

Chapter 17 Client Record Closures & Transfers

Contents

17.1 Authority: 34 CFR 361.43, 34 CFR 361.44, & 34 CFR 361.56	1
17.2 Policy	1
17.3 Student Potentially Eligible (SPE)- Closure	2
17.4 Closed from Service Status - Rehabilitated	2
17.5 Closed Other (than Rehabilitated) Overview	4
17.6 Closed Other from Applicant Status- Ineligible.....	4
17.7 Closure Other Than Rehabilitated (eligible, delayed and service status).....	5
17.8 Closures from Post-Employment Services.....	6
17.9 Client Record Transfers	6

17.1 Authority: 34 CFR 361.43, 34 CFR 361.44, & 34 CFR 361.56

17.2 Policy

Client record closure should only occur after an interactive communication process that clearly involves the individual, to the maximum extent possible, in the decision to close a client's record from any status. This requires the VR Counselor to ensure that the client understands the reasons closure is appropriate per policy and his/her due process appeal rights. In some cases a client may be unavailable, unable to locate, or otherwise unable to participate in the decision to close the client record. In this event a good faith effort should be made and documented in the electronic client record showing that the VR Counselor has attempted to involve the client in the closure decision. In the event of a client's death the VR Counselor may close the client record immediately upon documenting verification either through third party report, obituary, etc. of the client's death. There are two main closure types in AWARE:

Closed-Rehabilitated: This is the appropriate closure type for client's who have achieved competitive, integrated employment after receiving VR Services.

Closed Other: This is the appropriate closure type for closures from application status, eligible status, delayed status, and service status without a successful employment outcome.

17.3 Student Potentially Eligible (SPE)- Closure

Students with Disabilities who receive Pre-Employment Transition Services (Pre-ETS) as a Student Potentially Eligible (SPE) are recorded in the SPE Special Case Type in AWARE. The SPE record for Pre-ETS begins once the Student's disability has been verified (see CSM 25) and is closed at:

- a. the conclusion of the Pre-Employment Transition Service/s or
- b. the time at which the Student applies and is found eligible for the Vocational Rehabilitation Program.

The contract SPE Pre-ETS provider or USOR staff, as appropriate, should discuss closure of the SPE record with the Student prior to closure. If the Student is not a VR client, information about the full range of services available from the VR Program and how to apply for services should be provided. If the Student is an eligible VR Client, the VR Counselor and Student should plan for the inclusion of Pre-ETS in the IPE to avoid disruption in service at the close of the SPE case.

Closure Categories from an SPE Case Type include:

- i. **No Longer a SWD:** The individual no longer meets the definition of student with a disability.
- ii. **Eligible for VR:** The individual is eligible for VR services under an open order of selection category and will continue Pre-Employment Transition Services under an Individual Plan for Employment.
- iii. **Chose Not to Participate:** The individual chooses not to participate in further Pre-Employment Transition Services.
- iv. **Completed Services.** The individual has completed the Pre-Employment Transition Service but has not been determined eligible for VR services.

17.4 Closed from Service Status - Rehabilitated

Eligible individuals who achieve competitive, integrated employment as the result of receiving VR Services under an Individual Plan for Employment may be closed as rehabilitated if the following criteria are met:

- a. The placement meets all of the criteria for competitive and integrated employment (see CSM 18)
- b. The employment is consistent with the client's primary employment factors as identified during the Comprehensive Needs Assessment.
- c. The employment has been stable and consistent for at least 90 days.
- d. The client has been notified in writing of the intent to close the case both at 90 days and 30 days prior to closure and involved in the decision to close the case. The notifications should contain appeals information as outlined in CSM 21.
- e. If the client successfully maintains competitive integrated employment during the 90 day review process, the employment conditions remain stable, and the client is highly likely to retain the employment long term, the VR Counselor should prepare the case for

supervisory review and case closure. In preparation for closure the VR Counselor should select the reason for closure that corresponds to the client's successful employment outcome. Options for successfully rehabilitated closure includes:

- i. **Competitive Integrated Employment:** Most clients will fit under this option. VR Counselors should review the criteria for competitive and integrated outlined below to ensure that the employment outcome meets all criteria.
 - A. Competitive refers to work that is performed on a full-time or part-time basis (including self-employment) and for which the individual's compensation meets all of the following criteria:
 1. Is at least minimum wage
 2. Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills;

Note: If the individual will be self-employed the earnings must result in an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
 3. Is eligible for the level of benefits provided to other employees.
 - B. Integrated refers to the employment setting and requires a location that meets all of the following criteria:

The location is typically found in the community;

 1. The location allows the individual to interact for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons;
 2. The individual has access to, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.
- ii. **Self-Employment (except BEP):** refers to work for profit or fees including operating one's own business, farm, shop, or office. "Self-employment" includes sharecroppers, but not wage earners on farms. Competitive self-employment must yield an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience and skills.
- iii. **State managed Business Enterprise Program (BEP):** refers to Randolph Sheppard vending facilities and other small businesses operated by individuals with significant disabilities under the management and supervision of the State VR agency. Include home industry where the work is done under the management and supervision of the State VR agency in the individual's own home or residence for wages, salary, or on a piece-rate.

- iv. **Supported Employment in Competitive Integrated Employment:** This means Competitive Integrated Employment as outlined in 17.4.e.i. with ongoing supports achieved through supported employment services.
- f. Once the supervisory review is completed and the client record is ready for closure, the VR Counseling Supervisor will add the closure date in AWARE.

17.5 Closed Other (than Rehabilitated) Overview

Closed- Other status encompasses all VR program exits that occur after eligibility is determined but for which a competitive, integrated employment outcome has not occurred. Client record closure may be requested by the client or determined appropriate by the VR Counselor. In either case, clients should be included in the decision to close the client record and must receive notification 30 days prior to the anticipated closure. The closure notification should state the reason for closure and provide information about due process, appeals rights, and the availability of the Client Assistance Program. Exception: In the event of client death, a 30 day closure letter is not necessary or appropriate. The VR Counselor may simply document the client's passing in the client record by way of an obituary, documented third party conversation, etc. The client record can then be closed. The Closed Other category includes all client record closures from the following statuses:

- a. Application Status
- b. Eligible Status
- c. Delayed Status
- d. Service Status without a successful employment outcome

17.6 Closed Other from Applicant Status- Ineligible

Whenever a determination has been made that an applicant is not eligible (see CSM 5) there must be a "certificate of ineligibility" (ineligibility letter) in the electronic client record with the original having been dated and signed by the VR Counselor and mailed to the applicant. The ineligibility determination is made only after full consultation with the individual or, as appropriate the individual's representative, or after giving a clear opportunity for this consultation.

- a. The following steps should be followed for ineligibility closures from application:
 - i. The VR Counselor notifies the applicant of the ineligibility determination in writing including:
 - A. a summary of the information that served as the basis for the determination.
 - B. information about due process rights and appeal procedures.
 - C. information about the availability of Client Assistance Program (CAP).
 - ii. The VR Counselor makes appropriate referrals to other agencies and facilities including Workforce Development and Independent Living Programs, if appropriate.
 - iii. Client record closure may result in objections and challenges from the applicant. In order to accommodate requests from the applicant for review of the ineligibility

- determination, a 30 day period will elapse from the date the certificate of ineligibility is mailed to the client to the date the closure is actually finalized in AWARE.
- iv. If the applicant does not contest the closure within 30 days, the VR Counselor should prepare the client record for supervisory review.
 - v. Upon approval of the closure, supervision will add the closure date in AWARE to complete the closure process.
- b. Reasons for closure following an ineligibility determination include:
- i. **No Disabling Condition:** Individual is not eligible for VR services because no physical or mental impairment exists.
 - ii. **No Impediment to Employment:** Individual is not eligible for VR services because their physical or mental impairment does not constitute a substantial impediment to employment.
 - iii. **Does Not Require VR Services:** Individual does not require VR services to prepare for, enter into, engage in, or retain gainful employment consistent with his or her strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.
 - iv. **Disability Too Significant to Benefit from Services:** - Individual whose mental and/or physical disability and resulting functional limitations are so significant that the individual cannot benefit from VR services.
 - v. **Death:** If documentation is obtained confirming the applicant's death, the closure process will not require notification of closure thirty days in advance. VR Counselors are encouraged to seek supervisory consultation prior to using this closure option for applicants.

17.7 Closure Other Than Rehabilitated (eligible, delayed and service status)

Closed- Other status encompasses all VR program exits that occur after eligibility is determined but for which a competitive, integrated employment outcome has not occurred. Clients should be included in the decision to close the client record and must receive notification 30 days prior to planned closure. The closure notification should state the reason for closure and provide information about due process, appeals rights, and the availability of the Client Assistance Program. **Exception:** In the event of client death, a 30 day closure letter is not necessary or appropriate. The VR Counselor may simply document the client's passing in the client record by way of an obituary, documented third party conversation, etc. The client record can then be closed.

Potential reasons for closure include:

- a. **Institutionalized (other than prison/jail):** Individual entered an institution other than a prison or jail, and will be unavailable to participate in a VR program for an indefinite or considerable period of time of at least 6 months. This category of institution includes hospitals, nursing homes, and residential treatment centers.

- b. **Health/Medical:** Individual is receiving medical treatment that is expected to last longer than 6 months and precludes entry into competitive integrated employment or continued participation in the program.
- c. **Death**
- d. **Reservist Called to Active Duty:** Individual is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 6 months.
- e. **Not Seeking CIE (Competitive Integrated Employment):** After the individual was determined to be eligible, he or she later decided not to pursue competitive integrated employment (e.g. subminimum wage employment).
- f. **Incarcerated (jail or prison):** Individual entered a correctional institution (e.g., prison, jail, reformatory, work farm, detention center) or other institution designed for confinement or rehabilitation of criminal offenders and the durations is expected to last longer than 6 months (section 225 of WIOA).
- g. **Transferred to Another Agency:** Individual needs services that are more appropriately obtained elsewhere. Transfer to another agency indicates that appropriate referral information is forwarded to the other agency so that agency may provide services more effectively. Include individuals transferred to other VR agencies.
- h. **Unable to Locate or Contact:** Individual has relocated or left the State without a forwarding address, or when the individual has not responded to repeated attempts to contact the individual by mail, telephone, text or email.
- i. **Refused Services or No Further Services:** Individuals who actively choose not to participate or continue in their VR program at this time. Also use this code to indicate when an individual's actions make it impossible to begin or continue a VR program. Examples would include repeated failures to keep appointments for assessment, counseling, or other services.
- j. **All Other Reasons:** This code is used for all other reasons not covered in a-h above.

17.8 Closures from Post-Employment Services

See Chapter 18.13.d.

17.9 Client Record Transfers

- a. Client transfer requests, regardless of reason, require consultation through the supervisory channels to the District Director for final approval. Client transfer requests may be a result of any number of reasons. Examples include but are not limited to:
 - i. Client moves out of the area/city/county.
 - ii. One office is more convenient than another for the client.
 - iii. Client request.
 - iv. Irreconcilable differences between VR Counselor and client.
 - v. Results of mediation, administrative decision or fair hearing.
 - vi. Result of formal grievance, complaint or investigation.
- b. Inter-district Transfers

No client record should be closed and the client told to reapply to another area or with another VR Counselor. Clients are not to be directed to contact the office they are

requesting to be transferred to themselves; rather the VR Counselor should contact the receiving district to determine which VR Counselor will receive the transfer. Client record documentation and past compliance with policy and procedure should not be a determining factor in denying or delaying a requested client transfer. The sending VR Counselor should transparently correct what can be corrected, and makes notation of what cannot be corrected prior to transfer whenever possible. The procedures for inter-district transfers are:

- i. The sending VR Counselor contacts the receiving District to determine which VR Counselor will receive the transfer.
- ii. The sending VR Counselor will contact the receiving VR Counselor to discuss the case transfer and allow the receiving VR Counselor to review the client record through guest access, if necessary.
- iii. If the two VR Counselors agree to the transfer, the sending VR Counselor reviews the client record for compliance and corrects errors when possible. This review should include:
 - A. submitting outstanding invoices and billing and
 - B. updating the client's contact information.
- iv. The sending VR Counselor prepares a Client Record Transfer Recommendation and forwards the recommendation through supervisory channels to the District Director.
- v. The District Director will review the request, and if necessary discuss the request with the VR Counselor and the client to clarify the reasons for the request and resolve any issues.
- vi. If the recommendation is appropriate, the District Director documents approval, reassigns the client record to the receiving VR Counselor, and notifies receiving VR counselor.
- vii. Upon receipt of the client record the receiving VR Counselor establishes contact with the client.

Concerns and complications may arise as the result of a transfer request and should be addressed by the sending and receiving VR Counselors if possible. Disagreements that are not resolved at the Counselor level may be escalated to involve the sending and receiving District Directors. If the two Districts do not agree on the transfer, the receiving Field Service Director will make the final determination. Receiving Districts cannot deny a transfer simply due to deficits in the client's participation in VR Services. Instead, the receiving VR Counselor should use the transfer as an opportunity to re-engage the client in VR Services. If the transfer is denied for other appropriate reasons the client should be notified of the reasons for the denial in writing including their due process rights and the availability of the Client Assistance Program.

c. Intra-district Transfers

VR research consistently shows that the most important factor influencing the success of VR clients is the professional relationship developed with the qualified VR Counselor.

While being sensitive to the therapeutic and behavioral needs of the client, occasionally it becomes clear that a change in VR Counselor may be necessary for the client to become successful. Regardless of the reasons for the transfer request, USOR is committed to client success and will work to facilitate a transfer when such a request is in the best interest of the client. The following procedures should be followed for intra-district transfer requests.

- i. The District Director/Counseling Supervisor will review the request for a transfer, review the client's record, and discuss the reasons for the request with both the VR Counselor and client to determine the most appropriate action that is in the best interest of the client.
- ii. The District Director/Counseling Supervisor will reassign the client to another VR Counselor in the district based on his/her professional judgment of what would be in the best interest of the client.

NOTE: If a client's transfer request is denied the District Director/ Counseling Supervisor should notify the client of the reasons for the decision in writing and include their due process appeal rights and the availability of the Client Assistance Program.

- iii. The District Director/Counseling Supervisor documents the transfer and initiates the transfer in AWARE.