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## Bureau of Rehabilitation Services

### Sec. 17b-653-1. Description

Sections 17b-653-2 to 17b-653-24, inclusive, of the Regulations of Connecticut State Agencies shall apply to the state Department of Social Services, Bureau of Rehabilitation Services in its implementation of vocational rehabilitation services as described in Section 17b-650 through 17b-665 of the Connecticut General Statutes, the Rehabilitation Act of 1973, as amended, and implementing regulations.

(Adopted effective June 6, 2000)

### Sec. 17b-653-2. Definitions

(a) The definitions provided by Section 17b-650 of the Connecticut General Statutes shall govern the interpretation and application of this section and sections 17b-653-3 to 17b-653-24, inclusive, of the Regulations of Connecticut State Agencies.

(b) In addition thereto, the following definitions shall apply:

(1) "Act" means the Rehabilitation Act of 1973, as amended (29 USC 701 et seq.);

(2) "Applicant" means a person who has applied for vocational rehabilitation services from the Bureau of Rehabilitation Services;

(3) "Architectural alteration services" means services provided to adapt or modify a client's home or small business. These services may include architectural consultation, design, construction and inspection to determine whether the services meet the necessary building and accessibility codes and client needs;

(4) "Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of an individual with a disability;

(5) "Assistive technology service" means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device, including:

(A) the evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in his or her customary environment;

(B) purchasing, leasing, or otherwise providing for the acquisition by an individual with a disability of an assistive technology device;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with a disability or, if appropriate, the family members, guardians, advocates, or authorized representatives of the individual; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services) employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities, to the extent that training or technical assistance is necessary to the achievement of an employment outcome by an individual with a disability;

(6) "Bureau" means the Bureau of Rehabilitation Services;

(7) "Client" means a person who has been determined to be eligible for vocational rehabilitation services from the bureau;

(8) “Client Assistance Program” (CAP) is a unit within the Office of Protection and Advocacy of the State of Connecticut. The purpose of the Client Assistance Program is to provide information and advice to applicants and clients of all available benefits under the act.

(9) “Commensurate” means, with respect to the comparison of various programs or services, those programs or services which will enable the applicant or client to, as applicable:

- (A) complete the assessment for determining eligibility and priority for services;
- (B) complete the assessment for determining rehabilitation needs; or
- (C) achieve an employment outcome.

(10) “Community rehabilitation program” means a program that provides directly or facilitates the provision of vocational rehabilitation services to individuals with disabilities, and that provides, singly or in combination, for an individual with a disability to enable the individual to maximize opportunities for employment, including career advancement: (A) medical, psychiatric, psychological, social, and vocational services that are provided under one management; (B) testing, fitting, or training in the use of prosthetic and orthotic devices; (C) recreational therapy; (D) physical and occupational therapy; (E) speech, language, and hearing therapy; (F) psychiatric, psychological, and social services, including positive behavior management; (G) assessment for determining eligibility and vocational rehabilitation needs; (H) rehabilitation technology; (I) job development, placement, and retention services; (J) evaluation or control of specific disabilities; (K) orientation and mobility services for individuals who are blind; (L) extended employment; (M) psychosocial rehabilitation services; (N) supported employment services and extended services; (O) services to family members when necessary to the vocational rehabilitation of the individual; (P) personal assistance services; (Q) services similar to the services described in paragraphs (A) through (P) of this subdivision. For the purposes of this definition, the word program means an agency, organization, or institution, or unit of an agency, organization, or institution, that provides directly or facilitates the provision of vocational rehabilitation services as one of its major functions.

(11) “Comparable services and benefits” means services and benefits that are:

- (A) provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits;
- (B) available to the individual at the time needed to achieve the employment outcome in the individual’s employment plan, in accordance with section 17b-653-11; and

(C) commensurate to the services that the individual would otherwise receive from the bureau;

(12) “Competitive employment” means work,

(A) in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and

(B) for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

(13) “Counselor” means the bureau employee who is responsible for obtaining, analyzing, and evaluating pertinent applicant and client information, determining eligibility for rehabilitation services, developing and implementing rehabilitation plans with applicants or clients, providing counseling, guidance, and placement services, and recommending closure where appropriate;

(14) “Department” means the state Department of Social Services;

(15) "Director" means the director of the Bureau of Rehabilitation Services;

(16) "Eligible" or "Eligibility" when used in relation to an applicant's qualification for rehabilitation services means a certification that:

(A) the applicant is an individual with a disability, as defined in subsection (b)(22) of this section; and

(B) the individual requires vocational rehabilitation services to prepare for, enter, engage in or retain gainful employment;

(17) "Employment outcome" means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market, supported employment, self-employment, telecommuting, or business ownership;

(18) "Employment plan", also known as the individualized plan for employment, means a plan which is designed to achieve an employment outcome and approved by the bureau;

(19) "Experimental procedure" means a medical, rehabilitation, educational or related service, device or methodology which is unproven or is not generally accepted as effective within the professional discipline best able to evaluate the procedure;

(20) "Family member" means any relative by blood or marriage of an applicant or client with a disability and other individuals living in the same household with whom the applicant or client with a disability has a close interpersonal relationship;

(21) "Impartial hearing officer" means an individual who

(A) is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education). An individual is not an employee of a public agency solely because the individual is paid by that agency to serve as a hearing officer;

(B) has not been involved previously in the vocational rehabilitation of the applicant or client;

(C) has knowledge of the delivery of vocational rehabilitation services, the federal and state rules governing the provision of such services and has received training with respect to the performance of official duties;

(D) has no personal or financial interest that would be in conflict with the individual's objectivity; and

(E) is not a member of the state rehabilitation advisory council for the bureau;

(22) "Individual with a disability" means an individual who,

(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 the provision of vocational rehabilitation services;

(23) "Individual with a most significant disability" means an individual with a significant disability who:

(A) has serious limitations in a total of three or more functional areas (such as mobility, communication, self-care, interpersonal skills, work tolerance or work skills) in terms of an employment outcome; or

(B) will require significant ongoing disability-related services on the job in order to maintain employment following case closure with the bureau;

(24) "Individual with a significant disability" means an individual with a disability who has a severe physical or mental impairment which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome, whose vocational rehabilitation can be expected to require multiple voca-

tional rehabilitation services over an extended period of time, and who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation;

(25) "Individualized written rehabilitation program" means an employment plan;

(26) "Informal review" means an informal procedure through which the bureau affords an opportunity to a client or applicant for vocational rehabilitation services, or if appropriate, his or her parent, guardian or other representative, to express and seek remedy for dissatisfaction with any determinations made by the bureau concerning the provision or denial of such services. An informal review does not constitute a "contested case" within the meaning of section 4-166(2) of the Connecticut General Statutes;

(27) "Informed choice" means that the individual:

(A) has meaningful options from which to choose;

(B) understands his or her abilities, capabilities and interests related to the employment outcome; and

(C) participates in a planning process with bureau staff which considers such issues as:

(i) relevant factors regarding choices made in the rehabilitation process. This includes, but is not limited to, service provider effectiveness and consumer satisfaction, relative cost of service options and labor market trends; and

(ii) applicable laws, regulations, state plan provisions and policy which establish parameters within which choices shall be made;

(28) "Institution of higher education" means a university, college, junior college, community college, vocational school, technical school or other post secondary institution legally authorized to provide a program of education beyond secondary education;

(29) "Integrated setting"

(A) with respect to the provision of services, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals.

(B) with respect to an employment outcome, a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals, other than non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons;

(30) "Maintenance" means monetary support provided to an applicant or eligible individual for those expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the individual and that are necessitated by the individual's participation in a program of vocational rehabilitation services;

(31) "Ongoing support services" means services

(A) provided to individuals with the most significant disabilities;

(B) provided, at a minimum, twice monthly;

(i) to make an assessment, regarding the employment situation, at the worksite of each such individual in supported employment, or, under special circumstances, especially at the request of the client, off site; and

(ii) based on the assessment, to provide for the coordination or provision of specific intensive services, at or away from the worksite, that are needed to maintain employment stability; and

(C) consisting of:

(i) a particularized assessment supplementary to the assessment for determining rehabilitation needs described in section 17b-653-8(e);

(ii) the provision of skilled job trainers who accompany the individual for intensive job skill training at the worksite;

(iii) job development, job retention, and placement services;

(iv) social skills training;

(v) regular observation or supervision of the individual;

(vi) followup services such as regular contact with the employers, the individuals, the individuals' representatives, and other appropriate individuals, in order to reinforce and stabilize the job placement;

(vii) facilitation of natural supports at the worksite;

(viii) any other vocational rehabilitation service, as defined in section 17b-653-2(b)(44);

(ix) a service similar to another service described in this subparagraph;

(32) "Party" means an applicant, a client or a representative of the bureau who is seeking remedy under an informal review or administrative hearing;

(33) "Personal assistance services" means a range of services designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability. The services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. The services shall be necessary to the achievement of an employment outcome and may be provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising and directing personal assistance services;

(34) "Post-employment services" means one or more of the services identified in subsection (b)(44) of this section that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, and interests;

(35) "Rehabilitation engineering" means the systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by individuals with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community;

(36) "Rehabilitation technology" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes "rehabilitation engineering" as defined in subsection (b)(35) of this section, "assistive technology devices" as defined in subsection

(b)(4) of this section, and “assistive technology services” as defined in subsection (b)(5) of this section;

(37) “Reviewer” means a person designated by the director to conduct informal reviews and render decisions;

(38) “Reviewing official” means the commissioner of the Department of Social Services, as the designated official authorized to review the decision rendered by an impartial hearing officer, pursuant to section 17b-653-23;

(39) “State agency” means the state Department of Social Services;

(40) “State plan” means the plan for vocational rehabilitation services submitted by the bureau on behalf of the State of Connecticut to the Rehabilitation Services Administration of the United States Department of Education pursuant to 34 CFR Sec. 361.2;

(41) “Substantial impediment to employment” means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) hinders an individual from entering into, engaging in, retaining or preparing for employment consistent with the individual’s capacities and abilities;

(42) “Supported Employment” means:

(A) competitive work in an integrated work setting or employment in integrated work settings in which individuals are working toward competitive work with ongoing support services for individuals with the most significant disabilities,

(i) for whom competitive employment has not traditionally occurred or has been interrupted or intermittent as a result of a significant disability; and

(ii.) who, because of the nature and severity of their disabilities, need intensive supported employment services from the bureau and extended services after transition in order to perform this work; or

(B) transitional employment for individuals with the most significant disabilities due to mental illness;

(43) “Supported employment services” means ongoing support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment that:

(A) are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual to achieve competitive employment;

(B) are based on a determination of the needs of an eligible individual, as specified in an employment plan; and

(C) are provided by the bureau for a period of time not to extend beyond 18 months, unless under special circumstances the eligible individual and rehabilitation counselor or other appropriate bureau staff jointly agree to extend the time in order to achieve the rehabilitation objectives identified in the employment plan;

(44) “Vocational rehabilitation services” means any services described in an employment plan necessary to an individual with a disability in preparing for, securing, retaining, or regaining an employment outcome consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual, including:

(A) assessment for determining eligibility and priority for services in accordance with section 17b-653-8(a);

(B) assessment for determining vocational rehabilitation needs in accordance with section 17b-653-8(e);

(C) vocational rehabilitation counseling and guidance, including information and support services to assist an individual in exercising informed choice in the development of an employment plan;

(D) 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;

(E) physical and mental restoration services in accordance with section 17b-653-12;

(F) vocational and other training services in accordance with sections 17b-653-14 and 17b-653-15;

(G) maintenance, in accordance with section 17b-653-16 and the definition of that term in section 17b-653-2(b)(30);

(H) transportation, in accordance with section 17b-653-18;

(I) vocational rehabilitation services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome;

(J) interpreter services for individuals who are deaf or hard of hearing and tactile interpreting services for individuals who are deaf-blind;

(K) reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind;

(L) job search and placement assistance and job retention services;

(M) supported employment services in accordance with the definition of that term in section 17b-653-2(b)(43);

(N) on-the-job or other related personal assistance services, in accordance with the definition of that term in section 17b-653-2(b)(33), provided while an individual is receiving other vocational rehabilitation services;

(O) post-employment services in accordance with the definition of that term in section 17b-653-2(b)(34);

(P) occupational licenses, tools, equipment, initial stocks, and supplies;

(Q) rehabilitation technology in accordance with section 17b-653-13 and the definition of that term in section 17b-653-2(b)(36), including vehicular modification, telecommunications, sensory and other technological aids and devices;

(R) transition services for students with disabilities that facilitate the achievement of the employment outcome identified in the employment plan;

(S) self-employment services, in accordance with section 17b-653-20;

(T) homemaker services, in accordance with section 17b-653-21;

(U) other goods and services determined necessary for the individual with a disability to achieve an employment outcome; and

(45) “Vocational training” means instruction designed to prepare a client to perform a particular skill or occupation.

(Adopted effective June 6, 2000)

### **Sec. 17b-653-3. Administration**

(a) **Designated State Unit.** The designated state unit to administer this plan shall be the Bureau of Rehabilitation Services of the state Department of Social Services.

(b) **Staffing.** The designated State unit shall have a full-time director and a staff, all or almost all of whom are employed full time on the rehabilitation work of the designated state unit.

(Adopted effective June 6, 2000)

### **Sec. 17b-653-4. Standards and prohibited practices**

The following practices and standards shall apply to every phase of the administration of the vocational rehabilitation program including the determination and certification of eligibility or ineligibility for vocational rehabilitation services:

**(a) Creed, Race, Age, Color, Ancestry, National Origin, Gender or Physical or Mental Disability**

The bureau shall not discriminate against an applicant or client on the grounds of creed, race, age, color, ancestry, national origin, gender or physical or mental disability.

**(b) Native Americans**

The bureau shall apply the same eligibility requirements to Native Americans as is applied to the rest of the client population.

**(c) Standards of Reasonableness**

Sections 17b-653-1 to 17b-653-24, inclusive, of the Regulations of Connecticut State Agencies will be governed by a standard of reasonableness and all interpretations shall be based on what is reasonably necessary and cost efficient when considering both the applicant or client and the entire client population. In such cases where an applicant or client chooses goods or services which are beyond those necessary to render the individual employable or which are at a higher cost to the bureau than necessary in providing a commensurate service, the bureau shall not be responsible for the additional cost.

**(d) Payment for Experimental Procedures**

The bureau shall not be responsible for the provision of procedures which are determined by the bureau to be experimental. In cases where the bureau has made such a determination, the applicant or client shall have the burden of proving by clear and convincing evidence that the procedure is not experimental.

**(e) Preference for In-State Services**

Preference shall be given to services provided within the state of Connecticut. Exceptions may be made when either:

- (1) there are no commensurate services offered within the state of Connecticut, or
- (2) out-of-state services can be provided at a lower total cost to the bureau. In such cases where a commensurate service is available to the client within the state of Connecticut at a lower cost than an out-of-state option, a client may choose to pay the additional cost of the out-of-state option.

**(f) Authorization for Services**

A written authorization shall be made before the provision of goods or services. Verbal authorization may be made before or at the time of the provision of goods or services with the approval of the director or his/her designee. The bureau shall not be responsible for retroactive authorization of goods or services unless it is determined by clear evidence that preauthorization of services was not made due to bureau error.

(Adopted effective June 6, 2000)

**Sec. 17b-653-5. Order of selection**

(a) The intent of this section is to establish a contingency plan to be utilized in the event that services cannot be provided to all eligible persons who apply.

(b) An order of selection shall be invoked in the event that the funding needed by eligible persons exceeds the funding available to the bureau.

(c) The following shall be followed:

(1) A priority selection forecast shall be completed at the discretion of the director based on the cost of current services provided, the budgeted appropriations, grants for the current year, and the projected client population and cost of services. The priority selection forecast shall, if applicable, state a date prospectively in which the priority selection shall be invoked. The forecast may be revoked at the discretion

of the director when money from all sources shall meet the cost of current and projected services.

(2) Clients who are determined eligible for services shall be assigned a priority level, in descending order of priority, as follows:

(A) all individuals with the most significant disabilities;

(B) all individuals with significant disabilities;

(C) all individuals with non-significant disabilities;

(3) All individuals shall be placed in the highest priority level for which they are eligible.

(4) Every individual within a particular priority level shall be served before individuals in the next highest priority level are served.

(5) In the event that all individuals within the same priority level cannot be served, individuals in that priority category shall be served chronologically based on the date of eligibility determination.

(6) At least 30 days prior to invoking priority selection, all individuals shall be notified in writing of their priority level and their right to appeal.

(Adopted effective June 6, 2000)

### **Sec. 17b-653-6. Confidentiality**

(a) All client and applicant information shall be kept confidential to the extent allowed by law. All clients or their representatives shall be informed that applicant and client information shall be kept confidential to the extent allowed by law.

(b) When information held by the bureau is requested and is not exempted by law from the requirement for written consent in order to be released, the authorization to so release shall be obtained from the client or applicant, or their legal guardian, prior to release of the information.

(c) Medical, psychological or other information which the bureau believes may be harmful to the client or applicant shall not be released directly to the client or applicant but shall be provided through his or her designated representative.

(d) Notwithstanding any provision of the regulations of Connecticut state agencies, including the Department of Social Services' uniform policy manual, information regarding a change of circumstances reported by a client to the bureau shall not constitute the reporting of such a change to the department for recipients of any department assistance or services, except those administered directly by the bureau.

(Adopted effective June 6, 2000)

### **Sec. 17b-653-7. Applicants for services**

(a) An individual is considered to have applied for services at such time as she or he:

(1) has completed and signed an agency application form or has otherwise requested services;

(2) has provided information necessary to initiate an assessment to determine eligibility and priority for services; and

(3) is available to complete the assessment process.

(b) if application is completed by or on behalf of an individual who has not attained the age of eighteen (18), the individual's parent or guardian shall also sign the application form.

(Adopted effective June 6, 2000)

### **Sec. 17b-653-8. Eligibility/ineligibility**

Upon application to the bureau, an applicant shall be evaluated by the bureau and, pursuant to the criteria and procedures established by sections 17b-653-1 to

17b-653-24, inclusive, of the Regulations of Connecticut State Agencies, shall be certified as either eligible or ineligible for vocational rehabilitation services.

**(a) Assessment for Determining Eligibility and Priority for Services**

(1) For the purpose of determining whether an applicant is eligible for vocational rehabilitation services and assigning the individual's priority under an order of selection, the bureau shall provide an assessment for eligibility and priority for services which shall include a review of existing data and a preliminary review of any additional data needed to make such determinations.

(2) The determination of the applicant's eligibility shall be based only on the following criteria:

(A) a determination that the applicant is an individual with a disability, as defined in section 17b-653-2(b)(22); and

(B) a determination that the applicant requires vocational rehabilitation services to prepare for, secure, retain or regain employment.

(3) It shall be presumed that an individual can benefit in terms of an employment outcome with respect to section 17b-653-2(b)(22)(B), unless the bureau determines that there is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the individual's disability. In making such a determination, the bureau shall explore the individual's abilities, capabilities and capacities to perform in work situations through the use of trial work experiences, except under limited circumstances when an individual cannot take advantage of such experiences.

(4) If the individual has a disability under Title II or Title XVI of the Social Security Act, the bureau will presume that,

(A) the applicant is eligible for vocational rehabilitation services (provided that 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 bureau determines by clear and convincing evidence that the applicant is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability, and

(B) the individual has a significant disability, in accordance with the definition of that term in section 17b-653-2(b)(24).

(5) The bureau shall make the determination whether the individual is eligible within a reasonable period of time, not to exceed 60 days after the individual has submitted an application, unless:

(A) exceptional and unforeseen circumstances beyond the control of the bureau preclude making an eligibility determination within 60 days and the bureau and individual agree to a specific extension of time, or

(B) the bureau is exploring an individual's abilities, capabilities and capacity to perform in work situations under subsection (a)(3) of this section.

**(b) Eligibility Determination**

(1) At the completion of the assessment for determining eligibility and priority for services, a determination will be made as to whether the applicant has satisfied the criteria for eligibility.

(2) No service other than diagnostic services and services to determine eligibility and priority for services may be provided by the bureau prior to completion of the certificate of eligibility.

(3) Certificate of Eligibility. In the event that all eligibility criteria are satisfied, the applicant will be accepted for vocational rehabilitation service and, simultane-

ously with this, a dated certificate stating the applicant has met the eligibility requirements shall be completed and signed by the appropriate representative of the bureau.

**(c) Certification of Ineligibility**

(1) When a determination is made that an applicant for vocational rehabilitation services is ineligible for services, a dated certificate shall be completed and signed by the appropriate representative of the bureau stating:

- (A) that the applicant is ineligible for service; and
- (B) the reasons for the determination of ineligibility.

(2) The bureau may make such an ineligibility determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative.

(3) The bureau shall notify the applicant in writing, supplemented as necessary by other appropriate means of communication consistent with the informed choice of the individual, of the determination. Such notice shall include the reason for that determination, his or her rights and means by which he or she may express and seek remedy for any dissatisfaction, including procedures for informal review and administrative hearing, the services offered by the Client Assistance Program (CAP) and how to contact that program.

(4) When appropriate the applicant shall be referred to other agencies or facilities.

**(d) Review of Ineligibility**

When an applicant for vocational rehabilitation services has been determined to be ineligible because of a finding that he or she is incapable of achieving an employment outcome, the determination will be reviewed by the bureau within twelve (12) months and annually thereafter if requested by the individual except that such review need not be conducted:

- (1) when the applicant is no longer present in the state;
- (2) when the applicant has refused it;
- (3) when the applicant's whereabouts are unknown; or
- (4) when the applicant's medical condition is rapidly progressive or terminal.

**(e) Assessment for Determining Rehabilitation Needs**

(1) The bureau shall provide an assessment for determining vocational rehabilitation needs for clients who are certified as eligible for vocational rehabilitation services and for whom the bureau is able to provide services under an order of selection, if applicable;

(2) The purpose of an assessment for determining vocational rehabilitation needs is to determine,

(A) the employment outcome and the objectives, nature and scope of vocational rehabilitation services to be included in the employment plan, designed to achieve the employment outcome; and

(B) the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice.

(3) To the extent possible, the assessment for determining vocational rehabilitation needs shall consist of existing data and data used for the assessment for determining eligibility and priority for services.

(4) The assessment for determining vocational rehabilitation needs may include to the degree needed, an appraisal of the client's personality, interests, interpersonal skills, intelligence and related functional abilities, educational achievements, work experience, vocational aptitudes, personal and social adjustment, emotional adjustment, employment opportunities and other pertinent data helpful in determining for

each client, as appropriate, his or her capabilities to perform adequately in the work environment through an appraisal of the client's pattern of work behavior, abilities to acquire occupational skills and capacity for suitable job performance including the utilization of work in real job situations.

**(f) Closure without Eligibility Determination**

The bureau may close a case without any determination of eligibility when the bureau determines that an applicant or client has declined to participate in, or is unavailable to complete an assessment for determining eligibility and priority for services, and the bureau has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

(Adopted effective June 6, 2000)

**Sec. 17b-653-9. Employment plan**

The following standards and procedures shall apply in the development, amendment and use of the employment plan.

**(a) Timing and Initiation of the Employment Plan**

The employment plan shall be initiated after certification of eligibility for individuals for whom the bureau is able to provide services under an order of selection, if applicable.

**(b) Plan Development and Approval**

(1) The employment plan may be developed by the client or in conjunction with the appropriate representative of the bureau and the client with a disability and, as appropriate, his or her parent, guardian or other representative.

(2) The plan shall be jointly reviewed by the client and counselor, or other appropriate bureau representative.

(3) The plan shall be approved by the client, counselor and, as deemed necessary by the bureau, other representative of the bureau. Reasons for which the bureau may deny approval of an employment plan, in whole or in part, may include but shall not be limited to a determination by the bureau that:

(A) The employment outcome chosen by the client is inconsistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests or informed choice;

(B) The nature, scope or duration of one or more of the services contained within the plan are not necessary to achieve the employment outcome or otherwise not appropriate to the vocational rehabilitation needs of the client; or

(C) The plan is otherwise inconsistent with federal or state statute, regulations or the state plan.

**(c) Provision for Copy of Employment Plan to the Client**

The client or, as appropriate, his or her parent, guardian or other representative shall be provided with a copy of the employment plan and any amendments thereto and shall be advised by the bureau of the procedures and requirements affecting the development and review of the employment plan.

(d) The client shall cooperate in applying for or otherwise securing comparable benefits and services, benefits available as a legal right under state or federal law or other resources that may be necessary in order to achieve the employment outcome. Except as provided in subsection 17b-653-23(g) of sections 17b-653-1 to 17b-653-24, inclusive, of the Regulations of Connecticut State Agencies, the bureau may deny or terminate services in such cases where a client fails to cooperate in the securing of such benefits and services. Services may be included under an

employment plan only after consideration of comparable benefits and services, in accordance with section 17b-653-11.

**(e) Review**

The employment plan shall be reviewed as often as necessary but at least every twelve months. Each client or, as appropriate, his or her parent, guardian or other representative shall be given an opportunity to review the plan and, if necessary, jointly redevelop and agree to its terms.

**(f) Ineligibility Determination for Persons Receiving Services under an Employment Plan**

(1) If services are to be terminated under an employment plan because of a determination that the client is no longer eligible for services, the bureau shall:

(A) complete a certificate of ineligibility and inform the client, in accordance with section 17b-653-8(c); and

(B) review the decision, in accordance with section 17b-653-8(d).

(2) A determination that the individual is no longer eligible due to a finding that the client cannot benefit from vocational rehabilitation services shall be based on the bureau determining that there is clear and convincing evidence that the individual is incapable of benefiting in terms of an employment outcome from such services.

**(g) Content of the Employment Plan**

The employment plan shall:

(1) include a statement of the specific employment outcome based on an assessment for determining vocational rehabilitation needs;

(2) include a statement of the specific vocational rehabilitation services that are needed to achieve the employment outcome, and the projected date for the initiation of services and the projected time lines for the achievement of the individual's employment outcome;

(3) include the entity that will provide services and the methods used to procure services;

(4) include a description of criteria to evaluate progress toward achievement of the employment outcome;

(5) include the terms and conditions of the employment plan, including, as appropriate, information describing:

(A) the responsibilities of the bureau;

(B) the responsibilities of the eligible individual, including:

(i) the responsibilities the eligible individual will assume in relation to the employment outcome of the individual;

(ii) if applicable, the participation of the eligible individual in paying for the costs of the plan; and

(iii) the responsibility of the eligible individual with regard to applying for and securing comparable benefits;

(C) the responsibilities of other entities;

(6) for individuals with the most significant disabilities for whom the employment outcome is supported employment, include the nature and source of extended services needed after completion of services provided by the bureau; and

(7) be reviewed annually.

(h) Except as provided in section 17b-653-23(g), an employment plan can be modified or discontinued in whole or in part under any of the following conditions:

(1) by mutual agreement by the parties;

(2) a determination by the bureau that:

(A) the client is no longer eligible;

(B) the client has failed to comply with the terms of the employment plan;  
(C) the employment outcome is no longer deemed appropriate;  
(D) the duration, nature or scope of services contained within the plan is no longer appropriate; or

(E) services have been obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the client or the client's representative; or  
(3) budgetary shortfall or other circumstances beyond the control of the bureau which necessitate a discontinuation or modification of the plan.

(i) Clients shall have the responsibility of being actively involved in treatment or other interventions which the bureau determines necessary in order for the individual to achieve an employment outcome. In such cases where the client fails to comply with such treatment or intervention, the bureau may decline to approve or, except as provided in subsection 17b-653-23(g), may discontinue services contained within an employment plan.

(Adopted effective June 6, 2000)

### **Sec. 17b-653-10. Counseling and guidance services**

(a) Counseling and guidance services will be provided by the bureau to each applicant or client throughout the vocational rehabilitation process, to the extent appropriate, for the purpose of:

(1) developing an appropriate employment plan towards the employment outcome;  
(2) reviewing the applicant's or client's progress towards the vocational goal, amending the employment plan if necessary; and  
(3) developing the applicant's or client's ability to seek and maintain employment.

(b) counseling and guidance services may also include, as appropriate, counseling to resolve a specific problem that is interfering with the applicant's or client's progress towards the vocational goal and referral to other agencies as appropriate.

(Adopted effective June 6, 2000)

### **Sec. 17b-653-11. Comparable services and benefits**

(a) **Definitions.** The terms used in this section shall, unless the context otherwise requires, have the following meanings.

(1) "Eligible", when used in relation to an applicant's or client's qualification for comparable services and benefits, means legal entitlement or the applicant's or client's ability to meet the criteria for obtaining services from other programs.

(2) "Program" means an organized, ongoing form of service or assistance, whether public or private, free or requiring a deductible, coinsurance feature, token payment, or personal claim.

#### **(b) Services Subject to Consideration of Comparable Services and Benefits**

All vocational rehabilitation services, except as noted in subsections (c) and (d) of this section, shall be subject to consideration of comparable services and benefits.

(c) Services excepted from consideration of comparable benefits and services include:

(1) an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel;  
(2) counseling, guidance and referral services.

(d) The bureau may elect to utilize comparable services and benefits for the following services, when the bureau determines that these resources are known to be readily available at the time the service is needed to accomplish the employment outcome:

(1) placement in suitable employment; and

(2) rehabilitation technology services.

**(e) Criteria for the Use of Comparable Services and Benefits**

The bureau shall determine whether comparable services and benefits are available under any other program, unless such a determination would interrupt or delay:

- (1) the progress of the individual toward achieving the employment outcome identified in the employment plan;
- (2) an immediate job placement; or
- (3) the provision of such service without which would place the individual at extreme medical risk.

**(f) Application to Provision of Physical and Mental Restoration Services and Maintenance Services.**

Full consideration shall be given to any comparable service or benefit available under any other program to an applicant or client to meet, in whole or in part, the cost of physical and mental restoration services and maintenance services provided to such an applicant or client.

**(g) Application to the Provision of Training Services**

The bureau shall require that applicants or clients make maximum effort to secure grant assistance, in whole or in part, to pay for training and training services in institutions of higher education. Applicants or clients approved to attend institutions of higher education shall be required to apply for federal and/or state grants where available.

(h) If comparable services or benefits exist under any other program, but are not available to the individual at the time needed to achieve the employment outcome in the individual's employment plan, the bureau shall provide vocational rehabilitation services until those comparable services and benefits become available.

(Adopted effective June 6, 2000)

**Sec. 17b-653-12. Physical and mental restoration services**

(a) The treatment of disability is not the primary focus of the bureau of rehabilitation services program. Physical and mental restoration services are provided only insofar as the bureau determines they will benefit the client in removing or adjusting to barriers to an employment outcome. Disabling conditions that do not or are not expected to adversely affect the attainment of the employment outcome are not to be remediated through the provision of physical or mental services by the bureau.

(b) Restoration services provided by the bureau shall, within a reasonable period of time, be expected to correct or modify substantially an impairment which constitutes a substantial impediment to employment. In estimating "a reasonable period of time", the following factors shall be considered: (1) the nature of the disability; (2) prognosis with respect to life expectancy; (3) employment potential, and; (4) other contributing factors such as age, work and premorbid personality. In general, restoration services provided by the bureau should not exceed six months in duration.

(c) Periodic evaluations of progress shall be made, at least every 90 days, and further decision made at those times.

(d) The bureau may seek consultation from a bureau medical consultant or other appropriate expert, particularly when any unusual, non-traditional, long-term or very costly procedure is being discussed, recommended or seriously considered for a client.

(e) Physical and mental restoration services may include, but are not limited to, the following:

- (1) corrective surgery or therapeutic treatment of a mental or physical impairment;

(2) diagnosis for mental or emotional disorders by a physician skilled in the diagnosis of such disorders or by a licensed psychologist;

(3) treatment of mental or emotional disorders by a physician skilled in the treatment of such disorders, a psychologist, or social worker who is licensed in the state of Connecticut;

(4) dentistry;

(5) nursing services;

(6) necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;

(7) drugs and supplies;

(8) prosthetic, orthotic or other assistive devices essential to obtaining or retaining employment;

(9) eyeglasses and visual services, including visual training and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses and other special visual aids as prescribed by a physician skilled in diseases of the eye or by an optometrist, as appropriate;

(10) podiatry;

(11) physical therapy;

(12) occupational therapy;

(13) speech or hearing therapy;

(14) mental health services;

(15) treatment of either acute or chronic medical complications and emergencies which are associated with or arise out of the provision of physical and mental restoration services, or are inherent in the condition under treatment;

(16) special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies;

(17) other medical or medically related rehabilitation services.

(f) Physical or mental restoration services may be provided to the extent that financial support is not available from a source (such as health insurance of the individual or through comparable services and benefits) other than the bureau.

(Adopted effective June 6, 2000)

### **Sec. 17b-653-13. Rehabilitation technology services**

(a) Rehabilitation technology services are provided only insofar as they will benefit the client in removing, adjusting, or adapting to functional limitations that are barriers to required assessments in accordance with subsections (a), (b) or (e) of section 17b-653-8 or the achievement of an employment outcome, in accordance with section 17b-653-9(g). Functional limitations that are not expected to adversely affect the attainment of the vocational objective are not to be addressed through the provision of rehabilitation technology services by the Bureau of Rehabilitation Services.

(b) **Scope of Services** - Rehabilitation technology services may include one or more of the following:

(1) rehabilitation engineering services

(2) assistive technology services

(3) assistive technology devices

(c) **Modification/Adaptation of a Motor Vehicle** - Subject to the conditions listed herein, motor vehicle modification may be authorized when vehicle modifications are necessary in order for the client to enter, maintain or regain competitive employment.

(1) Vehicle modifications should be considered only after every other transportation option has been explored and only after it has been determined that vehicle modification is the most cost efficient approach for the client and the bureau.

(2) Vehicle modifications are only provided to those clients who have been determined eligible for vocational rehabilitation services and are entering, maintaining or regaining competitive employment.

(3) The bureau shall not participate financially to equip a vehicle with anything that was available to the client as a factory/dealer option at the time the vehicle was ordered and was recommended to the client by the bureau.

(4) The bureau may arrange for a thorough mechanical inspection of any vehicle before determining whether or not it is feasible for the vehicle to be modified, remodified or adapted.

(5) The financial participation and expenditure of the bureau shall be as follows:

(A) first time up to 100%

(B) remodification of same vehicle or another vehicle may be provided under the following conditions, provided the client has maintained appropriate insurance on the original adaptive equipment:

(i) within three (3) years and 54,000 miles following the most recent modification funded by the bureau, the client shall be expected to bear the complete cost. The bureau shall bear none of the cost.

(ii) more than three (3) years and at least 54,000 miles following the most recent modification- the bureau may provide up to 50% of the transfer or remodification. The client shall bear the cost of the balance.

(iii) more than five (5) years and at least 90,000 miles following the most recent modification funded by the bureau, the bureau may provide up to the entire cost.

(6) The bureau's participation in modifying or adapting a vehicle will be limited to the least expensive type of vehicle modification that will accomplish the goal of enabling the client to enter, maintain or regain employment, based on evaluations performed by the bureau's central office consultant and the Department of Motor Vehicle's handicapped drivers consultant or other entity deemed qualified by the bureau.

(7) The client shall cooperate in undergoing evaluation and testing as necessary to determine the client's ability to drive and needs for special equipment and vehicle modification. The bureau may deny the provision of vehicle modification services where a client fails to cooperate in such evaluations.

(8) Vehicle modification shall be provided only in conjunction with and to support the attainment of a specific vocational goal.

(9) Basic vehicle repairs and routine maintenance including special adaptive equipment shall be the sole responsibility of the client.

(10) Insurance on the vehicle, including any insurance on the vehicular adaptive equipment, shall be the sole responsibility of the client.

(11) If the client or the client's family have entered into negotiations or contracts for services with particular vendors, it shall not be binding upon the bureau to provide services through said vendor(s). Any work that has been initiated or equipment that has been installed or ordered prior to approval under an employment plan will not be retroactively authorized by the bureau.

(Adopted effective June 6, 2000)

### **Sec. 17b-653-14. Vocational and other training services**

The bureau may provide vocational and other training services, when necessary to achieve an employment outcome, as part of an employment plan approved by the bureau.

(a) **Scope of Services** - Vocational and other training services may include one or more of the following types of training:

- (1) personal and vocational adjustment training;
- (2) training in the use of artificial limbs, hearing aids or other appliances;
- (3) remedial training;
- (4) literacy training;
- (5) vocational training;
- (6) academic training;
- (7) speech and hearing training which is not medically directed;
- (8) lip reading;
- (9) mobility training;
- (10) rehabilitation teaching;
- (11) transitional employment;
- (12) on-the-job training;
- (13) any other kind of organized training needed to meet the rehabilitation needs of the client being served.

(b) **Provider of Training.** Training may be provided at schools, colleges or universities, through community rehabilitation programs, by tutor or correspondence, apprenticeship or in an on-the-job training situation or by bureau staff or some other organized training program.

(c) **Length of Training.** The length of time required by a client to complete training is to be determined by the time necessary in each case to acquire sufficient knowledge and skill to meet the demands of the employment outcome. Training time should be designed, however, to ensure the minimum time required to accomplish a reasonable individual training program.

(d) Training material and supplies include necessary books and such training supplies as are necessary in order for the individual to participate in training services.

(e) Training is provided to prepare the client to achieve to an employment outcome.

(f) Trainees and students are expected to maintain grade averages or such reasonable progress as to enable them to complete the course successfully and attain the employment outcome.

(g) Vocational training will be provided only in accordance with an appropriately completed employment plan. The employment plan shall be designed to ensure the lowest cost to the bureau in providing a reasonable training service.

(h) Progress in training shall be evaluated on no less than a semester or term basis for educational institutions that operate on that basis and no less than a monthly basis for all other training programs and continued authorization of training shall be based on achievement of significant progress by the applicant or client in relation to the planned employment outcome.

(Adopted effective June 6, 2000)

### **Sec. 17b-653-15. Training in institution of higher education or vocational training facilities**

(a) Financial participation by the bureau in providing training in institutions of higher education or vocational training facilities shall be made to assure that the cost to the bureau will not exceed the cost of a program at a public Connecticut state supported college, university, community technical college or similar program which the bureau determines to be commensurate, unless an alternative program is necessary because of the individual's disability.

(b) Financial participation by the bureau in providing training in institutions of higher education or vocational training facilities shall be made only in accordance

with an appropriately completed employment plan and shall be limited to support of training that is needed to achieve the employment outcome.

(c) No training in institutions of higher education shall be paid for by the bureau unless maximum efforts have been made to secure comparable benefits or other assistance in whole or in part from other sources to pay for such training. These benefits shall include family contribution, basic grant entitlement under student financial aid programs, private or institution-based scholarships, tuition waiver, work-study and earnings. The amount of bureau support, together with institutional aid, shall not exceed the cost of the education. A client will be encouraged but not required to apply for student loans.

(1) In pursuing a determination of available comparable benefits and assistance from other sources, the applicant or client shall make application to the training institution's financial aid office (FAO) and shall cooperate in the provision of all information required by the financial aid office in its calculation of the applicant's or client's eligibility for financial assistance.

The bureau shall presume the correctness of the computation made by the FAO at the post-secondary training institution which the client is attending regarding the amount of parental and family contribution which can be expected to be applied toward the cost of the client's post-secondary training. However, where evidence is presented that the computation made by the FAO is clearly erroneous, and when time or other circumstances make it impossible or impractical for the client to have the computation by the FAO corrected, the bureau will not allow these factors to adversely affect the amount of assistance to the client.

The bureau will assume primary responsibility for disability-related expenses, such as personal care, personal assistants, or specialized tutoring, as appropriate to the successful completion of program, provided such services are not covered under Title II or III of the Americans with Disabilities Act of 1990. In no case shall the bureau assume the role or responsibility as employer of the personal assistant, tutor or other individual assisting the client.

(2) The applicant or client shall give written authorization to the bureau and the financial aid office to exchange information relevant to the determination of eligibility for financial assistance.

(3) Application by the applicant or client to the financial aid office will be made in sufficient time to permit a decision to be rendered by the financial aid office prior to the starting date of training (and in no case less than sixty (60) days prior to the starting date of training).

(4) The bureau may deny support of training services in cases where a client fails to apply for financial aid in a timely manner or otherwise cooperate with the financial aid office or bureau in order to make a determination of the client's financial needs.

(d) The bureau shall not be required to provide post-secondary education services beyond the baccalaureate level unless,

(1) the client requires graduate training to enter employment within the profession which is identified and agreed upon in the employment plan and is consistent with the client's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice; and

(2) the severity of the client's disability limits his/her ability to function in an appropriate initial career position while simultaneously completing additional training at the graduate level required to advance in the profession.

(Adopted effective June 6, 2000)

**Sec. 17b-653-16. Maintenance services**

(a) Maintenance may be provided under the following conditions:

(1) Maintenance payments shall be limited to the increased cost directly attributable to the applicant's or client's participation in the vocational rehabilitation program.

(2) Maintenance after employment has started may be continued or paid to an eligible client up to the date of receipt of his or her first pay or, in the case of self-employment, up to thirty (30) days.

(b) Payments for maintenance services are limited to expenses that are needed in order to participate in other vocational rehabilitation services to the applicant or client and shall not be made if said other rehabilitation services have been discontinued or never started.

(c) Amount of maintenance required by the applicant or client shall be determined by the bureau in consultation with the client and shall be based on:

(1) the published rates for room and board for applicants or clients living away from home when such service is made available by the provider;

(2) the average cost to the applicant or client to be calculated on the experience of actual cost gathered over a two-week base period by the client and the bureau; or

(3) the individual circumstances of the applicant or client to meet his/her unique needs.

(Adopted effective June 6, 2000)

**Sec. 17b-653-17. Alterations to client housing or small business property**

Subject to the conditions listed below, architectural alteration services may be provided to enable a client to accomplish safe egress from and ingress to the home or the workplace, or to enable a client to function vocationally within the home or workplace.

(a) The bureau's participation in alterations shall be limited to those determined by the bureau to meet the functional needs of the client at the least cost. Ramps, grab bars, lifts, or bathroom modifications are examples of such services.

(b) Alterations to work sites or business properties shall only be considered when they are not covered under the Americans with Disabilities Act of 1990, 29 U.S.C. § 12101 et seq.

**(c) Exempted Services**

(1) Except as provided in subsection (c)(2) of this section, the bureau shall not be responsible for financial participation in extensive or elaborate reconstruction, structural modifications, the addition of a room or rooms, or any other alteration that adds appreciable value to the property.

(2) The director or his/her designee may approve bureau participation in a structural addition or reconstruction in such cases where the bureau determines that, with respect to removing the architectural barriers which need to be eliminated in order for the individual to achieve an employment outcome:

(A) there is no other alternative; or

(B) such addition or reconstruction is the least costly alternative for the bureau.

(3) In any case where the bureau makes an exception under subsection (c)(2) of this section, the bureau's participation shall be limited to the minimum cost necessary to eliminate such architectural barriers.

(d) Architectural alterations will only be provided to the extent necessary for the successful completion of the client's employment plan. The case record will contain the following:

(1) Limitation of activities and functioning, due to the client's disability, shall be explained specifically and in detail and should be supported by reports from appropriate sources recognized by the bureau;

(2) The client's vocational impediment or barrier to employment that will be eliminated or reduced by the provision of the architectural modification service shall be thoroughly explained and supported; and

(3) The architectural barriers of the present site shall be clearly and carefully delineated in the case record together with an explanation as to how they impede the successful attainment of the client's employment outcome. It shall be explained how these barriers will be eliminated or reduced through the planned alteration services.

(e) The bureau will not be required to participate in alterations that are anticipated to meet the client's needs for a period of less than two years after the completion of the alterations, due to factors either related to the living situation or the client's disability. Alterations to a site may be made only after the client has provided written agreement that the client's planned occupancy is a minimum of two years beyond completion of alteration services.

(f) The client shall provide a signed agreement by the owner of the site to be modified, giving consent and authorization for the bureau to provide or participate in the provision of the necessary modifications to the property occupied by the client. Without such written consent, the bureau cannot provide or participate in the provision of such services.

(g) If the client or his/her family is building a home where the client is to reside, necessary alterations will be the responsibility of the client or his/her family. The bureau will not participate in the financing of such construction.

(h) If the client or the client's family have entered negotiations with a vendor for alteration work to be done or for equipment or materials to be supplied, any resulting agreements shall not be binding upon the bureau.

(i) The bureau shall not assume and is not responsible for the full restoration of structures or grounds that are disturbed in the process of alterations. Such areas will be functionally restored to the minimum level allowable by applicable codes. The bureau shall not be responsible for the matching of finishes, trims, and accessories when special sizing, tooling, and construction methods and materials would be required to do so.

(j) The bureau's financial participation in alterations for a client will be limited to a one-time basis, with the exception of cases where there are changes in the client's disability, employment or other circumstances beyond the control of the client which warrant additional modifications in accordance with this section of the regulations.

(k) Once the alterations are completed, the client is thereafter responsible for upkeep, maintenance, insurance and repairs. The bureau shall not pay for such expenses nor be responsible for the cost of removing ramps and restoration of property back to its original state after the accessibility-related construction is no longer needed.

(l) As determined necessary by the bureau, when it anticipates that alteration services may be part of a client's employment plan and may require financial participation by the bureau, the bureau will secure consultation by a licensed architect or other qualified technical consultant approved by the bureau.

(m) The bureau requires that a local building permit be issued for each project, which shall be provided to the bureau upon demand. Any zoning variance or other

requirements necessary to secure such permit are the sole responsibility of the property owner.

(n) If a bureau representative discovers a structural defect or building code violation on the property that has direct bearing on the proposed modifications, the bureau will not proceed until corrective action or repair has occurred. Any cost of repair will be the sole responsibility of the property owner. Documentation of sufficient corrective action shall be submitted to the bureau before proposed modifications can resume.

(o) The bureau may deny assistance with any architectural modifications that it determines to be unsafe, unstable, in violation of applicable building codes or where, due to the nature of the site to be modified, the costs will be unreasonable.

(Adopted effective June 6, 2000)

### **Sec. 17b-653-18. Transportation and related expenses**

The following standards and procedures shall apply in the provision of transportation services and related expenses to clients and applicants:

(a) Transportation service may be provided only:

(1) in connection with the provision of another vocational rehabilitation service and needed by the individual to achieve an employment outcome, or

(2) to enable the client or applicant to participate in the informal review or administrative hearing procedures.

(b) Transportation service may include:

(1) fares or travel costs associated with the use of public or private conveyances including parking fees and tolls;

(2) subsistence during travel;

(3) relocation and moving expenses necessary for achieving an employment outcome identified in the employment plan; or

(4) other expenses related to travel.

(c) Rates of payment shall be determined by the bureau in consultation with the client or applicant and shall be based, at the discretion of the director, upon the following as applicable:

(1) published rates for public transportation;

(2) maintenance costs related to travel, up to the amount allowed to management personnel of the bureau; or

(3) mileage costs, up to the rate established by the state for mileage reimbursement of management employees of the bureau using personally owned automobiles.

(d) Selection of mode of transportation shall be made on the basis of the circumstances and special needs of the client or applicant and at the least cost.

(e) **Personal assistants.** The use of a personal assistant or escort by a client or applicant in transit shall be limited to individuals with significant disabilities and payment for such service will be based on the state minimum wage. Payment to a family member acting as a personal assistant shall be limited to costs of travel and subsistence during travel established by sections 17b-653-1 to 17b-653-24, inclusive, of the Regulations of Connecticut State Agencies. In no case shall the bureau assume the role or responsibility as employer of the assistant.

(f) Transportation in support of placement service may be provided to a client who has been placed in employment until the client has received his or her first pay.

(g) Transportation service may be provided to a client who has been closed as rehabilitated to enable the client to benefit from a post-employment service as needed and if provided for in an employment plan.

(h) The bureau shall not provide financial assistance in the purchase of a vehicle.  
(Adopted effective June 6, 2000)

### **Sec. 17b-653-19. Purchase of tools and equipment**

Subject to the conditions listed below, tools and equipment may be provided to enable a client achieve the employment outcome identified in the employment plan.

(a) Tools and equipment provided for a client shall become the property of the client.

(b) The client will be responsible for maintenance, repair and insurance of all tools and equipment so provided.

(c) Tools and equipment shall be provided only in conjunction with and to support the attainment of a specific employment outcome.

(Adopted effective June 6, 2000)

### **Sec. 17b-653-20. Self-employment services**

(a) The bureau may provide services to individuals for the development of self-employment or a small business enterprise under the following conditions:

(1) A business plan shall be developed by the client and approved by a Connecticut Small Business Development Center as an economically viable proposal. In lieu of the Small Business Development Center, an alternative small business resource that is acceptable to both the bureau and the client may be used. The bureau may provide self-employment services without such approval where the director or his/her designee determine that, in his/her opinion, there is clear and convincing evidence that the business is likely to be successful within a reasonable period of time. In such cases, the client shall bear the burden of proving the likelihood of the success of the business.

(2) Before providing any services under an employment plan to achieve an employment outcome of self-employment, the bureau shall approve both the employment outcome and the business plan. The bureau may disapprove a business plan where it determines that the employment outcome is not feasible, as a result of:

(A) the earning potential of the business; or

(B) inconsistency with the client's strengths, resources, priorities, concerns, abilities, capabilities, or informed choice.

(3) The limits of the bureau's contribution toward the establishment of a small business, excluding training costs and excluding any needed costs for vehicle or work site modifications necessitated by the individual's disability, shall be as follows:

(A) ten thousand dollars, in cases where the net income that the business is projected to generate after two or more years in operation following the anticipated completion of services is at or above the amount recognized by the Social Security Administration as substantial gainful activity;

(B) five thousand dollars, in cases where the net income the business is projected to generate after two or more years in operation following the anticipated completion of services is less than substantial gainful activity level, as determined by the Social Security Administration.

(4) Clients will be required to make a contribution toward the self-employment venture, in cash, materials, or in-kind labor, in an amount valued at no less than ten percent of the bureau's contribution as defined in subsection (a)(3) of this section. Except as provided in subsection (c) of this section, the bureau may deny the provision of self-employment services in cases where the client will not fulfill their responsibility under this subdivision.

(b) Self-employment services may include start-up services and goods such as business consultants, bookkeeping, advertising, initial stocks, insurance, permits, fees, equipment, supplies, rent, utilities, transportation, telephone, and postage.

(c) If a bureau representative determines that there are circumstances in an individual case that warrant an exception to the provisions in subsection (a)(4) or the cost limits established in subsections (a)(3)(A) or (a)(3)(B) of this section, a full explanation and justification shall be presented to the director or his/her designee for consideration. The director may grant an exception in such cases as he/she determines that:

- (1) client hardship requires such exception; and
  - (2) without such exception, there are no viable alternatives that would allow the client to achieve the employment outcome.
- (Adopted effective June 6, 2000)

**Sec. 17b-653-21. Homemaker services**

(a) The bureau may provide services that will enable a client to achieve an employment outcome of homemaker within the client's home, only in such situations where the client:

- (1) is required to care for his/her dependant children who are under the age of eighteen or who have a severely disabling condition; or
- (2) is required to perform homemaker duties in order for another member of the household to enter full-time competitive employment.

(b) Services provided by the bureau to clients with an employment outcome of homemaker will be limited to those which eliminate the barriers to performing the functions which,

- (1) are essential functions of the role of homemaker; and
- (2) cannot reasonably be expected to be performed by other members of the client's household.

(c) In cases where the bureau makes a determination that the requirements under subsection (a) or (b) of this section are not met, the client shall have the burden of proving by a preponderance of the evidence that the requirements under (a) and (b) are met.

(Adopted effective June 6, 2000)

**Sec. 17b-653-22. Informal review**

(a) An informal review is a procedure through which the bureau affords an opportunity to a client or applicant for vocational rehabilitation service or the individual's representative, as appropriate, to express and seek remedy if the individual is aggrieved by a decision made by the bureau. An informal review is not a "contested case" within the meaning of section 4-166(2) of the Connecticut General Statutes.

(b) The request for an informal review shall be in writing, or other mode of communication appropriate to the applicant or client's disability needs, and contain a clear and concise statement of the issue for which remedy is sought. Such request shall be addressed to the respective bureau district director and received by the bureau not more than 30 days after the date of notification by the bureau of the decision for which the client seeks redress.

(c) Reviewer: An informal review shall be conducted by a member or members of the bureau's staff to be designated by the director.

(d) **Opportunity for an Informal Review.**

(1) The bureau shall afford the opportunity to request an informal review to every client or applicant.

(2) Clients or applicants may be granted an informal review in any of the following situations:

(A) the denial of an applicant or, the denial of the right to apply or reapply for services provided by the bureau;

(B) any bureau action concerning the development, implementation, denial, suspension, reduction or termination of services under an employment plan; or

(C) unresolved disputes pertaining to the scope of services provided to the client or the applicant by the bureau.

(3) If the applicant or client is represented by legal counsel, lay advocate, relative or other spokesperson, any fees incurred by such representation are the responsibility of the client or applicant.

(e) **Scheduling and Location of Informal Review:** An informal review shall be:

(1) Scheduled within a timely manner upon receipt of the written request for review.

(2) Held during bureau working hours, or at a time mutually agreed upon by the parties and approved by the reviewer, and

(3) Conducted at a bureau office or at an accessible location mutually agreed upon by the parties and approved by the reviewer.

(f) **Use of Client's or Applicant's Case Record.** When requested in writing by the involved client or applicant or his or her designated representative, the bureau shall make available all information in the case record accessible to the client or applicant or release it to him or her or a designated representative in a timely manner. Medical, psychological or other information which the bureau determines may be harmful to the client or applicant shall not be released directly to the client or applicant but shall be provided through his or her designated representative.

(g) **Default.** Failure to appear at a scheduled review shall be deemed a waiver of a right to a review. Upon such failure, the reviewer at his or her option may issue an order disposing of the matter or may, if requested by the defaulted party within ten (10) days of default, reschedule the review for good cause shown.

(h) **Adjustment of Matters Related to an Informal Review.** The fact that a request for an informal review has been filed does not prohibit the parties from making an adjustment by agreement in the matters at issue prior to an informal review. If, as a result of an adjustment, the client or applicant is satisfied and wishes to withdraw all or part of his or her petition for informal review, the client or applicant or his or her authorized representative shall transmit to the reviewer his or her signed written withdrawal. However, neither the bureau representative(s) nor the reviewer may delay or cancel an informal review because of a possible adjustment that is under consideration unless the bureau and the applicant or client agree to a delay or cancellation.

(i) **Rights of the Client or Applicant.** The client or applicant shall have the opportunity to present relevant facts by oral or written statement on his or her behalf.

(j) **Duties and Authority of the Reviewer.**

(1) The reviewer shall have the duty to conduct a fair review to assure equitable treatment to all parties, to define the issues, to receive and consider all relevant evidence, to exclude irrelevant or redundant evidence and to reach a fair and impartial decision based upon the issues and evidence presented and in accordance with the law and good professional practices in vocational rehabilitation.

(2) The reviewer shall have the authority to schedule or reschedule the review, request a statement of the issues, define the issues and regulate the proceedings including the introduction of evidence and to render a decision.

(k) **Basis of Decision.** The reviewer's decision shall be based upon the applicable law and evidence presented at the review unless the evidence is in the nature of additional reports requested by the reviewer at the review.

(l) **Decision.**

(1) The reviewer shall accept a settlement of the issues as agreed to by the parties or may decide in favor of the client or applicant or in favor of the bureau. In lieu of a decision in favor of either party, the reviewer may recommend that the bureau and the applicant or client be involved in mediation, if agreed to by both parties. If the parties do not agree to mediation, the reviewer shall issue a decision in favor of one of the parties.

(2) The reviewer may accept a withdrawal of the claim or default any party who fails to appear.

(m) **Form of Decision.** The decision shall be a statement of the issues involved in the review, a finding of fact and a statement of the conclusions including the basis for the conclusions.

(n) **Notice of Decision.** The reviewer shall mail a copy of the decision to appropriate bureau staff, the client or applicant and, as applicable, the authorized representative.

(Adopted effective June 6, 2000)

### **Sec. 17b-653-23. Administrative hearing and mediation**

(a) Clients or applicants who have been aggrieved by a decision made by the bureau have a right to an administrative appeal. For purposes of this subsection, an applicant or client for whom the bureau has denied mediation, in accordance with subsection (e) of this section, shall not be considered as aggrieved by a decision made by the bureau. Clients or applicants who have been aggrieved by a decision made by the bureau have a right to an administrative hearing in any of the following situations:

(1) the denial of an applicant or the denial of the right to apply or reapply for services provided by the bureau;

(2) any bureau action concerning the development, implementation, denial, suspension, reduction or termination of services under an employment plan; or

(3) unresolved disputes pertaining to the scope of services provided to the client or the applicant by the bureau.

(b) Administrative hearings shall be conducted in accordance with the Administrative Procedures Act, Connecticut General Statutes sections 4-176e to 4-181. Unless otherwise specified in sections 17b-653-1 to 17b-653-24, inclusive, of the Regulations of Connecticut State Agencies, the applicant or client has the burden of proving by a preponderance of the evidence that the bureau's decision does not comply with state or federal law or is clearly erroneous.

(c) Applicants and clients shall be informed of the right to an administrative hearing and mediation, including the name and address to which the request for an administrative hearing is to be forwarded:

(1) at the time the individual applies for vocational rehabilitation services;

(2) at the time the employment plan for the individual is developed; and

(3) upon reduction, suspension, or cessation of vocational rehabilitation services for the individual.

(d) **Request for an Administrative Hearing.** The client or applicant may request an administrative hearing, including mediation, in accordance with the following criteria:

(1) The request for an administrative hearing, which may include a request for mediation, shall be in writing or other mode of communication appropriate to the applicant or client's disability needs.

(2) The request shall contain a clear and concise statement of the issue for which remedy is sought.

(3) The request shall be received by the bureau director within 30 days of the latter of, as applicable:

(i) the date of notification of the bureau decision for which the client seeks redress;

(ii) mailing of the informal review decision, in accordance with section 17b-653-22; or

(iii) completion of mediation, in accordance with subsection (e) of this section.

(e) **Mediation**

(1) Applicants or clients who request an administrative hearing in accordance with this section may request that mediation be held prior to an administrative hearing. The bureau shall consider all such requests, and shall grant the applicant or client's request, provided both the bureau and the applicant or client agree to mediation.

(2) The bureau may deny a request for mediation where it determines that mediation is not likely to resolve the issue for which remedy is sought. In such cases, the applicant or client may request to pursue an administrative hearing.

(3) The mediation shall be conducted by an individual deemed qualified by the bureau who is trained or otherwise skilled in conducting mediation and is knowledgeable of the vocational rehabilitation program.

(4) An agreement by the bureau and the applicant or client shall be set forth in writing.

(5) The mediation shall be considered completed at such time as the signing of an agreement by the parties or formal termination of the mediation, whichever is later. In the absence of a signed agreement or formal termination, mediation shall be considered completed on the date of the last mediation session concerning the issue for which remedy is sought.

(6) Discussions that occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent hearing or civil proceeding.

(7) The bureau shall choose a mediator from a list of qualified individuals maintained by the bureau.

(8) The bureau may, at its discretion, offer mediation as an option to applicants or clients other than those who have requested an administrative hearing. With the exception of subsections (e)(5), (e)(6) and (e)(9) of this section, none of the requirements in this section shall apply in such cases where the bureau is not required to offer mediation.

(9) The bureau shall not be bound by terms in a mediation agreement where the issues for which the applicant or client requested mediation are subsequently appealed in an administrative hearing or civil proceeding.

(f) **Disclosure of Agency Case Record.** The client or applicant may request access and disclosure of the case record in accordance with applicable laws.

(g) **Service Provision During Pending Administrative Hearing.**

(1) Unless the applicant or client so requests, or, in an appropriate case, the individual's representative, so requests, pending a decision by a mediator, hearing

officer, or reviewing official under this section, the bureau shall not institute a suspension, reduction, or termination of services being provided for the individual, including evaluation and assessment services and plan development, unless such services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual or the individual's representative.

(2) For purposes of this subsection, "services being provided" means:

(A) as applies to evaluation and assessment services, services needed to complete the assessment for determining eligibility and priority for services which had begun as of the time of the director's receipt of the request for a review under this section;

(B) as applies to plan development, assessment for determining rehabilitation needs which had begun at the time of the request for a review is received by the director;

(C) as applies to services under an employment plan, the specific services identified in the plan which had begun prior to the request for a review is received by the director. It includes the scope, time frames and providers specified in the employment plan.

(h) **Scheduling.**

(1) An administrative hearing and mediation, if requested, shall be held within a timely manner of the receipt of the request by the director;

(2) Administrative hearings and mediation shall be conducted during bureau working hours or at a time mutually agreed upon by the parties and approved by the impartial hearing officer or mediator and at an accessible location mutually agreed upon by the parties and approved by the hearing officer or mediator.

(i) **Evidence in Administrative Hearing.** Evidence in administrative hearing cases shall be in compliance with Section 4-178 of the Connecticut General Statutes. The client or applicant shall be afforded the opportunity to present additional evidence, information, and witnesses to the impartial hearing officer.

(j) **Representation.** Any applicant or client who requests an administrative hearing or mediation shall have the right to representation by counsel or other appropriate advocate of their choice. The fee for said counsel or advocate is the sole responsibility of the applicant or client.

(k) **Impartial Hearing Officer.** The impartial hearing officer shall conduct the administrative hearing and prepare a decision.

The impartial hearing officer shall render a written decision based on the provisions of the approved state plan, the federal Rehabilitation Act, federal regulation, and the state statutes, regulations and policy governing this program. The decision shall contain a full written report of the findings and the grounds for the decision and shall be provided to the client or applicant or, if appropriate, the individual's parent, guardian, or other representative, and to the director not more than thirty (30) calendar days of the completion of the hearing.

(l) **Review of Decision:**

(1) The department may establish procedures for review of the impartial hearing officer's decision by the Commissioner of Social Services. If such a procedure is established, the following shall apply:

(A) Not later than 20 days after the decision by the impartial hearing officer is rendered, either party may request that the reviewing official review the decision.

(B) Factors which the reviewing official may consider in determining whether an impartial hearing officer's decision should be reviewed include, but are not limited to:

(i) whether the initial decision is arbitrary, capricious, an abuse of discretion or otherwise unreasonable;

(ii) whether the initial decision is supported by substantial evidence, consistent with facts and applicable federal and state policy and law;

(iii) in reaching the initial decision, whether the impartial hearing officer has given appropriate and adequate interpretation to such factors as federal statutes and law; the state plan as it applies to the specific issues in question; the state procedures manual as it applies to the specific issues in question; key portions of conflicting testimony; state agency options in the delivery of services; federal or bureau policy as it relates to the issues in question.

(m) **Kinds of Decisions.** In rendering the decision the impartial hearing officer may, and in making the final decision the reviewing official may, take one of several courses of action which include, but are not limited to, the following:

(1) find in favor of the client or applicant;

(2) uphold the action or inaction of the bureau;

(3) accept a written withdrawal of the appeal which is signed by the client or applicant, or her or his authorized representative;

(4) accept a settlement of the issues agreed to by the parties; or

(5) default any party who fails to appear. Upon such failure, the impartial hearing officer at his or her option may issue an order disposing of the matter or may, if requested by the defaulted party within ten (10) days of default, reschedule the hearing for good cause shown.

(n) **Notice of Final Decision.**

(1) The decision of the impartial hearing officer shall be a final decision, unless a review is completed pursuant to subsection (l) of this section, in which case the decision of the commissioner shall become the final decision.

(2) The director shall mail a copy of the final decision to appropriate bureau staff, the client or applicant and her or his authorized representative.

(o) **Extensions of Time.** Except for the time limitations established in subsection (l)(1)(A) of this section, the director may grant reasonable time extensions for good cause shown at the request of a party or at the request of both parties.

(p) **Appeal.** Section 4-183 of the Connecticut General Statutes shall apply to appeals of the final decision in an administrative hearing.

(Adopted effective June 6, 2000)

### **Sec. 17b-653-24. Case closure**

(a) Reasons for which the bureau may close an applicant or client's case shall include, but not be limited to, a determination by the bureau that:

(1) the applicant or client is not eligible for services;

(2) the applicant or client has been rehabilitated;

(3) the applicant or client is not available to receive services, due to his/her having moved or inability to otherwise be located or contacted, refusal of services, failure to cooperate in participation in services, institutionalization, or death;

(4) transportation is not available or feasible to obtain or maintain employment; or

(5) extended support services are not available to an individual who requires supported employment services.

(b) The following standards and procedures are the requirements when determining that a client has been rehabilitated and his or her case record is closed as rehabilitated:

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

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

(3) Rehabilitation services provided in accordance with an employment plan have contributed to the achievement of the employment outcome;

(4) It has been determined that the client has maintained the employment outcome for at least 90 days; and

(5) At the end of the 90-day period, the client and appropriate bureau staff consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.

(c) **Post Employment Services**

After a client has been determined to be rehabilitated, post employment services may be provided to assist a client to maintain or regain employment.

(Adopted effective June 6, 2000)