

ALABAMA DEPARTMENT OF REHABILITATION SERVICES  
ADMINISTRATIVE CODE

CHAPTER 795-6-1  
ADULT VOCATIONAL REHABILITATION SERVICES

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795-6-1-.01 General Information.

(1) A service program that provides employment related services for individuals who have disabilities that present a substantial impediment to employment.

(2) Eligibility for rehabilitation services is determined without regard to sex, race, creed, age, color, national origin, or type of disability.

(3) There is no duration of residence requirement, which would exclude from services an otherwise eligible individual who is presently living in the State.

(4) When appropriate, counselors shall provide the referral necessary to assist persons with disabilities in securing needed services from other agencies and organizations.

(5) The counselor must document in the record of services a rationale for any decision to provide, alter, or deny services.

(6) It is the policy of Adult Vocational Rehabilitation Services that all programs, projects and activities shall be carried out in a manner consistent with the principles of respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice.

(7) An individual with a disability shall be presumed to benefit in terms of an employment outcome from vocational rehabilitation

services unless there is clear and convincing evidence that demonstrates otherwise.

(8) The State Agency shall have on its staff, or arrange to have available, individuals able to communicate with applicants who have special communication needs.

**Author:** Alabama Board of Rehabilitation Services

**Statutory Authority:** Code of Ala. 1975, §21-9-9.

**History:** Emergency Rule: Filed January 17, 1995; effective January 18, 1995. **New Rule:** filed April 13, 1995; effective May 18, 1995. **Repealed and New Rule:** Filed August 26, 2002; effective October 1, 2002.

#### 795-6-1-.02 Record Of Services.

(1) Adult Vocational Rehabilitation Services will establish and maintain a record of services for each applicant and/or eligible individual of vocational rehabilitation services.

(2) The program will maintain a record of services for each applicant and/or eligible individual that contains at a minimum all items of documentation required by federal law and/or regulations, any information submitted to the Department by the applicant or eligible individual and all documentation produced to support any decision regarding services made by the Department.

**Author:** Alabama Board of Rehabilitation Services

**Statutory Authority:** Code of Ala. 1975, §21-9-9.

**History:** **New Rule:** Filed August 26, 2002; effective October 1, 2002.

#### 795-6-1-.03 Application.

(1) Applicant is an individual who has completed and signed an agency application form or has otherwise requested services, has provided information necessary to initiate an assessment to determine eligibility and priority for services, and is available to complete the assessment process.

(2) Application forms shall be available to the public at all ADRS offices.

**Author:** Alabama Board of Rehabilitation Services

**Statutory Authority:** Code of Ala. 1975, §21-9-9.

**History:** **New Rule:** Filed August 26, 2002; effective October 1, 2002.

**795-6-1-.04      Eligibility.**

An individual is eligible to become a client of vocational rehabilitation services if the individual:

- (a) Has a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment; and
- (b) Can benefit in terms of an employment outcome from vocational rehabilitation services; and
- (c) Requires vocational rehabilitation services to prepare for, secure, retain or regain employment.

**Author:** Alabama Board of Rehabilitation Services

**Statutory Authority:** Code of Ala. 1975, §21-9-9.

**History: New Rule:** Filed August 26, 2002; effective October 1, 2002.

**795-6-1-.05      Methods And Timeframe For Determining Eligibility.**

(1) The counselor shall conduct an assessment for the purpose of determining eligibility and priority of services. The assessment must be conducted in the most integrated setting possible, consistent with the applicant's needs and informed choice. The counselor must determine eligibility within a reasonable period of time, not to exceed 60 days after the individual has submitted an application to receive services unless:

- (a) The counselor notifies the applicant that exceptional and unforeseen circumstances beyond the control of the counselor preclude the counselor from completing the determination within the prescribed time and the applicant agrees that an extension of time is warranted, or
- (b) The Department is exploring an applicant's abilities, capabilities, and capacity to perform in work situations and the applicant agrees that an extension of time is warranted.

(2) The determination of eligibility is based on the review of existing data and, to the extent additional data is necessary, the preliminary assessment of such data, including the provision of goods and services.

- (a) It is presumed that an applicant can benefit in terms of an employment outcome from vocational rehabilitation services unless the State Agency can demonstrate by clear and convincing evidence that the applicant is incapable of

benefiting from vocational rehabilitation services in terms of an employment outcome.

(b) The assessment for determining eligibility includes, to the extent necessary and appropriate:

1. Referral to other programs and/or services.

2. The provision of rehabilitation technology services to an applicant with a disability to assess and develop the capacities of the applicant to perform in a work environment.

(3) An applicant or eligible individual may be determined ineligible whenever the counselor determines on the basis of clear and convincing evidence that an applicant or eligible individual does not have a disability which constitutes a substantial impediment to employment or does not require vocational rehabilitation services.

(a) An applicant or eligible individual may be determined ineligible whenever the counselor determines on the basis of clear and convincing evidence (through trial work experiences, supported employment, rehabilitation technology services or any other information) that the applicant or eligible individual cannot benefit in terms of an employment outcome from vocational rehabilitation services due to the severity of the applicant or eligible individual's disability.

**Author:** Alabama Board of Rehabilitation Services

**Statutory Authority:** Code of Ala. 1975, §21-9-9.

**History: New Rule:** Filed August 26, 2002; effective October 1, 2002.

**795-6-1-.06      Individualized Plan For Employment (IPE).**

(1) As soon as possible after a determination has been made that an applicant is eligible for vocational rehabilitation services, the rehabilitation counselor must complete an assessment for determining vocational rehabilitation needs, if appropriate, and an Individualized Plan for Employment (IPE) must be developed and implemented. Vocational rehabilitation services are provided in accordance with the IPE.

(2) In order to develop the Individualized Plan for Employment, the rehabilitation counselor must provide the following information to each eligible individual in writing:

(a) Information on the available options for developing the IPE including the option that an eligible individual or, as appropriate, the eligible individual's representative may develop all or part of the IPE:

1. Without assistance from ADRS or with assistance from:

(i) A qualified vocational rehabilitation counselor employed by ADRS;

(ii) A qualified vocational rehabilitation counselor who is not employed by ADRS; or

(iii) Other resources outside of ADRS.

(b) Additional information to assist the eligible individual or, as appropriate, the eligible individual's representative, in developing the IPE, including information describing the full range of components that must be included in an IPE and as appropriate to each eligible individual:

1. An explanation of agency guidelines and criteria for determining an eligible individual's financial commitments under an IPE;

2. Information on the availability of assistance in completing ADRS forms required as part of the IPE; and

3. Additional information that the eligible individual requests or ADRS determines to be necessary to the development of the IPE:

4. A description of the rights and remedies available to the eligible individual; and

5. A description of the availability of a client assistance program and information on how to contact the client assistance program.

(3) The IPE is a written document prepared on forms developed by ADRS. The IPE must be developed and implemented in a manner that gives the eligible individual the opportunity to exercise informed choice in selecting the employment outcome, including the employment setting, the specific vocational rehabilitation services needed, the entity or entities that will provide the vocational rehabilitation services, and the methods available for procuring the services. The IPE must be agreed upon and signed by the vocational rehabilitation counselor and the individual with a disability, or, as appropriate, that individual's parent, family member, guardian, advocate, or other authorized representative within the framework of a vocational rehabilitation counseling and guidance relationship.

(4) A copy of the IPE and any amendments to the program will be provided to the eligible individual, or, as appropriate, that individual's parent, family member, guardian, advocate, or other authorized representation.

(5) The vocational rehabilitation counselor will advise the eligible individual, or his or her representative, of Agency procedures and requirements affecting the development and review of the IPE.

(6) To the extent additional data is necessary, a comprehensive assessment of the eligible individual's unique strengths, resources, priorities, interests, and needs, consistent with the informed choice of the eligible individual, (including the need for supported employment) is conducted. The purpose of this assessment is to make a determination of the goals, objectives, nature, and scope of vocational rehabilitation services to be included in the eligible individual's IPE. This assessment:

(a) Is limited to information that is necessary to identify the rehabilitation needs and to develop the rehabilitation program of the eligible individual.

(b) Uses as a primary source of information to the maximum extent possible and appropriate (and in accordance with confidentiality requirements), existing information, information that can be provided by the eligible individual and, where appropriate, by the family of the eligible individual, including information available from other programs and providers, information provided by the eligible individual and the eligible individual's family, and information obtained under the assessment for determining the applicant's eligibility and vocational rehabilitation needs.

(7) The IPE must be initiated as soon as possible after certification of eligibility to determine rehabilitation needs. Each IPE will be reviewed annually and revised as needed. The eligible individual or, as appropriate, the parent, guardian or other representative will be afforded an opportunity to review the program and jointly develop and agree to its terms.

(8) Regardless of the approach that an eligible individual selects for purposes of developing the IPE, each IPE must include:

(a) A description of the specific employment outcome that is chosen by the eligible individual that is consistent with the eligible individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice; and to the maximum extent appropriate, results in employment in an integrated setting.

(b) A description of the specific vocational rehabilitation services that are needed to achieve the employment outcome including, as appropriate, the provision of assistive technology devices, assistive technology services, and personal assistance services, including training in the management of those services; and provided in the most integrated setting that is appropriate for the services

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 services.

(d) A description of the entity or entities chosen by the eligible individual that will provide the vocational rehabilitation services and the methods used to procure those services.

(e) A description of the criteria that will be used to evaluate progress towards achievement of the employment outcome.

(f) The terms and conditions for the provision of vocational rehabilitation services, including the responsibilities of the eligible individual in implementing the IPE, the extent of eligible individual's participation in the cost of services, if any, and the extent to which comparable services and benefits are available to the eligible individual under any other program.

(g) An assessment of the expected need for post-employment services and, if appropriate, extended services.

(h) If appropriate, a provision for a reassessment of the need for post-employment services and, if appropriate, extended services, prior to the point of successful rehabilitation, and if appropriate, a statement detailing how such services will be provided or arranged through cooperative agreements with other service providers.

(i) If necessary, an amendment specifying the reasons that an eligible individual is no longer eligible for vocational rehabilitation services and the rights and remedies available to such an eligible individual including, if appropriate, recourse to the processes involved in the annual review of the IPE and the appeals procedures.

(j) The rights and remedies available to such an eligible individual including, if appropriate, recourse to the processes set forth in the annual review of the IPE and the appeals procedures.

(k) A description of the availability of a Client Assistance Program.

(l) To the maximum extent possible, descriptions in the native language, or mode of communication, of the eligible individual, or in an appropriate case, of that eligible individual's parents, family member, guardian, advocate, or other authorized representative.

(m) Information identifying other related services and benefits provided by any federal, state, or local program that will enhance the capacity of the eligible individual to achieve the vocational objective(s) on the IPE.

(9) In order to allow any applicant or eligible individual the opportunity to make informed choices throughout the vocational rehabilitation process, the VR counselor shall provide or assist the individual in acquiring information relating to the cost, accessibility, and duration of potential services, the qualifications of potential service providers, the types of services offered by those providers, and the degree to which services are provided in integrated settings. Each VR counselor shall document in the case record that the individual received, through appropriate means of communication, information concerning the availability and scope of informed choice, the manner in which informed choice may be exercised, and the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice with regards to the selection of any specific employment outcome of vocational rehabilitation service, including assessment services, and service providers.

(10) An IPE for an individual with a most significant disability for whom an employment outcome in a supported employment setting has been determined to be appropriate must specify the supported employment services to be provided by ADRS, specify the expected extended services needed, identify the source of extended services or describe the basis for concluding that there is a reasonable expectation that those services will become available, provide for periodic monitoring of progress toward meeting the weekly work requirement established in the IPE by the time of transition to extended services, provide for coordination of services under other federal or state programs, identify job skills training that will be provided on site and include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the eligible individual with the most significant disability.

**Author:** Alabama Board of Rehabilitation Services

**Statutory Authority:** Code of Ala. 1975, §21-9-9.

**History: New Rule:** Filed August 26, 2002; effective October 1, 2002.

#### **795-6-1-.07      Services.**

Vocational rehabilitation services will be provided, as appropriate, to meet the vocational rehabilitation needs of each eligible individual as part of the diagnostic process or in accordance with the Individualized Plan for Employment (IPE).

Vocational rehabilitation services provided under this Rehabilitation Act are any goods or services necessary to render an eligible individual employable, including:

- (a) An assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;
- (b) Counseling and guidance, including information and support services to assist an eligible individual in exercising informed choice;
- (c) Referral and other services to secure needed services from other agencies through agreements if such services are not available from ADRS;
- (d) Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
- (e) Vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials, except that no training services provided at an institution of higher education shall be paid forthwith funds from ADRS unless maximum efforts have been made by ADRS and the eligible individual to secure grant assistance, in whole or in part, from other sources to pay for such training;
- (f) To the extent that financial support is not readily available from a source other than ADRS, diagnosis and treatment of physical and mental impairments, including:
  - 1. Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;
  - 2. Necessary hospitalization in connection with surgery or treatment;
  - 3. Prosthetic and orthotic devices;
  - 4. Eyeglasses and visual services as prescribed by qualified personnel who meet State Licensure laws and who are selected by the eligible individual;
  - 5. Diagnosis and treatment for mental and emotional disorders by personnel who meet State licensure laws;

- (g) Maintenance for additional costs incurred while participating in an assessment for determining eligibility and vocational rehabilitation needs or while receiving services under an individualized plan for employment;
- (h) Transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the eligible individual to achieve an employment outcome;
- (i) On-the-job or other related personal assistance services provided while an eligible individual is receiving other services described in this section;
- (j) Interpreter services provided by qualified personnel for individuals who are deaf or hard of hearing, and reader services for individuals who are determined to be blind, after an examination by personnel who meet State licensure laws;
- (k) Rehabilitation teaching services, and orientation and mobility services, for individuals who are blind;
- (l) Occupational licenses, tools, equipment, and initial stocks and supplies;
- (m) Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;
- (n) Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices;
- (o) Transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the individualized plan for employment;
- (p) Supported employment services;
- (q) Services to the family of an eligible individual with a disability necessary to assist the eligible individual to achieve an employment outcome; and
- (r) Specific post-employment services necessary to assist an eligible individual with disability to, retain, regain, or advance in employment.

**Author:** Alabama Board of Rehabilitation Services

**Statutory Authority:** Code of Ala. 1975, §21-9-9.

**History: New Rule:** Filed August 26, 2002; effective October 1, 2002.

**795-6-1-.08      Financial Accountability.**

(1) Only those funds consistent with the rehabilitation needs of the eligible individual shall be expended.

(2) Each eligible individual's financial situation will be reviewed to determine the extent of his/her participation in the cost of certain vocational rehabilitation services. Eligibility for services subject to financial need is based on the eligible individual's household income being at or below 200% of federal poverty guidelines as published in the Federal Register by the United States Department of Health and Human Services. Household income will be determined from a copy of the most recent U.S. Individual Income Tax Return or other documentation that indicates the eligible individual's Taxable Income as filed with the federal Internal Revenue Service as documentation for a counselor to determine the financial need of the individual and the participation in the cost of certain vocational rehabilitation services by the eligible individual. Financial need for individuals under 23 years of age will be based on the income of their mother and father. In order for the financial status of individuals under 23 years of age to be considered as an independent household one of the following criteria must be true:

- (a) Be married and living in an independent household; or
- (b) Have dependents who receive more than half of their support from the eligible individual; or
- (c) A veteran of the U. S. Armed Forces; or
- (d) An orphan or was (until age 18) a ward/dependent of the court.

(3) If the individual in need of a vocational rehabilitation service has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act, that particular individual's financial situation will not be reviewed. Individuals eligible for Social Security benefits under Title II or Title XVI of the Social Security Act shall not be required to participate in the cost of any vocational rehabilitation service.

(4) Services subject to financial need are:

- (a) Vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials, except that no training services provided at an institution of higher

education shall be paid forthwith funds from ADRS unless maximum efforts have been made by ADRS and the eligible individual to secure grant assistance, in whole or in part, from other sources to pay for such training. The Alabama Department of Rehabilitation Services gives preference to in-State services, provided that the preference does not effectively deny an individual a necessary service. If the individual chooses an out-of-State service at a higher cost than an in-State service, if either service would meet the individual's rehabilitation needs, the Department of Rehabilitation Services is not responsible for those costs in excess of cost of the in-State service.

(b) To the extent that financial support is not readily available from a source other than ADRS, diagnosis and treatment of physical and mental impairments, including:

1. Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;
2. Necessary hospitalization in connection with surgery or treatment;
3. Prosthetic and orthotic devices;
4. Eyeglasses and visual services as prescribed by qualified personnel who meet State Licensure laws and who are selected by the eligible individual, and
5. Diagnosis and treatment for mental and emotional disorders by personnel who meet State licensure laws;

(c) Maintenance for additional costs of living incurred while participating in an assessment for determining eligibility for vocational rehabilitation services or while receiving services under an individualized plan for employment. Maintenance will be provided only when the cost to an individual to participate in rehabilitation services exceeds the cost that the individual normally incurs for daily sustenance. Maintenance of eligible individuals under the age of 23 will only be provided when the cost of participation exceeds the cost of normal child support as determined by reference to the Child Support Guidelines published in the Code of Alabama, Judicial Administration Rules, Rule 32, Child Support Guidelines.

(d) Transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service

described in this section and needed by the eligible individual to achieve an employment outcome;

(e) Occupational licenses, tools, equipment, and initial stocks and supplies;

(f) Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices;

(g) Services to the family of an eligible individual necessary to assist the eligible individual to achieve an employment outcome; and

(h) Specific post-employment services necessary to assist an eligible individual with disability to, retain, regain, or advance in employment.

(5) Those services listed above are subject to financial need. An eligible individual's financial situation will be reviewed as described in section (2) above to determine the extent of his/her participation in the cost of those listed vocational rehabilitation services. Financial participation by Vocational Rehabilitation Services in these services is subject to a sliding scale published and maintained by the Department of Rehabilitation Services to be applied to those individuals whose household income was determined to be greater than 200% of Federal Poverty Guidelines. The scale provides for an incrementally increasing level of participation by the participant in the cost of services subject to financial need as the household income increases on the scale above 200% of Federal Poverty Guidelines. However, certain services, no matter what kind or type, if purchased through agreements or policies from certain vendors, such as community rehabilitation programs, other State agencies, or special projects, may be provided to all eligible individuals uniformly at no cost. Extraordinary or unusual circumstances that require exemption from participation in the cost of any vocational rehabilitation service shall be submitted to the field services directors at the State Office of ADRS for their review and approval.

(6) When an eligible individual is eligible for comparable services and benefits under any other program or agency, those services and benefits must be utilized to meet, in whole or part, the cost of vocational rehabilitation services except:

(a) Assessment for determining eligibility and vocational rehabilitation needs.

(b) Counseling and guidance, including information and support services to assist an eligible individual in exercising informed choice.

(c) Referral and other services to secure needed services from other agencies, including other components of the state-wide workforce investment system.

(d) Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.

(e) Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.

(f) Post-employment services consisting of the services listed in (a) through (e) of this section.

(7) If comparable services or benefits exist under any other program and are available to the eligible individual at the time needed to ensure the progress of the eligible individual toward achieving the employment outcome in the eligible individual's IPE, ADRS must use those comparable services or benefits to meet, in whole or part, the costs of the vocational rehabilitation services.

(8) If comparable services or benefits exist under any other program, but are not available to the eligible individual at the time needed to ensure the progress of the eligible individual toward achieving the employment outcome in the eligible individual's IPE, ADRS must provide vocational rehabilitation services until those comparable services and benefits become available.

(9) Any vendor providing services authorized by the Adult Vocational Rehabilitation Services program must agree not to make any charge to or accept any payment from the eligible individual with a disability or his/her family for the services unless the eligible individual is aware of the amount of the charge or payment and, when applicable, approved by the State Agency.

**Author:** Alabama Board of Rehabilitation Services

**Statutory Authority:** Code of Ala. 1975, §21-9-9.

**History: New Rule:** Filed August 26, 2002; effective October 1, 2002.

**795-6-1-.09      Case Closure.**

(1) An eligible individual's case shall be closed when it has been determined that, as appropriate, planned services are completed and/or additional vocational rehabilitation services are either unnecessary or inappropriate.

(2) An eligible individual is determined to have achieved an employment outcome if the following requirements are met:

(a) Provisions of services in the eligible individual's IPE have contributed to the achievement of the employment outcome.

(b) The employment outcome is consistent with the eligible individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(c) The employment outcome is in the most integrated setting possible, consistent with the eligible individual's informed choice.

(d) The eligible individual has maintained the employment outcome for a period of at least 90 days.

(e) At the end of this period the eligible individual and the rehabilitation counselor coordinator consider the employment outcome to be satisfactory and agree the eligible individual is performing well on the job.

(3) An eligible individual or applicant's case shall be closed when it has been determined that the eligible individual or applicant is ineligible for vocational rehabilitation services. If a counselor determines that an eligible individual or applicant is ineligible for vocational rehabilitation services, after full consultation with the individual, the case record must include documentation of the reasons for the eligibility decision. The ineligibility determination must be made only after opportunity for full consultation with the individual or, as appropriate, his or her representative.

(a) The counselor must inform the individual in writing of the ineligibility determination, including the reasons for that determination, and the means by which the eligible individual may express and seek remedy for any dissatisfaction.

(b) The counselor must provide the individual with a description of services available from a client assistance program and information on how to contact that program.

(c) The counselor must refer the individual to other training or employment-related programs that are part of the One-Stop service delivery systems.

(d) The counselor must review the ineligibility determination within twelve months and annually thereafter if requested by the individual based on the finding that the individual is incapable of achieving an employment outcome. This review need not be conducted in situations in which the individual has refused 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 or terminal.

(4) An individual's case may be closed without any determination of eligibility when an applicant is unavailable during an extended period of time to complete an evaluation of eligibility and rehabilitation needs or to participate in planned vocational rehabilitation services, and the counselor has made repeated efforts to contact the individual to encourage his or her participation.

**Author:** Alabama Board of Rehabilitation Services

**Statutory Authority:** Code of Ala. 1975, §21-9-9.

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