

**CHAPTER 95**  
**VOCATIONAL REHABILITATION SERVICES**  
**PROGRAM OF THE COMMISSION FOR**  
**THE BLIND AND VISUALLY IMPAIRED**

**Authority**

N.J.S.A. 29 U.S.C. §§ 701 et seq., 34 C.F.R. Parts 74, 76, 77, 78, 79, 80, 361, 363 and 395; and N.J.S.A. 30:6-11.

**Source and Effective Date**

R.1999 d.375, effective October 5, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 95, Vocational Rehabilitation Services Program of the Commission for the Blind and Visually Impaired, expires on April 3, 2005. See: 36 N.J.R. 4611(a).

**Chapter Historical Note**

Chapter 95, Organization of the Commission for the Blind and Visually Impaired, was adopted as R.1984 d.406, effective August 23, 1984. See: 16 N.J.R. 2442(b). Chapter 95 expired on August 23, 1989.

Chapter 95, Vocational Rehabilitation Services Program of the Commission for the Blind and Visually Impaired, was adopted as new rules by R.1994 d.561, effective November 7, 1994. See: 26 N.J.R. 2242(a), 26 N.J.R. 4394(a).

Pursuant to Executive Order No. 66(1978), Chapter 95, Vocational Rehabilitation Services Program of the Commission for the Blind and Visually Impaired, was readopted as R.1999 d.375, effective October 5, 1999, and Subchapter 4, Informed Choice, Subchapter 5, Individualized Plan for Employment (IPE), and Subchapter 19, Client Appeal Rights, were adopted as new rules and former Subchapters 4 through 16 were recodified as Subchapters 6 through 18 by R.1999 d.375, effective November 1, 1999. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. OVERVIEW OF VOCATIONAL REHABILITATION**

**10:95-1.1 Purpose and scope**

(a) This chapter contains the rules of the Commission for the Blind and Visually Impaired regarding the vocational rehabilitation services available to eligible individuals so that such individuals might maximize their employment outcome, independence, and integration into the workplace and their communities.

(b) Vocational rehabilitation (VR) services derive from a Federally funded program emanating out of the Rehabilitation Act of 1973, as amended. The services provided under the Act are any goods or services necessary to render blind and visually impaired individuals employable, including, but not limited to, the following:

1. Assessment of rehabilitation needs, including diagnostic and related services, following the determination of eligibility for VR services.
2. Physical and mental restoration services;
3. Vocational and other training services;
4. Counseling and guidance services;
5. Maintenance services;
6. Placement services, including job search and placement assistance, job retention services, follow-up and identification of follow-along services;
7. Post employment services;
8. Services to clients' families;
9. Transportation services, as needed, while an individual is receiving other Services in vocational rehabilitation;
10. Referral services;

11. Reader service, rehabilitation teaching services, eye health, social work and orientation and mobility services;

12. On the job or other related personnel assistance services provided while an individual is receiving other services described in this section;

13. Occupational licenses, tools, equipment and initial stocks and supplies;

14. Technical assistance and other consultation services to conduct market analysis, develop business plans and otherwise provide resources, to the extent such resources are authorized to be provided through the State workforce investment systems, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;

15. Assistive technology services and devices; and

16. Other VR related services.

(c) The Individualized Plan for Employment (IPE) shall be the mechanism that the Commission for the Blind and Visually Impaired will utilize to ensure that client involvement and informed choice is present in every case (see N.J.A.C. 10:95-4). A statement indicating that ample choices were discussed and offered to the client shall be included in every individualized plan for employment.

Amended by R.1999 d.375, effective November 1, 1999.

See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

Rewrote (b); and in (c), substituted references to individualized plans for employment for references to individualized written rehabilitation programs throughout, changed N.J.A.C. reference, and substituted "discussed and offered" for "provided" following "choices were" in the second sentence.

**10:95-1.2 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Amanuensis" means an individual who reads and/or writes appropriate material for a blind or visually impaired person. For the purposes of this chapter, an amanuensis is equivalent to a reader.

"Applicant" means an individual who submits an application for vocational rehabilitation services.

"Appropriate modes of communication" means specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed captioned videos, specialized telecommunication services and audio recordings. Braille and large print materials in electronic formats, augmentative devices, graphic presentations and simple language materials.

“Assistive technology devices” means any item or equipment used to increase, maintain, or improve the functional capabilities of an individual with a disability. Assistive technology device has the meaning given such term in section 3(2) of the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (29 U.S.C. § 2202(2)).

“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. Assistive technology service has the meaning given such term in section 3(3) of the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (29 U.S.C. § 2202(3)).

“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.

“Competitive employment” means work in the competitive labor market that is performed on a full or part time basis in an integrated setting and 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.

“Employment outcome” means entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market to the greatest extent practicable. Pursuant to 34 CFR Part 361.1(c), independent homemaker is deemed to be an employment outcome.

“Individualized Plan for Employment (IPE)” means an agreement developed jointly, agreed to, and signed by the Commission and the individual that is designed to achieve the employment objective of the individual.

“Informed choice” means a decision-making process in which the individual analyzes relevant information and selects, with the assistance of the rehabilitation counselor, a vocational goal, intermediate rehabilitation objectives, VR services and VR providers.

“Post-employment services” means one or more services 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.

“Rehabilitation” means the capacity of an individual to benefit from vocational rehabilitation services sufficient to achieve an employment outcome.

“Significant disability” means a disability that severely limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) and will require multiple vocational rehabilitation services over an extended period of time.

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

“Supported employment” means competitive work in integrated work settings for individuals with the most significant disabilities or employment in integrated work settings in which the individual is working toward competitive employment. These are persons for whom competitive employment has not traditionally occurred, for whom competitive employment has been interrupted or intermittent as a result of a significant disability. Because of the nature and severity of their disabilities, these persons need intensive supported employment services and extended services in order to perform such work.

“Transition services” means a coordinated set of activities for a student designed within an outcome-oriented process, that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities is based upon the individual student’s needs, taking into account the community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services promote or facilitate the accomplishment of long term rehabilitation goals and intermediate objectives identified in the student’s IPE.

“Vocational goal” means an employment objective consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice of the individual. Vocational goal, employment objective, and employment goal are used interchangeably.

“Workforce investment activities” means activities, as defined in Section 101 of the Workforce Investment Act of 1998 (P.L. 105-220, enacted August 2, 1998), 29 U.S.C. §§ 201 et seq., that are carried out under the Act.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).  
Rewrote the section.

SUBCHAPTER 2. ELIGIBILITY STANDARDS FOR VOCATIONAL REHABILITATION SERVICES

10:95-2.1 Purpose of eligibility determination

The purpose of eligibility determination is to identify those blind and visually impaired persons who may be served so as to provide such persons an opportunity to reach a level of independence which will promote an employment outcome consistent with each individual’s capacity, interest, ability, strengths, capabilities, and informed choice.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

Substituted "an employment outcome consistent with each individual's capacity, interest, ability, strengths, capabilities, and informed choice" for "employment potential consistent with each individual's capacity, interest, and ability" at the end.

### 10:95-2.2 Determining eligibility

(a) The Commission shall make use of existing and current information, from other programs and providers, particularly information from education officials and the Social Security Administration, to the extent that it is available, for determining eligibility and assessing vocational needs. The Commission shall determine whether an individual is eligible for vocational rehabilitation services within a reasonable period of time, not to exceed 60 days after the individual has submitted an application to receive services, unless:

1. The Commission notifies the individual that exceptional and unforeseen circumstances beyond the control of the agency preclude completing the determination within the prescribed time and the individual agrees that an extension of time is warranted; or

2. An extended evaluation is required in accordance with N.J.A.C. 10:95-3.3.

(b) Eligibility for VR services shall be based on the following criteria:

1. The person has a visual impairment or is legally blind as defined at N.J.A.C. 10:91-1.12;

2. The visual impairment or legal blindness results in a substantial impediment to employment as defined at N.J.A.C. 10:95-1.2;

3. The individual can benefit in terms of an employment outcome from services. Individuals who are recipients of SSI or SSDI benefits shall be considered to be an individual with a significant disability, and shall be presumed eligible, provided that, with informed choice, those individuals are interested in achieving an employment outcome, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, and interests; and

4. The individual requires vocational rehabilitation services to prepare for, enter into, engage in, or retain employment.

(c) Eligibility for VR services shall be based on an individual's ability to participate in and complete a vocational program leading to an employment outcome. There is no requirement that an individual be a resident of New Jersey in order to receive VR services; however, the individual shall not be receiving VR services concurrently through another State agency.

(d) Eligibility for an extended evaluation shall be based upon the criteria as required by N.J.A.C. 10:95-3.3.

(e) Eligibility for trial work shall be based upon the criteria in N.J.A.C. 10:95-3.4.

(f) Ineligibility for vocational rehabilitation services shall be based upon the determination that:

1. The individual does not have a severe visual impairment or is not legally blind;

2. The visual impairment or legal blindness does not result in a substantial impediment to employment; and

3. There is clear and convincing evidence that such individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome in accordance with the Rehabilitation Act of 1973 as amended (29 U.S.C. §§ 701 et seq.) and any regulations promulgated thereunder. Clear and convincing evidence shall mean that the vocational counselor has a high degree of certainty before he or she can conclude that an individual is incapable of benefiting from services in terms of an employment outcome.

Amended by R.1999 d.375, effective November 1, 1999.

See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

Rewrote the section.

## SUBCHAPTER 3. DIAGNOSTIC AND EVALUATION SERVICES

### 10:95-3.1 Preliminary diagnostic study

(a) A vocational rehabilitation counselor shall request an eye report from an ophthalmologist, optometrist, and/or utilize medical records from other sources in order to determine an applicant's eligibility for Commission services. The Commission shall utilize existing information, to the extent feasible, to expedite the eligibility process.

(b) An otological examination with an audiogram by an otologist or an otorhinolaryngologist and/or an audiological examination by a licensed audiologist may be obtained when any of the following are present:

1. The client is legally or totally blind as defined at N.J.A.C. 10:91-1.12;

2. The client indicates difficulty hearing;

3. The counselor observes that the client has difficulty hearing; or

4. The physician indicates on the basic medical examination that the client has difficulty hearing.

Amended by R.1999 d.375, effective November 1, 1999.

See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (a), added a second sentence; and in (b), rewrote the introductory paragraph.

**10:95-3.2 Comprehensive assessment**

(a) The comprehensive assessment is designed to determine which vocational rehabilitation services may be of benefit to the individual in terms of an employment outcome. This study shall consist of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, recreational and other factors relating to the individual's impediment to employment and rehabilitation needs.

(b) A medical examination performed by a licensed M.D. or a licensed doctor of osteopathy shall be obtained when any of the following are present:

1. An individual has a medical condition that may impact upon his or her ability to undertake or achieve their vocational program; or
2. A medical examination is required by a service provider.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (a), substituted a reference to comprehensive assessments for a reference to thorough diagnostic studies.

**10:95-3.3 Extended evaluation**

(a) An extended evaluation is provided to those individuals who require in-depth analysis in order to determine if they can benefit from vocational rehabilitation services. This evaluation offers individuals who have a disability and an impediment to employment the opportunity to demonstrate vocational potential when documentation indicates:

1. The presence of a physical or mental disability which is a substantial impediment to employment as defined at N.J.A.C. 10:95-1.2; and
2. The Commission's inability to make a determination that vocational rehabilitation services may benefit the individual in terms of an employment outcome.

(b) The extended evaluation of an individual may continue for a period of up to a maximum of 18 months. The Commission shall assess the individual's progress at least once every 90 days during the evaluation period. The evaluation is terminated after it is determined that the individual is eligible or ineligible for VR services.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (a), substituted "determine if they can benefit from" for "assess the appropriateness of" in the first sentence of the introductory paragraph; and in (b), inserted a new second sentence.

**10:95-3.4 Trial work**

(a) Trial work may be provided to those individuals who require an in-depth analysis in order to determine if they can benefit from vocational rehabilitation services. Trial

work may be used in lieu of an extended evaluation, based on a case-by-case agreement between the client and the counselor. Trial work is performed in a community based placement work site under the general supervision of rehabilitation organization personnel or, in instances where there is no other alternative, in a competitive integrated environment.

(b) A Vocational Assessment Plan (VAP) shall be developed by the counselor for an individual in a trial work situation. The vocational assessment plan shall include a statement of needed services and periods of time spent by any one individual at any one site or in any clearly distinguishable job classification.

(c) Trial work shall not exceed 65 hours and shall be performed under the U.S. Department of Labor Fair Labor Standards Act (29 U.S.C. § 201 et seq., P.L. 99-486).

(d) The individual in the trial work experience shall not be entitled to employment at the conclusion of the VAP.

New Rule, R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

SUBCHAPTER 4. INFORMED CHOICE

**10:95-4.1 Purpose and scope**

The Commission provides eligible individuals an opportunity to make informed choices throughout the rehabilitation process. Individuals have the right to make an informed choice about their vocational goals, rehabilitation objectives, services and service providers.

**10:95-4.2 Consumer choice principles**

(a) The Commission has established the following principles relative to informed choice in order to assure accessibility, communications, certification, and an employment outcome:

1. The Americans with Disabilities Act (ADA) (42 U.S.C. § 12101), shall be utilized to determine the appropriateness of any program for consumers of Commission services;
2. The program shall meet the language and technology needs of the consumer;
3. The program shall be a certified program, meeting State and/or Federal certification requirements; and
4. The program shall have an employment related outcome and shall demonstrate that a significant number of program participants were able to secure employment as a result of the training.

**10:95-4.3 Implementation of informed choice**

(a) The Commission shall apply the principles of informed choice at the determination of eligibility and at plan development/plan amendment.

(b) The consumer shall be an active participant to the extent feasible in evaluating potential programs and services. Such active participation shall ensure that informed choice occurs.

(c) Counselors shall provide to the consumer, to the extent that the information is available, the costs of programs, qualifications of the service provider, consumer satisfaction, and the degree that the program is provided in an integrated setting.

(d) The consumer shall have the opportunity to compare and evaluate programs, with the assistance of the vocational counselor.

(e) Prior to the establishment of a vocational goal, preference shall be given to in-State programs in order to establish and maintain close communication among the client, counselor and service provider. If a client elects to attend a comparable program out-of-State, the client shall be responsible for the additional costs related to attending that program. After a vocational goal has been established, preference shall be given to in-State programs to maintain fiscal responsibility and maintain the close working relationship between client and counselor. Clients shall be responsible for any additional costs related to attending out-of-State programs. The Commission's financial needs test and comparable benefits shall be applied to training services in accordance with N.J.A.C. 10:91-3.

(f) Counselors and consumers shall together evaluate current labor market trends to determine the likelihood of an employment outcome following training. Consumer preference shall also be considered when the determination of a vocational goal is made.

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**SUBCHAPTER 5. INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)**
**10:95-5.1 Purpose and scope**

Following the determination of eligibility and assessment, an Individualized Plan for Employment (IPE) is developed with each client which includes a description of the specific outcome that is chosen by the eligible individual the nature and scope of vocational rehabilitation services necessary to achieve an employment outcome to include the entity chosen to provide the services, and that is consistent with the individual's unique strengths, priorities, concerns, abilities, capabilities, career interest and informed choice.

**10:95-5.2 Joint development**

(a) The IPE shall be developed jointly, agreed to, and signed by the vocational rehabilitation counselor and the client or the client's representative.

(b) All services indicated on the IPE shall bear a relationship to, or show a connection with, the vocational/employment goal.

(c) A copy of the signed IPE shall be provided to each client or the client's representative in the native language or appropriate mode of communication of the client, along with a copy of the Commission/Client Understanding.

(d) The client or client's representative shall indicate on the IPE in his or her own words how he or she was informed about and involved in choosing among alternate goals, objectives, services, providers and methods used to procure or provide services.

**10:95-5.3 Annual review**

The client or client's representative shall review the IPE jointly, with the qualified rehabilitation professional as appropriate, but at least once a year, to assess the progress in meeting the objectives identified in the IPE.

**10:95-5.4 Amendments to the IPE**

The IPE shall be amended, at any time, as appropriate, to incorporate any revisions or changes that are necessary to reflect changes in the client's vocational goal or rehabilitation needs, after obtaining the agreement and signature of the client or the client's representative.

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**SUBCHAPTER 6. PHYSICAL AND MENTAL RESTORATION SERVICES**
**10:95-6.1 General purpose and scope**

Restoration services are designed to alleviate or diminish the effects of a disability in order to improve a client's employment potential. These services include surgery, hospitalization, physical therapy, psychological, psychiatric or other medical services. Physical and mental restoration services shall be considered only after it is determined that a client is ineligible for funding from other sources.

**10:95-6.2 Physical restoration services**

(a) Physical restoration services are designed to correct or substantially modify, within a reasonable period of time, a physical condition which is stable or slowly progressive that constitutes a substantial impediment to employment.

6. Technical associates degree training which is higher than secondary education and consists of a combination of basic academic and technical courses and leads to an Associate degree.

(f) This subchapter does not cover the following types of training:

1. Academic associates, baccalaureate and higher degree training (see N.J.A.C. 10:95-8.3); and
2. On the job training (see N.J.A.C. 10:95-8.4).

(g) Each client will be expected to complete the course of study within the time frame customarily required of other students.

(h) The expenses of eligible clients receiving training services under this subchapter shall be covered by the Commission as follows:

1. Room and board costs authorized for each client shall not exceed the rates established by the training service for that semester. Off campus living arrangements shall be subject to the same constraints;
2. Personal maintenance issued at the discretion of the vocational rehabilitation counselor based on documented economic need (see N.J.A.C. 10:91-11.1);
3. Each eligible client receiving training services may receive a stipend for reader/amanuensis services and books and supplies according to the established Commission fee schedule as set forth in N.J.A.C. 10:95-8.8; and
4. Transportation services shall be available to eligible clients in accordance with the criteria set forth at N.J.A.C. 10:95-15.1.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (a), substituted "required to achieve" for "supportive of" following "shall be"; in (b), substituted a reference to comparable benefits rules for a reference to similar benefits rules; in (e), deleted "can be considered as an interim step toward a vocational goal" at the end of the first sentence in 1, inserted a new 2, and recodified former 2 through 5 as 3 through 6; and in (f) and (h), changed N.J.A.C. references throughout.

**SUBCHAPTER 8. COMMISSION OPERATED  
VOCATIONAL REHABILITATION  
SERVICES**

**10:95-8.1 Orientation and mobility services**

Orientation and mobility services are designed to teach methods for safe, independent indoor and/or outdoor travel emphasizing environmental awareness, sensory training and utilization of remaining vision. The purpose of these services will be to enable clients, whenever possible, to be appropriately oriented and to travel on their own to and

around their workplace, schools, homes and communities. The Commission's orientation and mobility services program rules are set forth at N.J.A.C. 10:93-3.

**10:95-8.2 Vocational rehabilitation home instruction services**

(a) Vocational rehabilitation home instruction services are designed to provide instruction and counseling in the techniques of daily living. The purpose of these services is to help clients, whenever possible, accommodate to their visual loss and to acquire the needed skills to function independently as a homemaker. The general rules for the Commission's rehabilitation and home instruction services program are set forth at N.J.A.C. 10:93-4.

(b) A homemaker is an individual who has the skills and abilities to maintain a home and actively functions in the capacity of maintaining a home. Homemaking activities relate to the maintenance of a suitable living environment for the individual and for the individual's family, if appropriate. Pursuant to 34 CFR Part 361.1(c), homemaking is deemed to be employment. Preparing an individual for this employment goal is one of the objectives of the Commission's vocational rehabilitation home instruction services program.

(c) In order to be accepted for services with a homemaker program, the client shall:

1. Meet the eligibility criteria set forth at N.J.A.C. 10:91-2;
2. Be given counseling and guidance to assure that vocational alternatives and options are explored with the client; and
3. Be able to and intend to fulfill the functions of a homemaker when rehabilitation services are completed.

(d) A client's vocational goal of homemaking shall be established by the client and vocational rehabilitation counselor when formulating the client's individualized plan for employment.

(e) The criteria for closing a rehabilitated case as a homemaker are set forth at N.J.A.C. 10:95-17.4.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (c) 1 and (e), changed N.J.A.C. references; and in (d), substituted a reference to individualized plans for employment for references to individualized written rehabilitation programs.

**10:95-8.3 College services**

(a) College services are designed to assist Commission clients who require college training in order to achieve their vocational goal. The Commission monitors eligible clients during their college careers and functions as a resource to clients for information concerning:

1. Financial aid and similar benefits;

2. College admissions and qualifications;
3. Specific college programs;
4. A specific client's qualifications for college admission; and
5. The acceptance of a client for college services.

(b) Each applicant for college training shall meet the following criteria:

1. The client shall meet the eligibility requirements for vocational rehabilitation services as set forth at N.J.A.C. 10:91-2;
2. The client shall not be receiving financial aid from another state or territory;
3. The client shall not be residing in New Jersey for the sole purpose of receiving support for college training from the Commission;
4. The client shall be formally accepted into a full-time college program;
5. The client's vocational goal shall have been endorsed by the Commission;
6. The client, or his or her guardian, shall submit a completed Commission Financial Survey Form to the Commission in accordance with the provisions of N.J.A.C. 10:91-3; and
7. The client, or his or her parent or guardian, shall complete a Financial Aid Form (FAF) or its equivalent as required by the college or university to determine if the client is eligible for any financial assistance from sources outside the Commission. This information will then be used to determine if the client is eligible for financial assistance from the Commission (see N.J.A.C. 10:91-3).

(c) The vocational rehabilitation counselor, along with his or her supervisor, shall be responsible for making the recommendation to accept the client for college services based on the criteria in (b) above.

(d) The Commission shall provide reader service, books and supplies, in accordance with the rates set forth in N.J.A.C. 10:95-8.8, and academic intervention for all clients as needed.

(e) Appeals shall be handled in accordance with the provisions of N.J.A.C. 10:95-19.

(f) Each client, or his or her parent or guardian, shall annually complete the Financial Aid Form (FAF) or its equivalent in order to determine whether the client is eligible for any financial assistance other than from the Commission (see N.J.A.C. 10:91-3).

(g) The Commission shall annually review the Financial Survey Form in order to determine the client's level of financial participation (see N.J.A.C. 10:91-3).

(h) All college expenses shall be subject to the Financial Aid Form or equivalent or Commission needs test. The expenses of eligible clients receiving college sponsorship by the Commission under this subchapter shall be paid by the Commission as follows:

1. Tuition and room and board costs shall be paid up to the current rates charged for clients attending the least expensive public New Jersey State university;
2. For clients attending private in-State colleges and universities or private or public out-of-State colleges and universities, tuition, and room and board costs may not exceed the rates charged by the least expensive New Jersey State university;
3. Each eligible client attending a full-time undergraduate program may receive a stipend for reader/amanuensis services and books and supplies according to the established Commission fee schedule as set forth in N.J.A.C. 10:95-8.8;
4. Transportation services may be available to eligible clients in accordance with the criteria set forth at N.J.A.C. 10:95-15.1; and
5. Personal maintenance is issued at the discretion of the vocational rehabilitation counselor based on documented economic need (see N.J.A.C. 10:91-3).

(i) The client's college program shall be consistent with his or her interests, aptitudes and abilities as documented in the client's case record and shall be supportive of the client's vocational goal.

(j) Each client will be expected to complete a degree program within the same time frame as customarily required of other full time students enrolled in the same program.

(k) Each client shall be expected to maintain a 2.5 GPA or better average. Failure to maintain at least a 2.5 GPA will result in loss of Commission sponsorship.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

Changed N.J.A.C. references throughout; in (h), substituted a reference to the least expensive public New Jersey State university for a reference to a New Jersey college or Rutgers in 1, and substituted a reference to the least expensive New Jersey State university for a reference to Rutgers in 2; and in (k), substituted references to a 2.5 GPA for references to a "B" average.

#### 10:95-8.4 On-the-job training services

(a) The purpose of on-the-job training is to encourage an employer to hire a Commission vocational rehabilitation client who may not be fully productive in the particular job opening available, but who shows promise of being able to perform the job with some additional on-the-job training.

(b) In order to enhance the possibility of a client being hired for a job, the Commission will pay for a percentage of the salary until the client is fully trained. This partial payment is made only on the position for which the client will be hired. The percentage of the Commission's payment during each period of the on-the-job training is based on the percentage of the job which actually constitutes training.

(c) In order to qualify as on-the-job training, the job opening must be a real position that the employer intends to fill at the completion of the on-the-job training period. The employer must be willing to carry the client on its payroll and to pay the percentage of salary and fringe benefits agreed upon for the length of the on-the-job training program. The position must have a salary and the income derived from the job may not be totally dependent on commissions or tips.

(d) Each program will be based on the individual client's circumstances. The training period for each client will be determined by the difficulty and/or complexity of the job being learned and the amount of time needed for the individual client to learn the job.

(e) To participate in on-the-job training, a client receiving training services from the Commission must accept the on-the-job training program that has been offered, and be advised that permanent employment will be based on the individual's job performance and ability to become fully trained for the position during the on-the-job training program.

(f) Each employer shall file a short written report with the Commission during each period of the on-the-job training program indicating the continued possibility of employing the client. The report must include a satisfactory or unsatisfactory rating of the client's job performance and a statement as to whether or not the employer intends to continue the on-the-job training.

**10:95-8.5 Deaf-blind services**

(a) The Commission's deaf-blind services are designed to better serve those individuals who experience a unique set of problems and needs due to profound hearing loss in addition to their visual loss.

(b) In order to be eligible to receive the Commission's deaf-blind services, an applicant shall meet the same criteria needed to receive Commission services as set forth at N.J.A.C. 10:91-2, and:

1. Have a hearing impairment so severe that speech cannot be understood with optimum amplification and not be correctable with aids or medical assistance; or
2. Have a prognosis of imminent hearing loss.

(c) Vocational rehabilitation services available to deaf-blind clients include:

1. All services that shall be provided to any other vocational rehabilitation client;
2. Specialized communication services and devices; and
3. Consultation with any education client over the age of 14 with a hearing loss so as to explore vocational possibilities.

**10:95-8.6 Transitional summer services**

(a) The Commission's vocationally-related transitional summer services are designed to evaluate the academic and vocational potential of the clients involved and provide them with an opportunity to test their skills to function independently. In addition, the services provide documented pre-vocational assessments for the Commission's education instructors, vocational rehabilitation counselors, transition counselors and local school guidance counselors to use in future discussions with clients and parents.

(b) Transitional summer services may be offered to a client only after the Commission has assessed the particular needs of the client.

(c) The Commission shall annually determine the feasibility of offering the transitional summer services based on the availability of funds and a cost benefit analysis of each program.

(d) To be eligible to attend the transitional summer service program, a client shall have been registered with the Commission for vocational rehabilitation services.

**10:95-8.7 Joseph Kohn Rehabilitation Center**

(a) The Joseph Kohn Rehabilitation Center (JKRC) is a residential facility which functions as a resource to:

1. Offer assessment and adjustment services;
2. Clarify the client's fundamental concepts about blindness and visual impairment;
3. Maximize the client's independent functioning;
4. Garner information that can be used in the development of the client's vocational goals; and
5. Provide the client with the opportunity to have positive interaction with other blind and visually impaired individuals.

(b) The following programs shall be available at the Joseph Kohn Rehabilitation Center:

1. The independent living program helps clients maximize independent functioning in relation to their visual disability. The components of the program are:
  - i. Personal communications skills;
  - ii. Orientation and mobility;

- iii. Home and personal management;
- iv. Vocational assessment; and
- v. Low vision evaluation and training.

2. The vocational program helps clients to move toward vocational rehabilitation through evaluation and some training. The following services may be provided:

- i. Vocational counseling;
- ii. Pre-vocational work adjustment;
- iii. Vocational assessment;
- iv. Psychometric testing;
- v. Technology assessment and training program;
- vi. Specific employment training based on labor market needs;
- vii. Training for candidates of the Business Enterprise Program (see N.J.A.C. 10:97); and
- viii. Homemaker training.

3. A counseling program is offered to all clients. The counseling program may include:

- i. A weekly case management review;
- ii. Weekly psychological counseling which focuses on adjustment to vision loss; and
- iii. Group counseling.

(c) The services of the Joseph Kohn Rehabilitation Center shall be provided to all eligible Commission clients free of charge.

(d) Attendance at the Joseph Kohn Rehabilitation Center is based on the following criteria:

1. The client must be registered with the Commission to receive vocational rehabilitation services;
2. The client's medical record must indicate that he or she can physically participate in the program without risk to the health or safety to self or others;
3. The vocational rehabilitation counselor and the client agree that the client can benefit from the intensity of instruction provided at the center;
4. The client needs assistance in developing independent living skills and/or exploring information that can be used in the development of a vocational goal;
5. The client may have a specific vocational objective, and need assistance in moving toward the objective; or
6. The client is not registered for vocational rehabilitation services but needs the center's services to adjust to vision loss. The Joseph Kohn Rehabilitation Center may also serve the Commission's education and allied services clients for the purpose of rendering them independent living skills.

(e) A client who exhibits one or more of the following difficulties may be terminated from a Joseph Kohn Rehabilitation Center program, as determined by the Joseph Kohn Rehabilitation Center manager, and as delineated in the client information brochure, if a client demonstrates:

1. Repeated failures to cooperate with established policies and procedures;
2. Deteriorating emotional, physical or intellectual functioning which jeopardizes the health, safety, or well being of the individual;
3. Violent behavior;
4. Inability to benefit from further instruction; or
5. Behavior which has a negative or disruptive effect on others.

(f) Clients terminated from the Joseph Kohn Rehabilitation Center have the right to appeal this termination in accordance with the provisions of N.J.A.C. 10:95-19.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (a)1, substituted a reference to assessments for a reference to evaluations; in (b)1 rewrote iv, and added v; in (b)2, substituted a reference to vocational assessments for a reference to vocational evaluations in iii, and rewrote v and vi; and in (f), changed N.J.A.C. reference.

#### **10:95-8.8 Reader/amanuensis services; books and supplies**

(a) A client shall be eligible for reader/amanuensis services if:

1. The client's primary medium of communication is braille or CCTV;
2. The client's reading rate is 200 words per minute or less; and
3. The client's responsible counselor has certified the client as print-handicapped, in accordance with (a)1 and 2 above.

(b) Reader service fees shall be established as follows:

1. For full time undergraduate programs, up to \$100.00 per month;
2. For full time graduate program, up to \$200.00 per month;
3. For full time training program, up to \$100.00 per month; and
4. For part time undergraduate/graduate/training program, pro rated.

(c) Reader service fees for deaf/blind clients may exceed the limits in (b) above on a case-by-case basis, with documentation in the case folder and the approval of the counselor's supervisor.

(d) Amanuensis service fees shall be established at a maximum of \$30.00 per day.

(e) Books and supplies shall be reimbursed at the following rates and subject to the Commission's financial needs test (see N.J.A.C. 10:91-3):

1. Up to \$250.00 per semester for full time students; and
2. Pro rated for part time students.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (b), increased fees in 1 and 2; and in (e), rewrote the introductory paragraph.

which is purchased relative to work adjustment training (see N.J.A.C. 10:91-3).

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

Rewrote (c); and in (g), changed N.J.A.C. reference.

**10:95-9.2 Replacement equipment in last year of high school**

(a) Equipment provided in high school through the Commission's educational services program shall be recovered when a client drops out, graduates or otherwise no longer attends high school.

(b) Appropriate Commission staff serving the client shall meet as early as possible during the client's last year in high school to determine the client's post high school equipment needs.

**SUBCHAPTER 9. PROVISION OF TRAINING AND ADAPTIVE EQUIPMENT**

**10:95-9.1 General purpose and scope**

(a) Training equipment refers to those tools, appliances, materials and other supplies which any individual would need in order to participate in a specific training program.

(b) Adaptive equipment refers to those pieces of equipment, materials and/or accommodative devices which allow a visually impaired person to perform tasks so that the individual can participate in a training program and subsequently in an occupation.

(c) The Commission shall provide through purchase or loan training/adaptive equipment and/or materials to eligible vocational rehabilitation clients to enable them to participate in a training program. The client's individualized plan for employment must specify the training/adaptive equipment to be purchased.

(d) Equipment which has been fully paid for by the Commission shall remain the property of the Commission. If the client is a co-payer for a piece of equipment, then the equipment shall become the property of the client. While this equipment remains the Commission's property, the Commission shall pay all associated costs such as insurance and maintenance.

(e) The Commission shall provide training and adaptive equipment to an eligible client only after the client has signed the loan of equipment agreement form (see Appendix I of this chapter, incorporated herein by reference).

(f) If the client violates the loan of equipment agreement, the Commission shall refuse to authorize any additional services to the client.

(g) The Commission's economic needs test will be applied to all training and adaptive equipment except that

**SUBCHAPTER 10. COUNSELING AND GUIDANCE SERVICES**

**10:95-10.1 General purpose and scope**

The Commission's counseling and guidance services are designed to counsel the individual in connection with his or her vocational potential and the health and social problems related to their vocational objective or adjustment. Counseling and guidance is the core of the rehabilitation process. These services assist the individual in developing and understanding their capabilities and limitations and appropriately using the rehabilitation services needed to achieve the best possible vocational objective or adjustment. Counseling and guidance may be provided to a client during any phase of the rehabilitation process.

**10:95-10.2 Transition services**

(a) Transition services are designed to provide the client, family, high school personnel and other professionals with specialized vocational achievement to assure a smooth transition from high school to college or work. The goal of transition services is to provide early vocational planning.

(b) Students/clients may be referred for transition services any time after the age of 14, if the need for transition services is reflected in the student's IEP. This referral should include a statement of the needed transition services, including when appropriate, a statement of the interagency responsibilities. All transition services provided by the Commission will be subject to eligibility as identified in N.J.A.C. 10:95-2.

(c) The client's current Commission individual service program shall include the services rendered by the transition counselor.

(d) The client's education instructor shall provide direct instructional and other education related services to the client, high school personnel and families.

(e) The transition services supervisor, or the transition counselor, shall confer with the appropriate vocational rehabilitation supervisor on all cases where the client is in his or her last year of formal education to determine appropriate actions such as transfer to a vocational rehabilitation counselor, transfer for college services or closure of the client's case.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).  
Rewrote (b).

### 10:95-10.3 Career development services

(a) The Commission's career development services assist vocational rehabilitation clients in obtaining appropriate employment by working directly with clients, professionals and prospective employers of blind and visually impaired job applicants. These services may be provided to clients who are ready for employment, receiving post-employment services, or in need of career information.

(b) Career development services may include the following:

1. Development of on-the-job evaluations, training and employment opportunities;
2. Provide consultative services to employers regarding job placement and related services;
3. Assistance to clients in developing job seeking skills; and
4. Provision of career information on employment trends, career choices, job evaluation, training, job readiness and the appropriate choice of a post-secondary education curriculum.

(c) The Commission shall apply its financial needs standard as set forth at N.J.A.C. 10:91-3 to the provision of maintenance services to all vocational rehabilitation clients except for those individuals who are receiving diagnostic services, work adjustment training or basic skills training.

(d) The Commission shall ascertain an individual's financial need each time the need for maintenance services arises (see N.J.A.C. 10:91-3).

(e) The Commission shall provide maintenance services to or on behalf of eligible clients as follows:

1. If the client is receiving meals as part of boarding costs, the Commission shall pay the published cost of the meal plan;
2. If the client is not receiving meals as part of boarding costs, the payment rate shall be the current daily rate of meal reimbursement for New Jersey State employees. This rate will also be paid to clients at residential facilities for those meals that shall not be provided on weekends or holidays;
3. If the client is receiving a room as part of residential costs, the Commission shall pay for the current cost of the room;
4. If housing is available at the facility and the client chooses to live independently, the rate of payment shall not exceed that of the residential housing available;
5. If no housing is available at the facility, the rate of payment shall not exceed the rate paid for board at the least expensive public State university.

(f) Maintenance payments shall not be considered earned income.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (e)5, substituted a reference to the least expensive public State university for a reference to Rutgers.

## SUBCHAPTER 11. MAINTENANCE SERVICES

### 10:95-11.1 General purpose and scope

(a) Maintenance is a supportive service provided only to enable an individual to participate in other vocational rehabilitation services. It is provided to the client in meeting the extra or added costs of food, shelter, clothing and other subsistence expenses arising from the active participation in a vocational rehabilitation program. Maintenance payments are not intended to ameliorate poverty.

(b) The Commission shall provide maintenance payments to or on behalf of eligible clients only up to the amount of increased expenses that the rehabilitation program causes for the individual or his or her family.

## SUBCHAPTER 12. PLACEMENT SERVICES

### 10:95-12.1 General purpose and scope of placement and adaptive equipment

(a) Placement and adaptive equipment may be issued to eligible vocational rehabilitation clients to enable them to compete equally in the job market.

(b) Placement equipment refers to those tools, appliances, machinery, licenses, initial stocks and supplies which enable an individual to perform his or her job.

(c) A description of adaptive equipment is set forth at N.J.A.C. 10:95-9.1(b).

(d) A client who has just begun employment or who is receiving post-employment services may be eligible to receive placement or adaptive equipment provided by the Commission. Employers will be encouraged to participate in the purchase of placement and/or adaptive equipment.

(e) The Commission's economic needs standard as set forth at N.J.A.C. 10:91-3 shall be applied to the purchase of all placement and/or adaptive equipment.

(f) The Commission shall officially transfer ownership of placement or adaptive equipment to the client or co-payee (employer) when the client is deemed to be competitively employed in accordance with the provisions of N.J.A.C. 10:95-17.2. The client or the employer shall be responsible for the cost of insuring the equipment. The counselor shall discuss this obligation with the client and the employer to assure that the client or employer agree to insure the equipment. The Commission shall purchase any necessary maintenance contract on the equipment for up to one year when the equipment is purchased. The client or co-payee (employer) shall pay the cost of the maintenance contract after the first year. The client or co-payee (employer) shall be responsible for all deductibles, repairs or routine maintenance not covered by the contract.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (c) and (f), changed N.J.A.C. references; and in (f), inserted references to co-payee (employer) throughout.

### 10:95-12.2 Business enterprise program

(a) The Commission's business enterprise program is designed to emphasize and reaffirm the Commission's commitment to assist those clients whose vocational goal is self-employment. The program provides coordinated services to the client from the beginning of the diagnostic evaluation through and into the actual operation of the business.

(b) The business enterprise program includes the following:

1. The Randolph Sheppard program (see N.J.A.C. 10:97); and
2. The small business program (see N.J.A.C. 10:95-12.3).

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (b)2, changed N.J.A.C. reference.

### 10:95-12.3 Small business program

(a) The small business program is designed to provide vocational rehabilitation services to those clients whose goal is to establish a solely owned business.

(b) The following criteria will determine a client's eligibility for the small business program:

1. The client must indicate a commitment to own and operate his or her own business;

2. The business goal must be appropriate to the client's physical/mental condition according to the counselor based upon documented medical conditions pertaining to the requirement of the business;

3. The client must demonstrate an ability to acquire basic business management skills such as maintaining inventory and financial records;

4. The client shall have at least two years experience in the type of business or have related experience in the business that he or she wishes to operate; and

5. The client shall develop a comprehensive business plan or business proposal or plan which shall allow the Commission and other funding sources (that is, banks, the Small Business Administration) an opportunity to evaluate its chances of success.

(c) The Commission's comparable services and benefits rules as set forth at N.J.A.C. 10:91-3 shall apply to the provision of financial services to clients in the small business program.

(d) The Commission shall evaluate each client who wishes to establish a business. The outcome of this evaluation shall be a written report, which provides justification for any projected expenditure of vocational rehabilitation funds. This assessment shall include an evaluation at the Joseph Kohn Rehabilitation Center, or comparable facility, of the client's business ability and aptitude.

(e) Each client shall utilize his or her own resources to fund the business venture. Each successful applicant for the business enterprise program shall have an outside source for financing his or her own business. The Individualized Plan for Employment shall indicate the specific services and the provider of those services and the anticipated cost of the services.

(f) Start-up costs are one-time expenditures such as the purchase of licenses, initial stock, supplies, services, equipment, and related expenses. The client shall provide a minimum of 20 percent of the total start-up cost of the business, in cash or in kind, before the Commission will intervene by providing vocational rehabilitation funds. The Commission's expenditure of vocational rehabilitation funds for any individual business shall be no more than 10 percent of the total start up cost of the business, up to a maximum expenditure of \$25,000. The client shall submit to the Commission verification that the client's co-payment of start-up cost is available before authorization for the expenditure of vocational rehabilitation funds will be processed. No vocational rehabilitation funds shall be provided for long term operational or fixed asset costs. However, adaptive equipment shall be funded, after an assessment has been provided by the Commission. The client shall sign a loan agreement

for any supplies or equipment that is provided by the Commission.

(g) The business enterprise program may continue to provide technical assistance to the client after financing has been put into place, and until the business is operational. Commission staff may visit the business for up to one year after the business is established.

(h) The client shall devote what time is required in the conduct of the particular business to ensure the likelihood of success in that industry.

(i) The Commission shall retain title to any equipment it purchases for a self-employed client in the business enterprise program until the case is successfully closed. As title holder, the Commission shall be responsible for the maintenance and insurance of all equipment. When a case is closed due to the unsuccessful provision of post-employment services, the Commission shall recoup any equipment purchased with Commission funds.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (b), inserted a reference to mental condition in 2, and added 4 and 5; in (c), substituted a reference to comparable services and benefits rules for a reference to similar benefits rules; in (d) and (e), added the last sentences; rewrote (f); in (g), substituted a reference to technical assistance for a reference to assistance; inserted a new (h); and recodified former (h) as (i), and deleted "all necessary post employment services have been provided and" following "until" in the first sentence.

#### 10:95-12.4 Competitive employment

(a) A client will be considered competitively employed when the client, vocational rehabilitation counselor and employer determine that the client is suitably employed for a minimum of 90 days and has reached his or her vocational goal. The standards for determining suitable employment shall be as follows:

1. The client and the employer are mutually satisfied;
2. The client is maintaining acceptable behavior in the job environment;
3. The occupation is consistent with the client's capabilities and the client possesses the acceptable skills to perform or continue to work satisfactorily;
4. The employment and working conditions do not aggravate the client's disability, and the client's disability will not jeopardize his or her own or others health and safety;
5. The wage and working conditions conform to all state and Federal statutory requirements; and
6. The employment is regular, reasonably permanent and the client receives a wage commensurate with that paid other workers for similar work.

(b) In addition to (a) above, clients shall be considered to be employed if they are working full time as lay workers for religious groups or organizations even if they are paid at a very minimal level and/or receive payment in kind.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (a), substituted a reference to 90 days for a reference to 60 days in the introductory paragraph.

#### 10:95-12.5 Non-competitive employment

(a) The following shall be considered non-competitive occupations:

1. Sheltered employment;
2. Unpaid family worker; and
3. Homemaker.

(b) In order for a client to be considered suitably employed in a sheltered environment, the employment must meet the following standards:

1. The employment is productive, is based upon each individual's capacities and abilities, and is measured by, but not limited to, the following:

- i. The number of hours the client is actually working;
- ii. How the activity improves the individual's social well-being;
- iii. How the activity contributes to the economy of the individual, the family and the community;
- iv. The degree of positive change attributed to the rehabilitation effort; and
- v. The degree to which the client is performing near optimum level;

2. The wages earned by the client are one of the primary purposes for the employment. Wages include fringe benefits, such as social security, workers compensation insurance, paid vacation, sick leave and any other benefits earned by other employees; and

3. The goal is gainful employment, rather than therapeutic activity, and the sheltered employment is consistent with the goal established on the client's individualized plan for employment and the client's capabilities (see N.J.A.C. 10:91-5.4(a) and (c)).

(c) An unpaid family worker is a person who works without actual cash reimbursement on a family farm or in a family business. In order to be considered an unpaid family worker, an individual must make an economic contribution to the family business. The contribution is measured by the cost to the family of employing another person to do the same work.

(d) The Commission's homemaker rules are set forth at N.J.A.C. 10:95-8.2 and N.J.A.C. 10:95-17.4.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (b)3, substituted a reference to individualized plans for employment for a reference to individualized written rehabilitation programs; and in (d), changed N.J.A.C. references throughout.

**SUBCHAPTER 13. POST-EMPLOYMENT SERVICES**

**10:95-13.1 General purpose and scope**

(a) Post-employment services are designed to assist the individual in maintaining, regaining or advancing in employment after the individual has been determined to be rehabilitated. Post-employment services may include any vocational rehabilitation services or combination of services necessary to assist the individual in maintaining employment. Counseling and guidance and other appropriate services will be provided to maintain an individual's employment.

(b) The following criteria shall be established for the provision of post-employment services:

1. The individual has been determined to be rehabilitated;
2. Post-employment services are necessary to assist the individual in maintaining employment;
3. The services act as a supplement to the services provided prior to case closure;
4. The services do not entail a complex or comprehensive rehabilitation effort; and
5. The services are related to the client's individualized plan for employment developed during the rehabilitation process.

(c) The Commission shall inform each individual as part of the process of closing a case as rehabilitated that the individual may be eligible to receive post-employment services.

(d) The following groups of individuals generally require post-employment services:

1. Individuals identified prior to closure as needing post-employment services. In these cases, the Commission's intention to provide post-employment services will be indicated on the client's individualized written rehabilitation program;
2. Individuals for whom unexpected situations arise; and
3. Individuals identified through re-evaluation of extended employment.

(e) The Commission shall apply its economic needs test as set forth at N.J.A.C. 10:91-3 to the same services and items during the post-employment phase as it does during the rest of the rehabilitative process. The Commission shall administer a new needs test to reflect the individual's changed financial situation due to his or her employment status. The Commission shall apply its policy regarding the use of comparable benefits and services as set forth at N.J.A.C. 10:91-3 to the provision of post-employment services.

(f) The Commission may provide post-employment services to individuals in sheltered employment identified as needing additional rehabilitation services to maintain employment, either in the sheltered workshops or by progressing to competitive employment.

(g) The Commission shall not provide post-employment services to upgrade an individual's financial status (see definition of post-employment services at N.J.A.C. 10:95-1.2).

(h) The vocational rehabilitation counselor shall record the decision to terminate post-employment services in the individual's amended individualized plan for employment. Post-employment services shall be terminated if:

1. The problem requiring post-employment services has been resolved;
2. The individual attains sufficient independence to function without continued post-employment services;
3. The individual's employment appears secure;
4. The employment continues at a suitable level in relation to the individual's potential; or
5. The individual's condition or situation becomes such that post-employment services cannot maintain them in employment.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (a), inserted " , regaining or advancing in" following "maintaining" in the first sentence; in (b)5 and (h), substituted references to individualized plans for employment for references to individualized written rehabilitation programs; and in (e) substituted a reference to comparable benefits and services for a reference to similar benefits in the last sentence.

**SUBCHAPTER 14. SERVICES TO CLIENTS' FAMILIES**

**10:95-14.1 General purpose and scope**

(a) Services shall be provided to family members when such services are necessary to the adjustment or rehabilitation of the client. The objective of the client's successful rehabilitation is carried out by helping the family recognize

its responsibilities to use its own resources for contributing to the rehabilitation of the client, and supplementing or supporting as necessary the family's own resources or the resources available in the community.

(b) For the purposes of this subchapter, a family member is any relative of the client by blood or marriage, or legally responsible person or other individual(s) living in the same household with whom the client has a close interpersonal relationship.

(c) An individual who meets the definition of family member in (b) above may receive services after the client has been determined eligible for vocational rehabilitation services, during any active phase of the client's case (see N.J.A.C. 10:91-2.3, 2.7, and N.J.A.C. 10:95-3.3 and 13.1).

(d) The Commission shall provide services to a client's family only if it is necessary for the rehabilitation of the client and the services are not otherwise available through existing community agencies.

(e) The Commission, the client and the client's family member(s) shall jointly determine the need for Commission services based on the following criteria:

1. The services to the client's family will have a substantial impact on the client;
2. The service will allow or increase the opportunities for the client to use vocational rehabilitation services;
3. Without the services the client would be unable to begin or continue his or her individualized plan for employment; or
4. The individualized plan for employment would be jeopardized or interfered with to the extent that employment would be unnecessarily delayed or could not be achieved.

(f) The Commission shall apply its financial needs test as set forth at N.J.A.C. 10:91-3 to the provision of services to a client's family. Any participation in the costs of services to families, whether by the client or other family member, is considered participation by the client. The Commission shall also apply its comparable services and benefits rules as set forth at N.J.A.C. 10:91-3 to the provision of services to a client's family.

(g) The Commission shall provide to the client's family only those goods or services which are necessary to the adjustment or rehabilitation of the client as stipulated in the client's individualized written rehabilitation program. These services may include:

1. Group or individual counseling to help family member(s) understand the needs of the client;
2. Day care services for children which would enable the client to pursue his or her individualized written rehabilitation program;

3. Genetic or marital counseling services when indicated; and

4. Housing services to assist the family in locating adequate living quarters as appropriate to meet the needs of the client in promoting his or her rehabilitation program.

(h) The Commission will terminate services to a client's family when:

1. The service(s) no longer makes a substantial contribution to the client's rehabilitation;
2. The client is not accepted for vocational rehabilitation services or the client's case is closed as not rehabilitated either before or after the initiation of an individualized plan for employment; or
3. The client is rehabilitated and the case is closed.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (c), changed N.J.A.C. reference; in (e)3 and 4 and (h)2, substituted references to individualized plans for employment for references to individualized written rehabilitation programs; and in (f), substituted a reference to comparable services and benefits rules for a reference to similar benefits rules in the last sentence.

## SUBCHAPTER 15. TRANSPORTATION SERVICES

### 10:95-15.1 General purpose and scope

(a) Transportation is a supportive service which contributes to the eligible individual's ability to participate in or receive the benefits of vocational rehabilitation services. Transportation services consist of necessary travel and related expenses, including subsistence during travel, in connection with transporting individuals and their escorts (if necessary) for the purpose of providing vocational rehabilitation services. Transportation includes:

1. Travel costs associated with using public or private transportation;
2. Subsistence while in travel;
3. Payment for the services of escorts, other than family members, for severely disabled persons and the escorts' travel costs;
4. Relocation and moving expenses; and
5. Other transportation related expenses such as tolls.

(b) The Commission shall apply its needs test as set forth at N.J.A.C. 10:91-3 to the provision of all transportation services except when an individual is an applicant for Commission services or during assessment, work adjustment training or basic skills training at a community based organization. The Commission and the client shall explore all alternative sources before the Commission will provide any transportation services in accordance with N.J.A.C. 10:91-3.

(c) The type of transportation provided is based on the limitations of the client and the obstacles in his or her environment rather than convenience. The factors to be considered in determining the most appropriate mode of transportation include:

1. The circumstances of the individual client;
2. The availability and appropriateness of the transportation system; and
3. The current cost of the transportation.

(d) A client must have an orientation and mobility evaluation stating that the client cannot travel by public transportation, or that the commute is too lengthy or difficult prior to an authorization for private transportation such as a private automobile or a van.

(e) Subsistence is a temporary type of maintenance which is limited to the cost of food and lodging only while a client is in transit.

(f) The Commission may pay for the services of an escort in transit only for the multi-disabled severely impaired client. In order to receive an authorization for a paid escort, the client must be unable to travel without assistance. The Commission shall apply the following standards when an escort must accompany a client during transit:

1. A family member may be paid as an escort only in instances where acting as an escort causes undue financial hardship to the family member;
2. The Commission shall pay an additional fee for assistance during travel only when a paid attendant is normally unavailable to the client; and
3. The Commission may furnish the escort's travel costs, including food or lodging.

(g) The Commission may provide financial assistance for any expense in transit when permanent relocation is necessary for the client to accept an offer of employment. Such expenses include, but are not limited to, the cost of a moving van and meals and lodging on route. The Commission shall provide transportation assistance to family members when such services are necessary to the rehabilitation or adjustment of the client, and the family members meet all of the criteria for Commission services to family members as set forth at N.J.A.C. 10:95-14.1. The Commission shall deny transportation assistance to family member(s) when the transportation is for the purpose of a permanent relocation and the client is not involved in the move.

(h) The Commission may provide transportation services to enable an individual to participate in post-employment services. The Commission shall not pay for a client's transportation to and from work after the client has been rehabilitated.

(i) The Commission shall provide transportation at the client's request to permit an individual to attend a fair hearing or administrative review.

(j) The Commission shall provide transportation service pursuant to N.J.A.C. 10:95-15.1(b).

(k) Other rates shall be set as follows:

1. For transportation by private individuals, reimbursement for mileage, tolls and parking is the current rate paid to New Jersey State employees. The Commission disallows reimbursement to family members providing transportation to the client unless it would cause undue financial hardship as demonstrated by the Commission's financial needs standard test (see N.J.A.C. 10:91-3);
2. Reimbursement for meals and lodging will be commensurate with the current rate paid to New Jersey State employees; and
3. Escorts will be paid the hourly minimum wage plus allowable travel expenses incurred.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (b), substituted a reference to assessments for a reference to diagnostic evaluations; and in (g) and (j), changed N.J.A.C. references.

SUBCHAPTER 16. OTHER SERVICES

**10:95-16.1 Other training and placement related services**

(a) Other training and placement related services are basic services or pieces of equipment which are required by clients for their education or training because of their visual impairment.

(b) The Commission shall apply its comparable benefits and services rules as set forth at N.J.A.C. 10:91-3 to the provision of services described in (c) below.

(c) The other training and placement related services available from the Commission shall be:

1. An allotment for reader/amanuensis service. The Commission's reader/amanuensis rules are set forth at N.J.A.C. 10:95-8.8;
2. Orientation and mobility training. The Commission's orientation and mobility rules are set forth at N.J.A.C. 10:93-3;
3. Rehabilitation teaching. The Commission's rehabilitation teaching rules are set forth at N.J.A.C. 10:93-4;
4. Interpreter for deaf/blind clients. The Commission shall pay the market fees after consultation with the New Jersey Division of the Deaf and Hard of Hearing. The vocational rehabilitation counselor shall pay an additional

15 percent of the hourly or daily rate for a totally blind client who requires hands-on interpretation; and

5. Interpreter for non-English speaking clients.

(d) The Commission may provide other training and placement related services to any client for whom there is a vocational goal which is documented in the client's individualized plan for employment. (see N.J.A.C. 10:95-4). The individualized plan for employment shall delineate the specific services that shall be provided and the length of service provision.

(e) The Commission may also provide other training and placement related services to a client attending a college or training program while undergoing an extended evaluation (see N.J.A.C. 10:95-3.3) or during the development of the individualized plan for employment.

(f) A client shall not receive other training and placement related services if:

1. The client is attending a program that is uncertified or unaccredited;

2. The client is taking make-up courses. If these courses are being repeated during a semester in which new courses are being undertaken, payments for other training and placement related services shall be pro rated to provide for the new courses only; or

3. The client elects to take a second training or education program similar to one already completed.

(g) The Commission's vocational rehabilitation funds shall be used to pay for other training and placement related services as long as another rehabilitation service is being provided. In order to continue receiving the services described in this subchapter, there must be a reason for the Commission to continue the provision of primary vocational rehabilitation services. The Commission shall not pay for other training and placement related services beyond the amount of time normally needed to complete the training program or beyond the extended course of study in the client's individualized plan for employment.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (b), substituted a reference to comparable benefits and services rules for a reference to similar benefits rules; in (c), changed N.J.A.C. reference in 1, and added the second and third sentences in 4; in (d), changed N.J.A.C. reference; and in (d), (e) and (g), substituted references to individualized plans for employment for references to individualized written rehabilitation programs.

## SUBCHAPTER 17. CRITERIA FOR CASE CLOSURE

### 10:95-17.1 Case closure in referral or applicant status

(a) Upon a determination of ineligibility, the Commission shall close the case of an individual who was either referred or applied to the agency for vocational rehabilitation services.

(b) The Commission shall base its determination of ineligibility for vocational rehabilitation services in accordance with the criteria set forth at N.J.A.C. 10:95-2.2 (e).

(c) The Commission shall issue a certificate of ineligibility upon a determination that an individual is ineligible for vocational rehabilitation services.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (b), changed N.J.A.C. reference; and in (c), deleted a reference to N.J.A.C. 10:91-2.10.

### 10:95-17.2 Competitive closure

(a) The Commission shall consider a client to be competitively employed and close the case as rehabilitated when the following criteria have been met:

1. An assessment was made of the rehabilitation potential of the client which resulted in a determination that the client met the eligibility criteria as set forth at N.J.A.C. 10:95-2.2(b);

2. The client's individualized plan for employment will have been jointly formulated by the client and counselor, and the provision of services has been completed insofar as feasible;

3. The client has received substantial rehabilitation services. Substantial rehabilitation services are any vocational rehabilitation services that shall be provided which assist the client's vocational potential. A determination of whether substantial vocational rehabilitation services have been received is based upon their impact on the client's vocational rehabilitation, not on the number, type or cost of services;

4. Counseling and guidance services were provided;

5. It is determined by the client, counselor and employer that the client is suitably employed for a minimum of 90 days in accordance with the criteria set forth at N.J.A.C. 10:95-12.4(a); and

6. The client shall be considered competitively employed in a supported employment situation providing that he or she meets the definition of supported employment as set forth at N.J.A.C. 10:95-1.2.

(b) The Commission may, in some instances, close a case as rehabilitated when some of the criteria for determining suitable employment are not met. For example, the client may decide to accept or remain on a job which, in the opinion of the counselor, is not compatible with the client's physical, mental or educational capacities, or is not permanent enough to assure continued self support. When the client has made such a job choice in light of all the facts, the counselor shall inform the client that the case will be closed as rehabilitated. The client may, however, reapply for vocational rehabilitation services as the need arises. The case record must clearly indicate the justification for closing a case under these exceptional circumstances.

(c) If a client becomes employed before beginning planned vocational rehabilitation services, the vocational rehabilitation counselor and the client may amend the individualized plan for employment to provide the client with needed services. At the completion of these services, the case will be closed as rehabilitated when the criteria set forth at N.J.A.C. 10:95-12.4 and 17.2, N.J.A.C. 10:95-12.5 and 17.3, or N.J.A.C. 10:95-8.2 and 17.4 are met.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

Changed N.J.A.C. references throughout; in (a), substituted a reference to assessments for a reference to evaluations in 1, substituted a reference to individualized plans for employment for a reference to individualized written rehabilitation programs in 2, and substituted a reference to 90 days for a reference to 60 days in 5; and in (c), substituted a reference to individualized plans for employment for a reference to individualized written rehabilitation programs.

**10:95-17.3 Non-competitive closure**

(a) In order to close the case of a rehabilitated client who is suitably engaged in non-competitive employment, the case record shall show that:

1. The Commission provided substantial services which materially contributed to an improvement in the client's adjustment or ability to function in the non-competitive occupation;
2. The improved level of functioning enabled the client to make a significant contribution in actual work activities in a sheltered environment, at home or in a family worker situation; and
3. As a result of the improved level of functioning and the work activity performed, socio-economic benefits may be realized.

(b) The Commission's other non-competitive employment rules are set forth at N.J.A.C. 10:95-12.5.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).  
In (b), changed N.J.A.C. reference.

**10:95-17.4 Homemaker closure**

(a) The counselor shall document in the client's case folder the amount of time actually needed and the core areas which have been addressed in the homemaker training. The Commission shall make every effort to schedule homemaking training in such a manner as to permit an individual's case to be closed as a rehabilitated homemaker within nine months of the receipt of a referral from the client's vocational rehabilitation counselor.

(b) In order to close a client's case as being a rehabilitated homemaker, the case record will show evidence that:

1. The Commission provided services which contributed to the client's adjustment and ability to function as a homemaker;

2. The client is able to perform homemaking activities; and
3. The client actually functions as a homemaker on a day-to-day basis.

(c) The Commission's homemaker rules are set forth at N.J.A.C. 10:95-8.2.

Amended by R.1999 d.375, effective November 1, 1999.  
See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (a), substituted "and the core areas which have been addressed in" for "for" following "needed" in the first sentence; and in (c), changed N.J.A.C. reference.

**10:95-17.5 Case closed as not rehabilitated after initiation of planned services**

(a) The Commission may close a client's case as not rehabilitated, after the initiation of services developed through an individualized plan for employment, when the client is unable to achieve his or her vocational goal after having received at least one planned vocational rehabilitation service;

(b) The Commission shall close a case as not rehabilitated after the initiation of planned services when one of the following circumstances occurs:

1. The client cannot achieve suitable employment;
2. The client does not follow through with the program of services.

After documenting that the client understands the purpose and availability of vocational rehabilitation services, the vocational rehabilitation counselor shall record and document the reasons for the client's decision not to proceed with planned services;

3. There are intervening reasons for closing the case which may include:

- i. The client moves, dies or is institutionalized;
- ii. The client cannot be located;
- iii. The case is transferred to another state's vocational rehabilitation agency; or
- iv. Another agency's services are more appropriate to the client's needs;

4. New information or other factors determine that suitable employment for the client is not possible. Examples include:

- i. The client's disability becomes too severe;
- ii. The client's medical condition deteriorates;
- iii. The medical prognosis becomes unfavorable;
- iv. Additional disabilities or problems are identified with the provision of services; or

v. Evaluation and training reports and records indicate that the client cannot be expected to benefit from vocational rehabilitation services; or

5. The client obtained employment without benefiting from the Commission's vocational rehabilitation services.

Amended by R.1999 d.375, effective November 1, 1999.

See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

In (a), substituted a reference to individualized plans for employment for references to individualized written rehabilitation programs, and deleted a reference to N.J.A.C. 10:91-5.4(a) and (c).

## SUBCHAPTER 18. FOLLOW-UP REVIEW

### 10:95-18.1 Review of ineligibility decisions

(a) Vocational rehabilitation clients declared ineligible because their disability was deemed too severe to benefit from services shall have an opportunity for their cases to be reviewed and reopened, if appropriate.

(b) The Commission shall conduct one review within 12 months after closure of each individual who initially signed a written document requesting vocational rehabilitation services and was subsequently determined to be ineligible because of an inability to achieve a vocational goal. The reasons for such an ineligibility determination include, but are not limited to, a disability that is too severe or an unfavorable medical prognosis.

(c) The Commission shall be responsible for informing individuals deemed ineligible for vocational rehabilitation services after undergoing an extended evaluation that additional reviews will be conducted upon receipt of a written request for a review by the individual.

(d) The Commission shall conduct no review of an ineligibility determination if:

1. The individual refuses review;
2. The individual is no longer present in this state;
3. The individual's whereabouts are unknown;
4. The individual's medical condition is rapidly progressive or terminal;
5. The individual has died;
6. The individual is unavailable for review; or
7. The individual has no disabling condition.

### 10:95-18.2 Review of extended employment

The Commission shall annually review and re-evaluate the status of each individual who has been placed in a community based organization to receive extended employment services (see N.J.A.C. 10:95-12.5(c)).

Amended by R.1999 d.375, effective November 1, 1999.

See: 31 N.J.R. 2152(a), 31 N.J.R. 3328(a).

Changed N.J.A.C. reference.

## SUBCHAPTER 19. CLIENT APPEAL RIGHTS

### 10:95-19.1 Recording of concerns by clients

(a) Clients of the Commission for the Blind and Visually Impaired (or their agents), their parents, guardians, advocates or legal representative may record their dissatisfaction with a determination with regard to the furnishing or denial of vocational rehabilitation services by contacting their caseworker, supervisors, office manager and/or client service representative. (See N.J.A.C. 10:91-1.10.) All applicants/clients for vocational rehabilitation services and, as appropriate, their representatives shall also be advised through appropriate modes of communication of their right to request an administrative review, mediation and/or a fair hearing. All requests for an administrative review, mediation, or fair hearing shall be made in writing and addressed to the Executive Director of the Commission for the Blind and Visually Impaired. The claimant may obtain assistance in completing the request for the review from the caseworker, or Client Service Representative at 973-648-2892. At any point, a client can by-pass the process and request a fair hearing before an Administrative Law Judge.

1. An on-the-record administrative review is a paper review of the client's file conducted by a Commission supervising administrator.

2. An in-person administrative review is a review conducted by a Commission supervising administrator with all relevant parties present.

3. Mediation is defined by N.J.A.C. 12:45-1.16(a)16 as a voluntary process in which a mediator, or an impartial third party, facilitates a problem solving discussion in order to assist the parties to a dispute in reaching an agreement. The mediator acts as neither a judge nor as advocate. The mediator does not decide which party is at fault, nor does he or she determine the manner in which the dispute should be resolved.

4. A fair hearing is a formal proceeding before an Administrative Law Judge and conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Rules, N.J.A.C. 1:1.

### 10:95-19.2 Appeal of vocational rehabilitation decision

(a) Upon request for an administrative review, either in person or on the record, the Executive Director shall assign a supervisory employee to conduct the review. Neither the reviewer assigned this task for his or her immediate supervisor shall have had any direct part in the dispute under review. The assigned reviewer shall have current vocational rehabilitation experience and knowledge and shall conduct the review within 30 working days of the request for review.

(b) Upon receipt of a request for mediation, the Executive Director shall determine whether the Commission agrees to mediation and so notify the client within 10 days of receiving the request for mediation. If mediation is agreed to, the Executive Director shall forward the request to the Public Defender's Office of Dispute Settlement who shall conduct a mediation session within 30 working days of the request for mediation.

(c) The review or mediation session shall be held at a mutually convenient day and time between 9:00 A.M. and 5:00 P.M. Monday through Friday. The administrative review will be conducted at a regional or central office of the Commission. If the claimant is unable to arrange for transportation in order to be present at the review/mediation session, the Commission will make arrangements to provide transportation.

(d) The claimant shall be notified of the date, time and place of the review or mediation in advance of the session and will be advised of the right to representation by counsel, friend, Client Assistance Program (located in New Jersey Protection and Advocacy, Inc., at 1-800-922-7233), parent, guardian, self or other representative.

1. A claimant who wishes to represent himself or herself shall be 18 years of age or older.

2. A claimant who wishes to be represented by counsel shall make those arrangements independent of the reviewer, except that the reviewer shall inform the claimant that a list of private attorneys is available from the bar association of the county where the client is domiciled.

(e) All correspondence, recommendations, or scheduling of a session shall be in a medium accessible to the client.

(f) The claimant and his or her representative shall be given an opportunity for cross-examination and to present evidence and/or witnesses on his or her behalf during the administrative review and an opportunity to submit evidence and information at the mediation session.

(g) Within 30 days of completing an administrative review, the reviewer shall submit a written report of findings and recommendations to the Executive Director who shall make a decision in the matter.

1. The Executive Director's decision shall be communicated to the claimant in writing five days after the findings and recommendations are communicated to the Executive Director. The Executive Director's decision shall be

considered the final decision in the matter, unless the claimant requests a fair hearing in accordance with N.J.A.C. 10:95-19.3.

(h) The Office of Dispute Settlement shall oversee and manage the mediation process. This shall include providing qualified and impartial mediators whose selection and conduct is guided by the "Model Standards of Conduct for Mediators" approved by the American Arbitration Association, the Litigation Section and the Dispute Resolution Section of the American Bar Association, and the Society of Professionals in Dispute Resolution. It is the role of the mediator to facilitate a voluntary resolution to the matter in dispute.

1. If the mediation does not result in agreement, the mediator shall document the date and the participants at the meeting.

2. Discussions that occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearings or civil proceedings.

3. If the mediation results in agreement, the conclusions shall be incorporated into a written agreement, and signed by each party.

#### 10:95-19.3 Fair hearing

(a) Upon receipt of a request for a fair hearing, the Executive Director shall notify the client, parent, guardian, advocate or legal representative within 10 days whether the matter shall be disposed of, pursuant to (a)1 or 2 below.

1. If the Executive Director determines that the request for a fair hearing represents a contested case or a vocational rehabilitation client or their parent or guardian requests a fair hearing, the matter is immediately forwarded to the Office of Administrative Law pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1 and the special rules for vocational services pursuant to N.J.A.C. 1:12C. The Executive Director shall advise the claimant, parent or guardian by registered mail.

2. If the Executive Director determines that the request for a fair hearing represents a non-contested case, the Executive Director shall issue a final decision and forward this decision by registered letter to the claimant, parent or guardian. The letter shall contain a statement that any further appeal of this decision shall be made to the Appellate Division of the Superior Court of New Jersey.

