

**12-152**  
(Chapter 1)

**Maine**

**Department of Labor**  
**Division of Vocational Rehabilitation**

**RULES**

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## SECTION 1. PURPOSE AND GENERAL REQUIREMENTS

The Maine Division of Vocational Rehabilitation (DVR) program assists eligible individuals with physical or mental disabilities to prepare for and achieve an employment outcome. "Employment outcome" means entering or retaining full-time employment, or, if appropriate, part-time competitive employment in the integrated labor market, supported-employment, or any other type of employment in an integrated setting, including self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Note: Integrated, with respect to an employment outcome, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other personnel.

The DVR process is based upon an individualized plan (IPE) for employment which is oriented to the achievement of a vocational goal. Services provided to individuals with disabilities must be necessary to overcome the vocational impediment and must be provided as cost effectively as possible, and will be of sufficient quality to meet individual needs.

The Division of Vocational Rehabilitation (DVR) program is operated in compliance with the federal Rehabilitation Act of 1973, as amended and codified at 29 U.S.C. §720 *et seq.* ("Act"); Title 34 CFR 361 issued in the Federal Register August 19, 2016; and Title 26 M.R.S.A. §1411.

1. Eligibility is determined without regard to sex, race, creed, age, color, national origin or type of disability. There is no residency requirement, durational or other, which would exclude from services an otherwise eligible individual who is living in the state.
2. Throughout the eligible individual's rehabilitation program, every opportunity will be provided to the individual to make informed choices regarding the rehabilitation process. Documentation of opportunities for making informed choices will be kept in the individual's case record.
3. Maine DVR will establish and maintain a case record for each applicant, and recipient of vocational rehabilitation services, which includes data necessary to comply with Maine DVR and federal Rehabilitation Services Administration requirements.
4. In the purchase of goods or services for persons with disabilities, counselors shall comply with applicable regulations of the Maine Department of Labor and the Department of Administration and Finance.
  - A. Case service expenditures require written authorization prior to the initiation of the service or the purchase of any equipment. Oral authorizations are permitted in emergency situations, but must be confirmed promptly in writing and forwarded to the provider.
  - B. Goods and services will be provided subject to the statewide availability of funds. Goods and services will be explored by the individual, with assistance from the DVR counselor, and the individual will be involved in the choice of who will provide goods and services. DVR reserves the right to use community rehabilitation providers who meet state or national accreditation standards.

5. Maine DVR shall process new referrals in an equitable manner and will make an attempt to contact the individual within seven calendar days.
6. When appropriate, counselors shall provide the referral necessary to support individuals with disabilities in securing needed services from other agencies and organizations.
7. Each applicant or eligible individual being provided vocational rehabilitation services shall be informed of the procedure for requesting a review and a re-determination of agency action concerning the furnishing or denial of services, including the names and addresses of individuals with whom appeals may be filed, and of the availability of the Client Assistance Program.

## SECTION 2. CONFIDENTIALITY

All client/applicant information acquired by Maine DVR shall remain the property of Maine DVR and shall only be used and released for purposes directly connected with the administration of the Division of Vocational Rehabilitation program. Use and release of personal information acquired by Maine DVR shall conform with applicable state and federal regulations, including complying with performance accountability requirement under the Act, including 29 U.S.C. §726.

1. For purposes of this policy, informed written consent shall:
  - A. be in language that the individual or his/her representative understands;
  - B. be signed by the individual or his/her representative and dated;
  - C. be specific in designating Maine DVR as the agency or person authorized to disclose information;
  - D. be specific as to the nature of the information which may be released;
  - E. specifically designate the parties to whom the information may be released; and
  - F. be specific as to the purpose(s) for which the released information may be used.

### 2. Release to Individual with Disabilities or His/Her Representative

Upon informed written consent by the individual with disabilities or his/her representative, all information in the case record shall be made available in a timely manner, except:

- A. medical, psychological or other information that Maine DVR believes may be harmful to the individual. This information may not be released directly to the individual, but shall be provided through a third party chosen by the individual, which may include, among others, an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the individual, in which case the information must be released to the court-appointed representative; and
- B. information obtained from outside Maine DVR may be released only under the conditions established by the outside agency, organization or provider.

### 3. Release to Other Programs

Upon informed written consent of the individual with disabilities or his/her representative, Maine DVR may release to another agency or organization information that may be released to the individual with disabilities and only to the extent that the other agency demonstrates that the information is necessary for its program.

- A. Maine DVR must release personal information, with or without consent of the individual, if required by State and Federal law, if in response to investigations in connection with law enforcement, fraud, or abuse (except where expressly

prohibited by Federal or State laws or regulations), and in response to an order issued by a judge, magistrate, or other authorized judicial officer.

- B. Maine DVR may release personal information without informed written consent of the individual in order to protect the individual or others when the individual poses a threat to his/her safety or the safety of others except for HIV test results which may not be released without informed written consent of the individual.

4. Release for Audit, Evaluation or Research

At the discretion of the DVR Director, personal information may be released to an organization, agency, or individual engaged in audit, evaluation or research only for purposes directly connected with the administration of the Division of Vocational Rehabilitation program, or for purposes which would significantly improve the quality of life for individuals with disabilities, and only if the organization, agency or individual assures that:

- A. the information will be used only for the purposes for which it is being provided;
- B. the information will be released only to individuals officially connected with the audit, evaluation or research;
- C. the information will not be released to the involved individual;
- D. the information will be managed in a manner to safeguard confidentiality; and
- E. the final product will not reveal any personal identifying information without the informed written consent of the involved individual, and his/her representative.

5. Release of Records for Testimony

An employee shall not testify in court or in an administrative hearing; nor release records without the consent of the individual with disabilities unless ordered to do so by a judge, magistrate, or other authorized judicial officer.



### SECTION 3. MAINE DVR APPEALS PROCESS

An applicant for, or recipient of, vocational rehabilitation (VR) services who is dissatisfied with any determination made by a rehabilitation counselor concerning the furnishing or denial of services may request (or, if appropriate, may request through the individual's representative) a timely review of the determination. Maine DVR shall make reasonable accommodations to the individual's disability in the conduct of the appeals process. Written notification of appeals rights, including the name and address of the person with whom an appeal may be filed, and the availability of the Client Assistance Program, will be provided to individuals at application, when assigned an Order of Selection Category, when an IPE is developed, and whenever VR services are reduced, suspended, or terminated. Mediation and/or Due Process Hearings are provided at no cost to the individual, but costs related to legal representation is not provided by Maine DVR.

#### 1. Informal Review

Whenever possible, Maine DVR will attempt to resolve conflicts informally, prior to Mediation or a Due Process Hearing. An individual may request a meeting with the counselor, the appropriate supervisor, and/or a Client Assistance Program representative, if desired, to explore options for resolving any conflicts. An individual may request Mediation or a Due Process Hearing immediately, without having to go through the informal process.

#### 2. Continuation of Services Pending Completion of the Hearing

Pending a final determination of an appeal hearing, the DVR may not suspend, reduce, or terminate services being provided under an Individualized Plan of Employment (IPE), unless the services were obtained through misrepresentation, fraud or collusion of the individual, or unless the individual, or individual's authorized representative, requests suspension, reduction, or termination of services.

#### 3. Time Frames

The time frames listed under Section 4. Mediation and 5. Due Process Hearing may be waived if both parties agree to an extension of time in order to conduct the Mediation or Hearing, and render a decision.

#### 4. Mediation

- A. Mediation is a voluntary process conducted by a qualified and impartial mediator. At any point during the mediation process, either party, or the mediator, may elect to terminate the mediation.
- B. An individual must request Mediation within thirty (30) calendar days of the agency notice regarding the provision or denial of services that is in question. The request shall be in writing, and the request shall describe the complaint. The request should be sent to the Director of DVR who will immediately forward it to a qualified mediator.
- C. The mediator will commence a mediation meeting within fifteen (15) calendar days of receipt of the request, and shall be held in a location that is convenient to the parties in the dispute.

- D. Mediation will be conducted in accordance with the State of Maine's Judicial Branch Court Alternative Dispute Resolution Service's (CADRES) standards on ethics and neutrality.
  - E. An agreement reached in the mediation process shall be set forth in a written mediation agreement, and shall be signed by both parties.
  - F. Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding in accordance with CADRES confidentiality standards.
  - G. The individual may be represented at the mediation, including but not limited to, representation by the Client Assistance Program.
  - H. The Mediation process may not be used to deny or delay the individual's right to pursue resolution of the dispute through a due process hearing within the specified time period.
5. Due Process Hearing
- A. Due Process Hearing is a procedure whereby an individual who is dissatisfied with any determinations concerning the provision or denial of DVR services may seek a re-determination of agency action before an impartial hearing officer.
  - B. The individual must request a Due Process Hearing within thirty (30) calendar days of the agency notice regarding the provision or denial of service, if Mediation was not requested.
  - C. If no request for Due Process Hearing is made within thirty (30) calendar days, the agency decision is considered final.
  - D. The request for Due Process Hearing shall be in writing, and shall describe the complaint. Maine DVR will accommodate an individual's disability and offer assistance, if appropriate, in this process. The request should be sent to the Director of DVR who will immediately forward the request to a qualified hearing officer.
  - E. A pre-hearing conference will be held to clarify issues and explore options for resolving grievances.
  - F. The Due Process Hearing shall be conducted within sixty (60) calendar days of receipt of the request for Due Process Hearing.
  - G. A Due Process Hearing shall be conducted by an impartial hearing officer identified jointly by the Director of Maine DVR and the State Rehabilitation Council.

- H. Maine DVR may not deny or dismiss a request for Due Process Hearing unless the individual or his/her representative:
  - (1) withdraws the request in writing; or
  - (2) is adjudged by the Due Process Hearing Officer to be in default for failure to appear at the hearing without good cause.
- I. The Due Process Hearing shall be conducted and will include an opportunity for the individual or the individual's representative to present witnesses and relevant evidence. A decision shall be issued in accordance with Maine's Administrative Procedure Act, 5 M.R.S.A. Chapter 375, subchapter IV.
- J. The Due Process Hearing Officer will issue a full written report of the findings and grounds for the decision within thirty (30) days of the completion of the hearing.
- K. The Hearing Officer's decision is final unless either party brings a civil action.

6. Civil Action

Any party who disagrees with the final decision of the Due Process Hearing has the right to file a petition in Superior Court under Rule 80C of the Maine Rules of Civil Procedure or a civil action for judicial review in a state or federal court of competent jurisdiction under the Act, 29 U.S.C. §722(c)(5) (J).

## SECTION 4. APPLICATION AND ELIGIBILITY

### 1. Application for DVR Services

An applicant is anyone who signs a dated application or dated document requesting services. Any individual who applies for services shall undergo an assessment for determining eligibility, with the individual notified in writing of the results. Applicants will receive written notification of appeals rights, including the name and address of the person with whom an appeal may be filed, and the availability of the Client Assistance Program.

### 2. Eligibility Criteria

An individual is eligible for DVR services if the individual:

- A. has a physical or mental impairment which, for the individual, constitutes or results in a substantial impediment to employment Note: Substantial impediment to employment means that a physical or mental impairment that hinders an individual from preparing for, engaging in, or retaining employment consistent with the individual's abilities and capabilities and,
- B. 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. Required VR services must be necessary to overcome disability related barriers. Lack of resources by itself does not constitute a disability related barrier.

### 3. Presumption of Benefit

It shall be presumed the individual can benefit in terms of an employment outcome from vocational rehabilitation services, unless the DVR counselor can demonstrate by clear and convincing evidence that such individual is incapable of benefiting from vocational rehabilitation services due to the severity of the disability of the individual.

### 4. Timeframe for Making an Eligibility Determination

Eligibility for DVR services shall be determined within a reasonable period of time, not to exceed sixty (60) days after the application for services has been received, unless the applicant is notified in writing of the following:

- A. that exceptional and unforeseen circumstances beyond control of the counselor preclude the counselor from completing the determination within the prescribed timeframe, and the applicant agrees that a specific extension of time is warranted; or
- B. that trial work experiences are necessary to determine if the individual is capable of benefiting, in terms of an employment outcome, from vocational rehabilitation services.

5. Trial Work Experiences

Before making a determination that an individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services, the VR counselor shall explore the individual's abilities, capabilities, and capacity to perform in realistic work situations, through a written plan of trial work experiences with appropriate supports provided, except under limited circumstances when an individual cannot take advantage of such experiences. Trial work experiences shall be of sufficient variety and over a sufficient period of time to determine the eligibility of the individual, or to determine the existence of clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services due to the severity of the disability of the individual.

6. Presumption of Eligibility for SSI Recipients and SSDI Beneficiaries

Individuals who are SSI recipients or SSDI beneficiaries, based on a disability, shall be:

- A. considered to be an individual with a significant disability;
- B. presumed to be eligible for vocational rehabilitation services, provided the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual, unless the VR counselor can demonstrate, by clear and convincing evidence, that the individual is incapable of benefiting due to the severity of the disability of the individual. A dated application or a dated document requesting services is sufficient evidence of the individual's intent to achieve an employment outcome and no additional tests or procedures shall be used to assess this intent.
- C. If an applicant for vocational rehabilitation services states that he or she is eligible for Social Security benefits under Title II or Title XVI of the Social Security Act (and therefore is presumed eligible for vocational rehabilitation services), but is unable to provide evidence, such as an award letter, to support that assertion, the VR counselor must verify the applicant's eligibility under Title II or Title XVI of the Social Security Act by contacting the Social Security Administration. This verification must be made within a reasonable period of time that enables the VR counselor to determine the applicant's eligibility for vocational rehabilitation services within 60 days of the individual submitting an application for services.

7. Use of Existing Information

To the maximum extent appropriate, the eligibility determination shall be based on existing and current information, including information available from other programs and providers, particularly information from schools and Social Security Administration, and information provided by the individual and the family.

8. Ineligibility

In all cases where the counselor determines that an applicant for, or recipient of, vocational rehabilitation services does not meet the requirements for eligibility, the case record must include a certification of ineligibility, dated and signed by the counselor, which documents the reasons for the ineligibility determination. Ineligibility decisions concerning the severity of a disability must be based on clear and convincing evidence, and require the counselor to explore the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences. (See Section 10)

9. Potentially Eligible Students with Disabilities

DVR may provide pre-employment transition services to students with disabilities who are potentially eligible for vocational rehabilitation services. A *student with a disability* is a student between the ages of 14 (9<sup>th</sup> grade) and not older than 21 who is enrolled in a secondary, postsecondary, or other recognized educational program and who is eligible for and receiving special education services or is an individual with a disability for the purposes of Section 504. Interested students may request pre-employment transition services by completing and signing a *Pre-Employment Transition Services Registration Form*. For students who are under age 18 or not their own guardians, the form must be signed by a parent/guardian.

## SECTION 5. ORDER OF SELECTION

1. If services cannot be provided to all eligible individuals who apply, the Director of DVR will implement an Order of Selection as set forth in this section. After determining eligibility, counselors must assign a priority category and follow the Order of Selection set forth below for the provision of services. Individuals whose IPE has been developed and signed prior to the date of implementation of the Order of Selection will continue to receive cost services. Maine DVR will notify all eligible individuals of the priority categories in the Order of Selection. Eligible individuals in priority categories not currently being served will be notified in writing of their assignment to a particular category and their right to appeal their category assignment.
2. The priority category shall be assigned, based on their level of significance of disability into one of four Priority Categories: Priority Category # 1, "individual with a most significant disability"; Priority Category # 2, "individual with a significant disability"; Priority Category # 3, "individual with a significant disability"; or Priority Category # 4, "all other eligible individuals" as set forth below.
3. Individuals with disabilities shall be served first based on significance of disability and second by date of application in the following priority order:
  - A. Priority Category # 1: Individual with a most significantly disability "-means an eligible individual who meets the following criteria:
    - (1) who has a serious limitation in terms of an employment outcome in four or more functional capacity areas. Functional capacity areas are; mobility, work tolerance, communication, self-care, interpersonal skills, self-direction cognition and learning or work skills. "Serious limitation in terms of an employment outcome" means a reduction of one's capacity to perform, due to severe physical or mental impairment, to the degree that the individual requires services or accommodations in order for the individual to work or be a fully functioning member of the community;
    - (2) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services, meaning two or more core vocational rehabilitation services as outlined in Section 9 of this rule, services 9.1 through 9.14; and
    - (3) whose vocational rehabilitation can be expected to require an extended period of time.
  - B. Priority Category # 2: Individual with a significant disability means an eligible individual who meets the following criteria:
    - (1) who has a serious limitation in terms of an employment outcome in at least two or three functional capacity areas. Functional capacity areas are; mobility, work tolerance, communication, self-care, interpersonal skills, self-direction, cognition and learning, or work skills. "Serious limitation in terms of an employment outcome" means a reduction of one's capacity to perform, due to severe physical or mental impairment, to the degree that the individual requires services or accommodations in

order for the individual to work or be a fully functioning member of the community;

- (2) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services, meaning two or more core vocational rehabilitation services as outlined in Section 9 of this rule, services 9.1 through 9.14; and
- (3) whose vocational rehabilitation can be expected to require an extended period of time. ~~and~~

Individuals in Priority Category # 2 will be served only after all individuals in Category # 1 receive services.

- C. Priority Category # 3: Individual with a significant disability means an eligible individual who meets the following criteria:

- (1) a serious limitation in terms of an employment outcome in 1 or more functional capacity areas. Functional capacity areas are; mobility, work tolerance, communication, self-care, interpersonal skills, self-direction cognition and learning or work skills. "Serious limitation in terms of an employment outcome" means a reduction of one's capacity to perform, due to severe physical or mental impairment, to the degree that the individual requires services or accommodations in order for the individual to work or be a fully functioning member of the community; and:
- (2) whose vocational rehabilitation may ~~or may not~~ require multiple core vocational rehabilitation services as outlined in Section 9 of this rule, services 9.1 through 9.14; or
- (3) whose vocational rehabilitation may ~~or may not~~ require an extended period of time.

Individuals in Priority Category # 3 will be served only after all individuals in Categories # 1 and # 2 receive services.

- D. Priority Category # 4 means all other eligible individuals.

Individuals in Priority Category # 4 will be served only after all individuals in Categories # 1, # 2, and # 3 receive services.

#### 4. Individuals Not Meeting the Order of Selection Criteria

Eligible individuals who do not meet the Order of Selection category currently being served will have access to services through information and referral. Individuals will be provided vocational rehabilitation counseling and guidance to assist such individuals in preparing for, securing, retaining, advancing in, or regaining employment, and will be appropriately referred to other programs, including other components of the statewide workforce investment system.



5. Order of Selection and Pre-Employment Transition Services

*Students with a disability* who have been found eligible and placed on a waitlist for a closed priority category may only receive Pre-Employment Transition Services if they were receiving those services before being found eligible.

## SECTION 6. COMPREHENSIVE ASSESSMENT OF REHABILITATION NEEDS

For individuals who have been determined eligible for DVR services or for trial work experiences, a comprehensive assessment of rehabilitation needs shall be conducted to determine the goals, objectives, nature and scope of vocational services to be included in the Individualized Plan for Employment. To the extent that additional data is necessary, the comprehensive assessment will include an assessment of the unique strengths, resources, priorities, interests, and needs, including the need for supported-employment services, in the most integrated setting possible, consistent with the informed choice of the individual. The comprehensive assessment will be limited to information that is necessary to identify the rehabilitation needs of the individual and to develop an Individualized Plan for Employment. The Comprehensive Assessment of Rehabilitation Needs will be reviewed and updated as appropriate prior to significant changes in the Individualized Plan for Employment.

1. The comprehensive assessment will use, as a primary source of information, to the maximum extent possible and appropriate, and in accordance with confidentiality requirements, the following:
  - A. existing information;
  - B. information provided by the individual and, where appropriate, by the family of the individual.
2. The comprehensive assessment may include, to the degree needed to make a determination of vocational needs and develop an IPE, an assessment of the following:
  - A. personality;
  - B. career interest;
  - C. interpersonal skills;
  - D. intelligence and related functional capacities;
  - E. educational achievements;
  - F. work experience;
  - G. vocational aptitudes;
  - H. personal and social adjustment;
  - I. employment opportunities available to the individual;
  - J. medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual;
  - K. an appraisal of the patterns of work behavior and services needed to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavioral patterns necessary for successful job performance,

including situational assessments to assess and develop the capacities of the individual to perform adequately in the work environment;

- L. the individual's capacities to perform in a work environment, including in an integrated setting, to the maximum extent feasible and consistent with the individual's informed choice through provision of rehabilitation technology services.

## SECTION 7. INDIVIDUALIZED PLAN FOR EMPLOYMENT

### 1. An Individualized Plan for Employment (IPE)

The IPE shall be agreed upon, and signed by the individual with a disability, and, as appropriate, a parent, family member, guardian, advocate or authorized representative and the DVR Counselor within a counseling and guidance relationship. The IPE shall be designed to achieve an employment outcome of the individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, career interests and informed choice of the individual. The case record must support the selection of the vocational goal. Counselors shall provide a copy of the IPE, and any amendments, to the eligible individual. VR goods and services may only be provided in accordance with the IPE. The IPE is not a legal contract between Maine DVR and the eligible individual. Individuals will receive written notification of appeals rights, including the name and address of the person with whom an appeal may be filed, and the availability of the Client Assistance Program during IPE development, and whenever VR services are denied, reduced, suspended or terminated.

### 2. Standards for Development and Review of the IPE

The IPE will be developed within 90 days after the eligibility determination, unless the DVR Counselor and the eligible individual agree to the extension of that deadline to a specific date by which the individualized plan for employment must be completed. If there is a waiting list, the IPE will be developed within 90 days from the date the individual comes off the waiting list. The IPE will be reviewed at least annually by a qualified vocational rehabilitation counselor and the eligible individual, or as appropriate, the individual's representative to assess the individual's progress in achieving the identified employment outcome.

### 3. Options for Developing an Individualized Plan for Employment

The eligible individual, or the individual's representative, will be provided information on the individual's options for developing an Individualized Plan for Employment. Maine DVR will not pay for an agency, or a representative, to develop an IPE. The options for developing all or part of the Individualized Plan for Employment include the following:

- A. with assistance from a DVR vocational rehabilitation counselor, to the extent determined to be appropriate by the individual;
- B. with technical assistance from the DVR Program, or other representatives selected by the individual; or
- C. the individual alone without assistance.

### 4. Required Components of an Individualized Plan for Employment

Regardless of the approach selected by an individual to develop an IPE, the IPE shall include the following:

- A. specific vocational goal, which must be based on the assessment for determining vocational rehabilitation needs, including the individual's career interests, and must be in an integrated setting; or in the case of students and youth with

disabilities; a projected vocational goal that will be amended following career exploration activities;

- B. a description of the specific vocational rehabilitation services that are:
  - (1) needed to achieve the vocational goal, including, as appropriate, the provision of assistive technology services, and personal assistance services, including training in the management of such services; and
  - (2) provided in the most integrated setting that is appropriate for the service involved, and is consistent with the informed choice of the eligible individual;
- C. timelines for the achievement of the employment outcome, and for the initiation of the services;
- D. A description of the entity chosen by the individual, or as appropriate, the individual's representative that will provide the vocational rehabilitation services, and the methods used to procure such services;
- E. description of the criteria to evaluate the progress towards achievement of the employment outcome;
- F. The terms and conditions of the IPE, including, as appropriate, information describing:
  - (1) the responsibilities of DVR;
  - (2) the responsibilities that the eligible individual will assume in relation to the vocational goal;
  - (3) the responsibility of the individual with regard to applying for and securing comparable benefits.
- G. For individuals for whom an employment outcome in a supported-employment setting has been determined to be appropriate, information identifying:
  - (1) the extended services needed by the eligible individual after closure;
  - (2) the source of extended services, or to the extent that the source of extended services cannot be identified at the time of the development of the IPE, a description of the basis for concluding that there is a reasonable expectation that such source will become available
- H. As determined to be necessary, a statement of projected need for post-employment services;
- I. An assurance that the eligible individual has been informed of his/her rights and the means by which the individual may express and seek remedy for any dissatisfaction, including the opportunity for a review of the rehabilitation determination, as described in Section 3, Maine DVR Appeals Process; and assurance that the eligible individual has been provided a detailed explanation of the availability of the resources within a Client Assistance Program.

**SECTION 8. COMPARABLE SERVICES AND BENEFITS AND THE PARTICIPATION BY INDIVIDUALS WITH DISABILITIES IN THE COST OF DVR SERVICES**

1. If an eligible individual wishes to financially participate in a service consistent with the IPE, it will be documented in the IPE.
2. If comparable services and benefits are available to the eligible individual, they must be utilized to meet, in whole or part, the cost of vocational rehabilitation services. If comparable services or benefits exist under any other program, but are not available to the individual at the time needed to satisfy the rehabilitation objectives in the individual's IPE, DVR shall provide vocational rehabilitation services until those comparable services and benefits become available. The utilization of comparable services and benefits do not apply in the following situations:
  - A. if the determination of the availability would delay the provision of vocational rehabilitation to any eligible individual who is at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional;
  - B. if an immediate job placement would be lost due to a delay in the provision of comparable benefits.
3. The following categories of service are excepted from a determination of the availability of comparable services and benefits:
  - A. assessment for determining eligibility, priority for services, and vocational rehabilitation needs;
  - B. vocational rehabilitation counseling, guidance, and referral services;
  - C. *(Not in use)*
  - D. restricted awards and scholarships based on merit;
  - E. rehabilitation technology , including telecommunications, sensory and other technological aids and devices;
  - F. job-related services, including job search and placement assistance , job retention services, follow-up services and follow-along services;
  - G. post-employment services that would be included under (A) – (F) above.

## SECTION 9. VOCATIONAL REHABILITATION SERVICES

Maine DVR will provide, as appropriate to the vocational rehabilitation needs of each eligible individual, and consistent with each individual's informed choice, any goods or services determined necessary for the individual to achieve an employment outcome and are documented in an IPE or are necessary as part of the comprehensive assessment of rehabilitation needs. Services that are of sufficient quality will be provided, as cost effectively as possible. Core services are defined as all services included in 9.1 to 9.14, but are not limited to:

1. An assessment for determining eligibility, priority for services, and for determining vocational rehabilitation needs;
2. Vocational rehabilitation counseling and guidance and job related services, including job search and placement assistance, customized employment, job coaching, job retention services, follow-up services, and follow-along services.
3. Referral and other services necessary to help applicants and eligible individuals secure needed services from other agencies, and to advise those individuals about the Client Assistance Program,
4. Physical and mental restoration services necessary to correct, or to substantially modify, a physical or mental condition of an individual that is stable or slowly progressive. In the purchase of medical goods or services, Maine DVR uses the prevailing Maine Medicaid Assistance fee schedule, except for certain diagnostic services.
5. Home modification services, which may include those adaptive devices and structural changes necessary for the eligible to function independently, in order to achieve a vocational goal. Funds for home modifications may not be applied to the purchase or construction of a new residence. The DVR expenditure limit is \$10,000 for homes owned by an individual and/or family, or \$5000 for a rental property. Exceptions to the financial limit for home modifications are allowable if individual client needs cannot be addressed within the specified financial limit.
6. Post-Secondary, Vocational and Occupational Training Services;
  - A. Degree-Granting programs: Post-secondary training is that training offered by accredited institutions which qualify for federal financial student aid; and, is provided only when necessary to achieve an employment outcome consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities and informed choice.
    - (1) Financial Considerations
      - (a) Maine DVR's contribution will be based upon the degree granting institution's Financial Aid Office (FAO) needs analysis, and the Vocational Rehabilitation Counselor's examination of actual costs and disability related expenses. DVR's contribution toward post-secondary training may not be provided unless maximum efforts have been made to secure assistance in whole, or in part, from the Federal Financial Student Aid Program and other sources. An individual must make and provide evidence of

a reasonable effort to resolve grant awards and student loans in default prior to obligation of DVR funds. When an individual owes a refund on a previous grant award or has a student loan in default, has limited or no financial resources, has made a reasonable repayment effort, and still fails to reach an agreement with the lender/grantor, it may be reasonable to conclude that maximum effort has been made to secure grant assistance.

- (b) Students are encouraged to make their own choice of educational institutions that have both the academic programs and disability related supports needed to help them reach the vocational goal in their IPE, whether they are public or private or in-state or out of state institutions. DVR will provide funding in a cost-effective manner ensuring sufficient quality to meet the student's needs. However, the maximum Maine DVR contribution will not exceed the current rate for tuition, fees, on-campus room and board, and related expenses at the Community College Program minus Pell Grant and expected student and family contribution for the first two (2) years or equivalent credit hours; except when the individual's disability related needs and/or vocational goal can be met only by a more costly available post-secondary vocational training opportunity. For students pursuing a Bachelor's degree the remaining course work will be funded up to the University of Maine current rate for tuition, fees, on-campus room and board, and related expenses minus grant assistance and expected family contribution.
- (c) Maine DVR's contribution may not exceed the maximum DVR determined contribution of actual costs plus disability related expenses. Disability related expenses are defined as specific assistive technology, or other disability related goods and services that are required to accommodate the individual with disabilities while in attendance at, living on campus, and/or commuting to the post-secondary institution. The responsibility for reasonable accommodations for DVR clients attending postsecondary training is specified in the current Memorandum of Understanding with the University of Maine System and the Maine Community College System.
- (d) DVR's contribution cannot replace the Family contribution, except if the individual in need of the service has been determined eligible for Social Security benefits under titles II or XVI (SSI/SSDI) of the Social Security Act. Recipients of SSI/SSDI are not subject to a financial means test.
- (e) When appropriate, Maine DVR shall encourage individuals with disabilities to participate in the cost of attendance through the use of scholarships, college work study and/or student loans. However, individual DVR clients will not be required to apply for scholarships or accept student loan and/or college work study. If the student is awarded scholarships and/or accepts a



student loan, DVR will consider actual costs and unmet need when determining DVR contributions towards the cost of post-secondary training.

(2) Academic Requirements

- (a) Students must demonstrate academic progress (successfully completing a course load of at least six (6) credit hours per semester), maintain eligibility for Financial Aid, and continue to make progress toward meeting the employment outcome goal written in the IPE. Note: If an individual encounters unforeseen or disability related circumstances that interfere with meeting the minimum course load requirements, DVR may continue sponsorship of the student who takes one course during that semester, however, VR will not support a reduced course load beyond 2 consecutive semesters.
- (b) If the individual is placed on academic probation, he/she has one grading period in which to attain good standing. Maine DVR sponsorship will terminate after that grading period unless the client achieves good standing.

(3) DVR will provide post-secondary education services beyond the baccalaureate level only when:

- (a) The individual requires advanced training to enter employment within the agreed upon profession in the IPE which is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice, and;
- (b) The individual is unable to function in an appropriate career position while simultaneously completing an advance degree due to limitations related to their disabilities, and;
- (c) Funding levels for tuition and other direct school cost will be limited to levels equal to the University of Maine Graduate rates.

B. Certification and Occupational Training

This is skill and occupational-specific training offered by a qualified training program.

- (1) DVR reserves the right to use programs that meet state or national certification requirements.
- (2) The skills training must provide documentation of competency at the completion of the program.
- (3) Certification and Occupational Training is provided only when necessary to achieve an employment outcome in an integrated setting consistent

with the individual's strengths, resources, priorities, concerns, abilities, capabilities, informed choice, and written in the IPE.

- (4) All DVR sponsored participants must apply for Federal Financial Student Aid whenever it is available
- (5) Requirements specified in 9.6.1 for disability related expenses, choice of institutions, part-time students and academic progress also apply in this section.

C. On-the-job training: This is training completed at the place of employment where the individual with a disability is trained to complete the specific functions of the job during a predefined time period. Specific costs are negotiated with the employer and may include job specific classroom training, wage reimbursement for a specific period of time, equipment and/or job related material purchase and other negotiated expenses directly related to the job.

On-the-job training requires a written agreement among the client, counselor, and employer, which states the hourly wage, responsibility for Workers' Compensation coverage, and any other conditions of employment. When an eligible individual is receiving on-the-job training, the conditions of training, certification and wage payment must comply with applicable State and Federal wage and hour laws.

- 7. Interpreter services and note-taking services for individuals who are deaf, including tactile interpreting for individuals who are deaf-blind; reader services, rehabilitation teaching services, note-taking services and orientation and mobility services for individuals who are blind; telecommunications, sensory and other technological aids and devices.
- 8. Occupational licenses, tools, equipment, initial stocks and supplies necessary in order to enter an occupation. Maine DVR will not purchase land or buildings for individuals with disabilities. Maine DVR retains the right to reclaim occupational tools and equipment purchased by the agency in instances when the individual's IPE is not completed, the vocational goal is changed resulting in purchased tools and equipment not being needed and/or the case is closed "Not Rehabilitated"
- 9. Self-Employment: DVR will assist the person, as needed, in the development of a business plan and in the process of securing loans and other financial resources for the development of a business of which the individual will operate and own at least 51%. Hence, non-profit ventures are not considered self-employment and cannot be supported by this policy. Persons with a self-employment objective are expected to pursue resources to finance the start-up of their business. The DVR expenditure limit is \$7,500 for self-sufficient business that will generate income for the individual at a sufficient level that the individual needs no supplemental income from any public source, such as SSI, SSDI, TANF, etc., and \$2,500 for self-employment with income projected at a lesser level that will allow the continuance of public benefits. DVR will not expend funds to support hobbies, which are defined as activities carried on with no intent to make a profit. Exceptions to the financial limit for self-employment are allowable if necessary to achieve the individual's IPE employment goal.

- A. Every VR client that intends to pursue self-employment is required to attend self-employment orientation, and complete a comprehensive business plan, utilizing technical assistance as needed and as defined in guidance.
  - B. The VR Counselor will base support of the plan based on the careful review of considerations of the VR approved business consultant's appraisal of viability and recommendations, which is a requirement for all self-sufficiency plans.
  - C. Costs incurred in training of the client or in the development and review of the business plan should not be included in the maximum expenditure limit. Before VR funds are expended on implementing the business plan, individuals will be expected to contribute to their self-employment venture in the form of cash, loans, grants, materials, or in-kind labor. The DVR Counselor and/or business consultant will assist individuals in exploring and applying for these additional resources.
  - D. For plans that are expected to provide self-sufficiency, consumers must have a good record of credit, or exhibit a pattern of managing existing debt.
  - E. Maine DVR retains the right to reclaim occupational tools and equipment purchased by the agency in instances when the individual's IPE is not completed, the vocational goal is changed resulting in purchased tools and equipment not being needed and/or the case is closed "Not Rehabilitated"
10. Time-limited ongoing support services for persons with the most significant disabilities who require job site training and a variety of ongoing support services to achieve a supported employment outcome in a competitive integrated setting..
- A. Supported-employment is defined as follows:
    - (1) Competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual is working on a short-term basis toward competitive integrated employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual with ongoing support services for individuals with the most significant disabilities for whom competitive employment:
      - (a) has not traditionally occurred, or;
      - (b) has been interrupted or intermittent as a result of significant disability; and;
      - (c) because of the nature and severity of their disability, needs intensive supported-employment services and extended services after the transition from DVR support in order to perform the work.
    - (2) Short-term basis means that an individual can reasonably achieve competitive integrated employment within six (6) months of achieving a supported employment outcome, not to exceed twelve (12) months in

limited circumstances based upon the needs of the individual and demonstrated progress towards competitive earnings.

- B. DVR may provide extended services to a youth with a disability for a period not to exceed four (4) years or until that youth reaches Age 25. Extended services are defined as ongoing support services and other appropriate services that are needed to support an individual with a most significant disability in supported employment.
  - C. DVR may provide ongoing support services to individuals for up to twenty-four months, unless the IPE indicates that more than twenty-four months of services are necessary in order for the individual to achieve job stability prior to transition to extended services; or under special circumstances the eligible individual and the VR counselor jointly agree to extend the time to achieve the employment outcome identified in the IPE.
11. Post-Employment Services: An eligible individual who was determined rehabilitated may receive services necessary to assist that individual to maintain, regain or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Post-employment services require an amendment to the IPE. Post-employment services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and thus, are limited in scope of two or less services and duration of six months or less. If more comprehensive services are required, and/or there is a new disabling condition and/or it has been longer than three-years since the case was closed successfully, then a new application for DVR services should be completed.
- A. Support services will be provided only to support core services.
  - B. Services with the goal of advancement should be provided only if the disabling condition is a barrier to advancement. *Services must be necessary to overcome disability related barriers to employment.*
12. Rehabilitation technology services may be provided to meet the needs, and address the barriers confronted by individuals with disabilities necessary to achieve an employment outcome in areas which include education, rehabilitation, employment, transportation, independent living, and recreation.

Rehabilitation technology services may be provided at any time in the rehabilitation process, including the assessment for determining eligibility, vocational rehabilitation needs, trial work experiences, services provided under an IPE, annual reviews of ineligibility decisions, annual reviews of extended employment in rehabilitation facilities, and post-employment services. Rehabilitation technology services include vehicle modifications, telecommunications, sensory, and other technological aids and devices.

The recommended expenditure limit for vehicle modifications is \$12,000. Exceptions to the financial limit for vehicle modifications are allowable if individual client needs cannot be addressed within the specified financial limit.

13. Transition services and Pre-Employment Transition Services

- A. Transition services are a coordinated set of activities for youth with disabilities not older than Age 24 to achieve an employment outcome in a competitive integrated setting. These services promote the movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported-employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the individual student's needs, taking into account the student's preferences and interests, and include, as appropriate, instruction, community experience, the development of employment and other post-school adult objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student's individualized plan for employment.

DVR will assist in transition planning and in the development of student's individualized education plan. For students eligible for services with an agreed upon vocational goal, DVR is expected to develop an Individualized Plan for Employment within 90 days of eligibility and, whenever possible before the student leaves the school setting. In providing transition services, DVR will facilitate the use of community-based services to the extent they are available and appropriate. Services will be provided in the most cost effective manner.

- B. Pre-Employment Transition Services are available to eligible or potentially eligible students with a disability, who are between Age 14 (9<sup>th</sup> grade) and no older than Age 21, enrolled in a secondary, postsecondary, or other recognized education program. Potentially Eligible students are those who meet the definition of a student with a disability and who have not yet applied and been found eligible (or ineligible) for VR services. Pre-Employment Transition Services are meant to be delivered in coordination with schools and do not relieve the schools of any of their responsibilities under the Individuals with Disabilities Education Act (IDEA). These services may be offered in group settings. Pre-Employment Transition Services include:
- (1) Job exploration counseling;
  - (2) Work-based learning experiences, which may include in-school or after school opportunities, experiences outside of the traditional school setting, and/or internships;
  - (3) Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs;
  - (4) Workplace readiness training to develop social skills and independent living;
  - (5) Instruction in self-advocacy.

14. Other goods and services determined necessary for the individual to achieve an employment outcome.

## 15. Support Services

Note: Support Services are only to be provided so the client can derive benefit from other core VR Services that are included the IPE or comprehensive assessment of rehabilitation needs.

- A. Maintenance for additional expenses, such as food, shelter, and clothing that are in excess of usual expenses of the individual and that are necessitated by the individual's participation in a rehabilitation program. Before providing these services with VR funds, the VR Counselor (VRC) will determine the most cost effective option available and that all other resources have been utilized.
- B. Transportation
  - (1) Transportation including travel, and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service and achieve an employment outcome in the most cost effective means possible.
  - (2) Transportation services (that address ongoing transportation needs) will be provided in an Individualized Employment Plan only where there is an indication that there is an ability to sustain transportation after closure.
  - (3) Method of Reimbursement: Cost associated with transportation will be reimbursed based on actual costs necessary to participate in the VR planned services. When using personal automobiles this may include gas, and tolls, parking and other costs such as insurance and registration, which are mutually agreed upon and preauthorized by the VRC. Where transportation is financed by the VR, the agency will only pay at a rate and frequency as mutually agreed upon and preauthorized, and in accordance with the State of Maine Office of the Controller travel reimbursement policies.
  - (4) Repair: The VRC is authorized to consult with a certified mechanic for an overview and advise on the value of the car and the cost/benefit of repairing a vehicle. DVR will not pay for repairs that exceed the value of the vehicle. DVR will not pay for routine vehicle maintenance expenses. DVR may limit its payment for repairs based upon the percentage that the vehicle is used for travel necessary to participate in the VR planned services.
  - (5) Purchase of Vehicle: Maine DVR will not assist in the purchase of a vehicle unless it is the most cost effective option available and all other resources have been utilized. Any vehicle purchased with DVR assistance will have a current State of Maine inspection sticker. DVR may limit the amount of its assistance in the purchase of a vehicle in accordance with DVR's procedural directives.
- C. Services to an applicant's/client's family members when those services are necessary to the vocational rehabilitation of the eligible individual;
- D. Personal assistance services necessary to achieve an employment outcome provided while an individual with a disability is receiving DVR services.

## SECTION 10. CLOSURE

The counselor shall close an individual's case record at any time in the DVR process when it is determined that the individual is no longer eligible, is unavailable for diagnostic or planned services, chooses not to participate, or is rehabilitated.

### 1. Ineligibility

- A. The person has no disability or substantial impediment to employment, the individual does not require DVR services to achieve a competitive integrated employment outcome, or is unwilling to consider employment in an integrated setting.

Requires:

- (1) Opportunity for the individual's or his/her representative's participation in closure decision;
- (2) Written notification of closure decision;
  - (a) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed, and of the availability of the Client Assistance Program;
  - (b) IPE amendment, if appropriate;
  - (c) Certification of ineligibility in case record that documents the reasons for closure and is dated and signed by the counselor;
  - (d) Referral to other agencies and community rehabilitation programs, as appropriate.

- B. There is clear and convincing evidence after trial work experiences or after a period of service provision under an IPE that the individual with a disability is incapable of benefiting from DVR services in terms of achieving an employment outcome in an integrated setting for which an individual is compensated at or above minimum wage.

Requires:

- (1) Opportunity for the individual's or his/her representative's participation in closure decision;
- (2) Written notification of closure decision;
- (3) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed, and of the availability of the Client Assistance Program;
- (4) IPE amendment, if appropriate;

- (5) Review of the ineligibility determination within twelve (12) months. A review is not required in situations where the individual refuses it, the individual is no longer present in the State, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive;
- (6) Certification of ineligibility in the case record that documents the reasons for closure and is dated and signed by the counselor.
- (7) Referral to other agencies and community rehabilitation programs, as appropriate.

2. Closure for Reasons other than Ineligibility

A. Individual is Unavailable

The counselor may close a case when an individual is unavailable during an extended period of time for an assessment for determining eligibility and vocational rehabilitation needs, or to participate in planned vocational rehabilitation services, and the counselor has made repeated efforts to contact the individual and to encourage the individual's participation.

Requires:

- (1) Rationale for closure documented in the case record;
- (2) Written notification to client;
- (3) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed and the availability of the Client Assistance Program;
- (4) IPE amendment, when appropriate

B. Individual Refuses to Cooperate or Participate

The counselor may close an applicant or eligible client when there is sufficient evidence to conclude that the individual refuses to cooperate or to participate in an assessment for determining eligibility and rehabilitation needs or planned services that can be demonstrated to be critical to success after reasonable efforts have been made to encourage cooperation or participation.

Requires:

- (1) Rationale for closure documented in the case record;
- (2) Written notification to client;
- (3) Written notification of appeal rights, including the name and address of
- (4) the person with whom an appeal may be filed and the availability of the Client Assistance Program;



(5) IPE amendment, when appropriate.

C. Individual needs supported-employment and extended support services are not available:

The counselor may close an applicant or eligible client who needs extended supports to become competitively employed, when it becomes apparent that extended supports will not be available. All options such as agency funding from the Department of Health and Human Services, Social Security Administrations' Ticket to Work Program, the Bureau of Rehabilitation Services' Basic or Brain Injury Extended Support Programs, natural supports, etc., must be first explored.

Requires:

- (1) Rationale for closure documented in the case record;
- (2) Written notification to client;
- (3) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed and the availability of the Client Assistance Program;
- (4) IPE amendment, when appropriate

D. Periodic Review of Unsuccessful Closures from Extended Employment with Community Rehabilitation Providers and Closures at Less Than Minimum Wage

For all clients closed unsuccessfully in a non-integrated extended employment setting or those closed in an integrated setting in which the individual is compensated at less than minimum wage, Maine DVR must conduct a semi-annual review and reevaluation of the status of each individual for two (2) years after closure (and thereafter, if requested by the individual or, if appropriate, the individual's representative) to determine the interests, priorities, and needs of the individual with respect to competitive integrated employment or training in competitive integrated employment. This review must include:

- (1) input from the individual or, if appropriate, the individual's representative, to determine the interests, priorities, and needs of the individual for employment or training for competitive integrated employment in the labor market;
- (2) make maximum effort, including the identification of vocational rehabilitation services, reasonable accommodations, and other support services, to enable the eligible individual to benefit from training in, or to be placed in competitive integrated employment ; and
- (3) provide services designed to promote movement from extended employment to competitive integrated employment, including supported-employment, independent living, and community participation.

3. Closure of Clients Who Have Achieved An Employment Outcome

A. In order to determine that a client has achieved competitive integrated employment , the case record must document the following:

- (1) the provision of services under the individual's IPE contributed to the achievement of the employment outcome that is described in the individual's IPE;
- (2) the employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice as agreed upon in the individual's IPE;
- (3) the employment outcome is in an integrated setting for which the individual is compensated at or above minimum wage , consistent with the individual's informed choice as agreed upon in the individual's IPE;
- (4) the individual has maintained the employment outcome for at least 90 days; necessary to ensure the stability of the employment outcome and the individual no longer needs vocational rehabilitation services.
- (5) the individual and the rehabilitation counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job;
- (6) the individual is informed, through appropriate modes of communication, including written notification, of the availability of post-employment services; and
- (7) written notification of appeal rights, including the name and address of the person with whom an appeal may be filed and the availability of the Client Assistance Program is provided;

B. Closure of Clients in Supported-employment

Clients have achieved a supported-employment outcome when the following conditions are met:

- (1) the individual has substantially met the goals and objectives of his/her IPE;
- (2) extended support services are immediately available to preclude any interruption in the provision of the ongoing support needed to maintain employment;
- (3) the individual has maintained competitive integrated employment for at least ninety (90) days after the transition to extended services
- (4) the individual or representative and the rehabilitation counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job;

- (5) the individual or representative is informed, through appropriate modes of communication, including written notification, of the availability of post-employment services: and
  - (6) Written notification of appeal rights, including the name and address of the person with whom an appeal may be filed and the availability of the Client Assistance Program, is provided.
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**STATUTORY AUTHORITY:**

Title 26 §1417

**EFFECTIVE DATE:**

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September 3, 1983 -Item 2010  
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January 9, 1985 - Items 465 and 480  
June 9, 1986 - replaces Casework Manual  
August 1, 1989  
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October 30, 1991 - Sections 4 and 7  
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**NON-SUBSTANTIVE CORRECTIONS:**

August 19, 1997 - minor spelling and formatting, agency name corrections.

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