

CRITERIA FOR CASE CLOSURE

I. LEGAL AUTHORITY:

Rehabilitation Act of 1973, as amended through 1998; 34 CFR 361.44, 34 CFR 361.56

II. POLICY STATEMENT AND PURPOSE:

The Office of Rehabilitation Services provides vocational rehabilitation services on a time limited basis to eligible individuals to assist them in attaining their employment goals. Cases will be closed when an individual has successfully achieved her or his employment goal and satisfactorily maintained her/his work status, or when other circumstances require that the case be closed without successful achievement of a vocational goal. Case closure will occur in consultation with the applicant or client, unless unfeasible. The agency will observe all applicable statutes and regulations when initiating case closure.

A. CONDITIONS AND CRITERIA:

1. Case Closed, Rehabilitated - occurs ninety (90) or more days following successful rehabilitation (when vocational rehabilitation services have contributed to appropriate employment).
 - a) Cases Closed, Rehabilitated, must meet the following criteria:
 - (1) All earlier phases of the vocational rehabilitation process were properly completed, e.g., application signed, eligibility decision, etc., AND
 - (2) Evaluation of rehabilitation potential and counseling and guidance were provided as essential services; AND
 - (3) Substantial vocational rehabilitation services occurred and were listed on the IPE; AND
 - (4) Appropriate employment has been maintained for at least the last ninety (90) days prior to closure; AND
 - (5) The need for post-employment services was assessed with the individual; AND
 - (6) The rationale for closure was discussed with the individual and proper written notification with due process information was provided.
2. Case Closed, Not Rehabilitated - occurs at any point in the rehabilitation process where services were either not received or not completed.

- a) Cases Closed, Not Rehabilitated, must meet the following criteria:
 - (1) Case closed, not rehabilitated, pre-eligibility: the case of any individual who applied for service but did not complete the evaluation;
 - (2) Case closed, not rehabilitated, ineligible: the case of any individual who applied for service, completed evaluation, and was found to be ineligible for service at any point in the rehabilitation process;
 - (3) Case closed, not rehabilitated, post-eligibility, pre-service: the case of any individual who applied for service, was found eligible, no IPE written;
 - (4) Case closed, not rehabilitated, post-eligibility, pre-service: the case of any individual who applied for service, was found eligible, and with whom an IPE was written but no service was initiated prior to closure;
 - (5) Case closed, not rehabilitated, post-plan: the case of any individual with whom an IPE was written, services initiated but not completed, or achievement of the employment goal was unsuccessful.

III. PROCEDURES:

A. Closure of cases prior to eligibility decision

- 1. The counselor may close a case without determining eligibility when, for at least sixty (60) days, an applicant for services:
 - a) Is unavailable to complete an evaluation of vocational rehabilitation potential and the counselor has made repeated efforts to contact and encourage the individual to participate;
 - b) Fails to cooperate with ORS requirements for eligibility determination; or
 - c) Refuses to continue her/his involvement in the process.
- 2. Notification requirements
 - a) The written notice must contain the following:
 - (1) The Agency's decision;
 - (2) The basis for the decision;
 - (3) The effective date of the decision;

- (4) The individual's due process rights and the names and addresses of individuals with whom appeals may be filed; and
 - (5) A statement of the availability of and how to contact the Client Assistance Program.
 - b) As necessary, the applicant must be informed of the above information through appropriate modes of communication.
 3. Documentation requirements
The narrative entry in the case record must include:
 - a) The reason for closure;
 - b) The actions or lack thereof that contributed to the decision; and
 - c) the individual's employment status.
- B. Closure of cases which do not meet eligibility requirements
 1. Certification of Ineligibility:
 - a) Whenever the agency determines, on the basis of clear and convincing evidence, that an applicant does not meet the eligibility criteria (Section 115.2), there must be a certification of ineligibility signed and dated by a qualified vocational rehabilitation counselor.
 - b) The certification of ineligibility must indicate the reasons for the ineligibility determination.
 - c) In closures due to inability to benefit from VR services, the rationale, based on use of trial work experiences/extended evaluation with appropriate supports, for the ineligibility decision must be documented in the case narrative.
 - (1) The rationale must clearly document that the trial work experiences/extended evaluation have demonstrated that the individual is not capable of achieving a vocational goal.
 - (2) A certification of ineligibility is then completed.
 2. Consultation
The ineligibility determination is made only after full consultation with the individual or, as appropriate, the individual's parent, guardian, or other representative, or after giving a clear opportunity for the consultation.
 3. Notification
An applicant or recipient determined to be ineligible for vocational rehabilitation services must be notified in writing (supplemented as

necessary by appropriate modes of communication consistent with the informed choice of the individual) of the action taken by the counselor.

- a) The notification requirements consist of the following:
 - (1) The Agency's decision;
 - (2) The basis for the decision;
 - (3) The effective date of the decision;
 - (4) The individual's due process rights and the names and addresses of individuals with whom appeals may be filed; and
 - (5) A statement of the availability of and how to contact the Client Assistance Program.

4. Documentation requirements
 - a) The case record must document and specify the reasons for the ineligibility determination.
 - b) In those cases where a ineligibility decision is based on the finding that an individual is incapable of achieving an employment outcome, a review must be completed not later than twelve (12) months after the determination was made and annually thereafter if requested if requested by the individual or individual's representative.
 - c) The documentation regarding the reason for closing the case must include the individual's employment status.
 - d) The narrative entry in the case record also notes any referrals to other agencies and programs.

5. Referral to other agencies
 - a) The counselor will refer the individual who is determined ineligible to other agencies, including, as appropriate, the State's Independent Living Program.

- C. Closure of Case Records (Rehabilitated)
 1. Certification of Eligibility
 - a) The eligibility certificate must be signed and dated by the qualified vocational rehabilitation counselor and placed in the case record.

 2. Consultation Requirements:
 - a) The joint signatory requirement of the IPE encompasses both the development of the initial IPE and any subsequent amendments including the closure amendment of the IPE;

- b) The plans for the provision of post-employment services after a suitable employment goal has been achieved and the basis on which those plans are developed. (See also 5., b. and 6., b.)
3. Notification Requirements:
- a) A copy of the IPE closure amendment and plans for post-employment services must be provided to the individual, or, as appropriate, the individual and a parent, guardian, or other representative.
4. Review Requirements:
- a) For an individual who has been placed in extended employment in a rehabilitation facility, or who is earning less than minimum wage, an annual review and re evaluation in each of the next two (2) years is required to determine the feasibility of future employment of the individual in the competitive labor market. Review thereafter is at the request of the individual.
5. IPE Documentation:
- a) The IPE must include, at a minimum, the basis on which the individual was determined to be rehabilitated.
 - b) The IPE must also include a statement of the need for the provision of post-employment services after an employment goal has been achieved and the basis of that need.
 - (1) In the case of an individual with significant disabilities, as appropriate, the IPE must include a statement as to how these post-employment services will be provided or arranged through cooperative agreements with other service providers.
6. Case Record Documentation:
- a) In addition to the data required for the Management Information System (MIS), the case record is to be documented as follows:
 - (1) The reason for closing the case;
 - (2) The individual's employment status;
 - (3) The basis on which the employment was determined to be appropriate;
 - (4) For competitive employment closures, verification that the individual is compensated at or above the minimum wage and the level of benefits is not less than that customarily paid by the

employer for the same or similar work performed by non-disabled individuals; and

(5) A description of the way in which services provided by ORS contributed to the individual's successful employment.

b) The case narrative must reflect a statement of need for post-employment services after the employment goal has been achieved, the basis of that need, and a description of the services provided and the outcomes achieved.

D. Closure of cases, not rehabilitated following initiation of IPE services

1. Documentation and review requirements:

a) The requirements previously outlined also pertain to closures for ineligibility decisions and closures for other reasons.

b) The rationale for the ineligibility decision is recorded as an amendment to the IPE.

2. Consultation requirements:

a) If services are to be terminated under an IPE because of a determination that the individual is not capable of achieving a vocational goal and is therefore no longer eligible, this determination is made only after providing an opportunity for full consultation with the individual, or as appropriate, the individual's representative.

3. Notification Requirements:

a) The individual must be notified in writing, or as necessary, in other modes of communication, of the following information.

(1) The Agency's decision;

(2) The basis for the decision;

(3) The effective date of the decision;

(4) The individual's appeal rights and the names and addresses of individuals with whom appeals may be filed; and

(5) A statement of the availability of and how to contact the Client Assistance Program.

E. Closure of Cases Meeting Eligibility Requirements: IPE Developed, Services Not Initiated; IPE Not Developed

1. Certification of Eligibility

- a) The eligibility certificate must be signed and dated by the qualified vocational rehabilitation counselor and placed in the case record.
- 2. Consultation
 - a) The decision to close is made only after full consultation with the individual or, as appropriate, the individual's parent, guardian, or other representative, or after giving a clear opportunity for the consultation, if possible.
 - b) The joint signatory requirement of the IPE encompasses both the development of the initial IPE and any subsequent amendments including the closure amendment of the IPE.
- 3. Notification Requirements:
 - a) The individual must be notified in writing, or as necessary, in other modes of communication, of the following information.
 - (1) The Agency's decision;
 - (2) The basis for the decision;
 - (3) The effective date of the decision;
 - (4) The individual's due process rights and the names and addresses of individuals with whom appeals may be filed; and
 - (5) A statement of the availability of and how to contact the Client Assistance Program.
- F. Cases closed from Post-Employment
 - 1. Procedures for such closure are described in Section 115.15, III., E.
- G. At time of closure, counselor will complete the appropriate section on the MIS. The MIS and the case record are then submitted to the supervisor for review and signature.