.24.5**

**Yes** response requires the following:

* There is documentation in the case record that the individual either refused to participate or was unable to participate in the assessment for determining eligibility and priority for services. The case record must show that attempts were made to engage the individual.
* May be in the form of letters, contact narratives or contact messages with individual’s family and friends.

**No** response requires the following:

* The case record lacks documentation that the individual was contact prior to case closure either by mail, phone calls or message with family and friends. There is a consistent lack of evidence that would conclude that the individual was contacted by the counselor.

*INSTRUCTIONS TO STAFF:*

*Answer this question for any closure that is closed from Applicant or Service status, “Other reasons” other than ineligible means as appropriate other reasons, death, unable to locate, moved out of state. There needs to have supporting documentation that shows that the applicant or eligible individual is refusing to participate in VR services.*

*Documentation shows that opportunities have been given to the applicant or eligible individual for contact and the client has failed to comply. This can be a tech note, contact note, letters requesting contact.*

*This shows that the applicant or eligible individual is choosing not to participate in VR services. And it becomes an informed choice decision on their part not to participate.*

**59**.  **Did the counselor make a reasonable number of attempts to contact the applicant or, if appropriate, the applicant’s representative to encourage the applicant’s participation? 361.44; 612: 10.7.24.5 (b)**

**Yes** response requires the following:

* The case record contains evidence that the individual was contact several times in attempts to engage them in the rehabilitation process.

**No** response requires the following:

* The case record lacks evidence that the individual was contacted prior to case closure. There is a significant lack of documentation what would conclude that there had been any contact with the individual to encourage them to participate in the rehab process.

**N/A** response requires the following:

* Applicant is in the penal system unable to participate in the VR process. (3.12.10)

*INSTRUCTIONS TO STAFF:*

*These recordings must show that attempts were made over a period of time, and be reasonable in number. Federal regulations state “reasonable number of attempts”. One attempt would be considered reasonable if client has moved out of state with no forwarding address or contact number, however one attempted contact or a message left with family or locator number would not be considered reasonable number of attempts.*

**For All Unsuccessful Closures:**

**60. Case record documentation must support that the following criteria has been met: 361.43 (a-d)*.***

**a. The determination was made only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual’s representative. 361.43 (a); 612: 10.7.24.5 (c); 612:10.7.59 (a); 612:10.7.60 (b)**

**Yes** response requires the following:

* Does the case record contain adequate documentation that indicates that reasonable attempts were made to communicate with applicant or eligible individual about the determination of case closure? Documentation shows attempted phone calls, letters, contact with other family members, messages left with them informing client of reasons to contact counselor.

**No** response requires the following:

* Little or no documentation that indicates attempted contact with the applicant or eligible individual, or family members that might know whereabouts of client.

**N/A** response requires the following:

* Applicant is in the penal system unable to participate in the VR process.
* Applicant/client has expired and providing opportunity for full consultation is not feasible. (3.12.10)

*INSTRUCTIONS TO STAFF:*

*C-11 narratives or letters showing attempted contact with the applicant or eligible individual or contact with locators or family members. Case recording of regular attempts to contact the applicant or eligible individual failed due to the* *applicant or eligible individual* *moving, not in state, no phone number no known location. If left messages with answering machine, or family members the client failed to respond to any attempts to return a call.*

*These recordings must show that attempts were made over a period of time, and be reasonable in number.*

*Look to see if no contact went on for extended periods of time such as a year or more between annual reviews with no other attempts being made by staff to contact the client.*

**b**. **The** **individual was informed in writing, supplemented as necessary by other appropriate modes of communication, of the ineligibility determination, including reasons for that determination, and the means by which the individual may express and seek remedy for any dissatisfaction. 361.43 (b); 612:10.1.6 (b) (4); 612: 10.7.24.5 (c); 612:10.7.59 (a) (b); 612:10.7.60 (b)**

**Yes** response requires the following:

* Case record documentation shows that the closure letter was mailed to applicant or eligible individual, prior to closing case. Documentation in case record supports the reasons for the determination.

**No** response requires the following:

* Case record documentation shows that the closure letter was mailed **after** the case was closed. There is no documentation in the case record that supports the determination to close the case record.

*INSTRUCTIONS TO STAFF:*

*The documentation in the case record shows the determination to close case record and supports the decision to close, plus the documentation indicates the reasons for case closure. There is a copy of the letter informing applicant or eligible individual of case closure, or C-37 with “copy provided to client” (ORMIS form) checked, the AWARE letter contains statements of Clients Assistance Program and the client’s rights and responsibilities. There is also documentation supporting that the applicant or eligible individual was mailed, or given a copy of the letter.**Even in situations where client has expired or in the penal system, a letter of closure mailed will inform client/applicant/family members that case is closed. (3.12.10)*

**c. The individual was provided with a description of services available from a client assistance program and information on how to contact that program. 361.43 (c); 361.57 (2) (iv); 612:10.1.6 (c) (2); 612:10.7.24.5 (c); 612:10.7.59 (a)**

**Yes** response requires the following:

* Case record documentation shows that a letter was mailed and or delivered to applicant or eligible individual or applicant or eligible individual was notified by other means appropriate for that individual.

**No** response requires the following:

* Case record documentation is lacking to support that a letter was mailed to applicant or eligible individual or applicant or eligible individual had been notified by other means.

*INSTRUCTIONS TO STAFF:*

*Case record documentation shows that the letter was mailed to the applicant or eligible individual that is no longer receiving services. Copy of letter in case file is required. Even in situations where client has expired or in the penal system, a letter of closure mailed will inform client/applicant/family members that case is closed. (3.12.10)*

**d. The individual was referred to Either 1) other programs that are part of the One-Stop service delivery system OR 2) a local extended employment provider if the ineligibility determination is based on a finding that the individual is incapable of achieving an employment outcome. 361.43 (d) (1) (2); 612:10.7.59 (a)**

**Yes** response requires the following:

* Documentation showing a referral to the One Stop Services through the local Workforce agency. Or to a local extended employment provider.

**No** response requires the following:

* The case record contains no referral to Workforce or to a local extended employment provider nor contains documentation supporting that a referral was given to the client.

**N/A** response requires the following:

* Case was closed due to applicant or eligible individual death. Unable to make this referral.
* Client is incarcerated at the time of closure. Institutionalized also included nursing homes.
* Client has/or is currently accessing One Stop Services (added 01/08/10)
* Homemakers do not require the referral to One Stop Services. (5.18.10)

*INSTRUCTIONS TO STAFF:*

*Documentation in the case record that the applicant or eligible individual was referred to the Workforce office or to a local extended employment provider. (Q. 2, 23, 60d. all require appropriate format be addressed. Personal information page will give appropriate format needed, Seeing it one time will tell you what format is and then no longer necessary to repeat what the format is. However, it is still necessary to document in the case that each particular item (CRR and DP at application, order of selection and ineligibility) were given to the client in the appropriate format and at the appropriate time. (8/26/12).*

**For all cases closed unsuccessfully:**

**61.  If the ineligibility determination is based on a finding that the individual is incapable of achieving** **an employment outcome**:

**a. The individual was informed of the procedure to request a review of the determination. 361.43 (e); 612:10.7.59 (a)**

**Yes** responserequires the following:

* Documentation in the case record shows the client was informed of the procedure for mediation and given the information about Clients Assistance Program.

**No** response requires the following:

* Documentation in the case record shows the client was NOT informed of the procedure for mediation and given the information about Clients Assistance Program.

***The individual requested a review of the determination****:*

**X**

**b. The determination was reviewed within 12 months and annually thereafter. 361.43 (e); 612:10.7.24.4(b); 612: 10.7.59 (a); DRS-C-39**

(Mark N/A if the date of closure is less than 12 months prior to the audit date or if the individual did not request a review of the determination.)

**Yes** responserequires the following:

* The documentation in the case file supports the determination to close the case; And that the case has been reviewed within 12 months of the determination to close the case.

**No** response requires the following:

* The documentation in the case file does NOT support the determination to close the case; there is NO documentation that the case record has been reviewed within 12 months of the closure.

**N/A** response requires the following:

* Mark N/A if the date of closure is less than 12 months prior to the audit date or if the individual did not request a review of the determination
* This case was not closed unable to achieve an employment outcome but was closed due to other reasons or ineligibility.

*INSTRUCTIONS TO STAFF:*

*Documentation shows that the client also does not want annual reviews every 12 months or one of the situations is documented in the case record. Clear and convincing evidence means that the DSU shall have a high degree of certainty before it can conclude that an individual is incapable of benefiting from services in terms of an employment outcome. The clear and convincing standard constitutes the highest standard used in our civil system of law and is to be individually applied on a case-by-case basis. The term clear means unequivocal. The demonstration of “clear and convincing evidence” must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology), in real life situations.*