

CHAPTER 95

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

Authority

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Chapter Historical Note

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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 this Act are any goods or services necessary to render blind or visually impaired individuals employable, including, but not limited to, the following:

1. Evaluation of rehabilitation potential, 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;
7. Post employment services;
8. Services to clients' families;
9. Transportation services; and
10. Other VR related services.

(c) The individualized written rehabilitation program (IWRP) shall be the mechanism that the Commission for the Blind and Visually Impaired will utilize to ensure that client involvement and choice is present in every case (see N.J.A.C. 10:91-5.4(a) and (c)). A statement indicating that ample choices were provided to the client shall be included in every individualized written rehabilitation program.

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.

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

“Individualized written rehabilitation program (IWRP)” means an agreement between the Commission and an individual that is designed to achieve the employment objective of the individual.

“Post-employment services” means the provision of services to individuals previously rehabilitated as employed who need additional vocational rehabilitation services to maintain employment.

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

“Substantial gainful activity” means the performance of significant physical or mental activities in work for remuneration or profit as determined by the United States Social Security Administration.

“Substantial impediment to employment” means that a physical or mental disability (in light of attendant medical, psychological, vocational, educational, and other related factors) impedes an individual’s occupational performance by preventing the obtaining, retaining, or preparing for employment consistent with the individual’s capacities and abilities.

“Supported employment” means competitive work in integrated work settings for individuals with the most severe disabilities. 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 severe disability. Because of the nature and severity of their disabilities, these persons need intensive supported employment services or extended services in order to perform such work.

“Vocational goal” means an employment objective consistent with the unique strengths, resources, priorities, concerns, abilities and capabilities of the individual.

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 employment potential consistent with each individual’s capacity, interest and ability.

10:95-2.2 Determining eligibility

(a) 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 the 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; and

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.

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

(d) 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.

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.

(b) An otological examination by an otologist or an otorhinolaryngologist 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.

10:95-3.2 Thorough diagnostic study

(a) The thorough diagnostic study 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.

10:95-3.3 Extended evaluation

(a) An extended evaluation is provided to those individuals who require in-depth analysis in order to assess the appropriateness of 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 evaluation is terminated after it is determined that the individual is eligible or ineligible for VR services.

SUBCHAPTER 4. PHYSICAL AND MENTAL RESTORATION SERVICES

10:95-4.1 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.

10:95-4.2 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 and results in a substantial disability which directly affects the employment outcome of the individual.

(b) Physical restoration services may be provided to a client who has been accepted for rehabilitation services, has an individualized written rehabilitation program and a vocational goal. Physical restoration services shall be provided based upon a physician's recommendation and approval by the Commission's administrative medical consultant using generally accepted medical standards. The client's vocational rehabilitation counselor shall assure, on the individualized written rehabilitation program, that the provision of specific physical restoration services are related to the vocational goal. Physical restoration services, even if they are the primary service provided, shall never be the only service. At a minimum, counseling, guidance and placement must be part of the individualized written rehabilitation program.

(c) An individual who is undergoing an extended vocational rehabilitation evaluation pursuant to N.J.A.C. 10:95-3.3 may, with the approval of the Commission's administrative medical consultant, be provided with physical restoration services in order to assess the individual's rehabilitation potential.

(d) A financial needs test shall be applied to the provision of physical restoration services to clients who have been accepted for vocational rehabilitation services. The Commission's financial need standards for the provision of vocational rehabilitation services are set forth at N.J.A.C. 10:91-3.

(e) If a client has an acute or physical illness during the time the individual is already receiving other planned rehabilitation services, services shall be provided if the acute condition or illness is such that it would complicate or delay the extended evaluation or the client's achievement of the vocational goal. If the acute condition or illness leads to changes in the client's condition, it may be necessary to re-evaluate the client, amend the program, close the case or transfer the client to another more appropriate agency.

(f) The client may choose his or her health professionals, and health facilities as long as the professional or facility meets the agency's standards for providing the required services and is willing to accept the Commission's reimbursement fee schedule (see N.J.A.C. 10:91-7.1). All physical restoration services, including non-vision related treatments and surgeries, shall be approved by a Commission medical consultant. If the fee requested by the provider is higher than the fee schedule, the Commission medical consultant may authorize fee approval in writing.

(g) The Commission shall exclude from reimbursement those physical restoration services which:

1. Do not directly relate to the client's visual disability; or
2. Do not directly relate to the client's vocational goal.

10:95-4.3 Mental restoration services

(a) Mental restoration services are designed to stabilize, correct or substantially modify, a mental condition. The Commission shall exclude from reimbursement those mental restoration services which:

1. Do not directly relate to the client's impediment to employment;
2. Do not directly relate to the client's vocational goal;
3. Involve in-patient mental restoration services; or
4. Involve primary treatment for alcohol or drug problems.

(b) Mental restoration services may be provided to a client who has been accepted for vocational rehabilitation services, has an individualized written rehabilitation program and a vocational goal. The vocational rehabilitation counselor shall assure, on the individualized written rehabilitation program, that the provision of specific mental restoration services are related to the client's vocational goal. Mental restoration services shall not be the only service provided.

(c) An individual who is undergoing an extended vocational rehabilitation evaluation pursuant to N.J.A.C. 10:95-3.3 may be provided with mental restoration services in order to assess the individual's rehabilitation potential.

(d) A financial needs test shall be applied to the provision of mental restoration services to clients who have been accepted for vocational rehabilitation services. The Commission's financial need standards for the provision of vocational rehabilitation services are set forth at N.J.A.C. 10:91-3.

(e) The client may choose his or her mental health professionals and mental health facilities as long as the professional or facility meets the agency's standards for providing the required services and is willing to accept the Commission's reimbursement fee schedule (see N.J.A.C. 10:91-7.1). All mental restoration services shall be approved by a Commission psychiatric consultant. If the fee requested by the provider is higher than the fee schedule, the Commission psychiatric consultant may authorize fee approval in writing.

(f) To qualify for Commission reimbursement, the mental restoration services must be provided by:

1. A licensed physician specializing in psychiatry or neuropsychiatry;
2. A licensed psychologist;

3. A social worker eligible for third party payment;
4. A clinic or hospital certified by the American Hospital Association to provide psychological, psychiatric or psychotherapeutic services; or
5. A professional or facility certified by the American Hospital Association to provide outpatient drug or alcohol treatment.

(g) The Commission's psychiatric consultant shall have approved a client's mental restoration services treatment plan prior to the implementation of the plan.

(h) If a client has an acute or mental illness during the time the individual is already receiving planned rehabilitation services, services shall be provided if the acute condition or illness is such that it would complicate or delay the extended evaluation or the client's achievement of the vocational goal. If the acute condition or illness leads to changes in the client's condition, it may be necessary to re-evaluate the client, amend the program or close the case.

10:95-4.4 Low vision services

Low vision services are physical restoration services designed for low vision Commission clients who qualify to receive specialized services to assist them in maximizing visual efficiency and functioning. Low vision services rules are set forth at N.J.A.C. 10:94-3.3.

10:95-4.5 Provision of prosthetic, orthodic and other assistive devices

(a) Prosthetic, orthodic or other assistive devices, such as hearing aids, are sometimes necessary to assist a client in obtaining or retaining employment. The Commission may assist in providing these devices to severely disabled clients with dual disabilities if the client has been determined as financially eligible and there are no comparable benefits.

(b) In order for a client to be eligible to receive the Commission's assistance in the provision of any prosthetic, orthodic or other assistive device(s), the Commission shall have established that the client's primary disability is a visual impairment. If the Commission determines that the client's primary physical disability is other than visual, the case shall be referred to the Division of Vocational Rehabilitation Services (DVRS) in the Department of Labor.

(c) The Commission shall apply its financial needs standard as set forth at N.J.A.C. 10:91-3 and its similar benefits rules as set forth at N.J.A.C. 10:91-3 to the provision of prosthetic, orthodic and other assistive devices.

(d) The Commission's Administrative Medical Consultant, according to professional medical standards, shall be responsible for reviewing and either approving or denying each medical recommendation for an assistive device. If the request is denied, the Administrative Medical Consultant must document the reason for the denial. If the

request for an assistive device is denied, the vocational rehabilitation counselor will assist the client in finding an alternate source of funding, if available.

SUBCHAPTER 5. TRAINING SERVICES

10:95-5.1 General purpose and scope

The Commission's training services are designed to develop and/or remediate those vocational and/or daily living skills needed for successful entry into employment.

10:95-5.2 Training services

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

(b) The Commission shall apply its financial needs standard as set forth at N.J.A.C. 10:91-3 and its similar benefits rules as set forth at N.J.A.C. 10:91-3 to the provision of training services.

(c) Vendors utilized for training services shall be licensed, certified or accredited by appropriate professional organizations.

(d) Preference shall be given to in-State programs and schools to enable the counselor to provide guidance, support, and assistance in placement and to maintain fiscal responsibility. If a client wishes to attend an out-of-State program or school, the client shall be responsible for any additional expense that would not have occurred if he or she attended an in-State program or school.

(e) The types of training covered under this subchapter are as follows:

1. Basic education skills training can be considered as an interim step toward a vocational goal. This type of training leads to a certificate or diploma in basic education skills below the college level.
2. Business and industry training which leads to a certificate and usually provides specific job-related instruction but does not include broad-based academic courses.
3. Trades training which leads to a license or certificate and provides specific job skills but does not include broad-based academic courses.
4. Work adjustment training to help a client adjust to a work situation.
5. 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. 10:95-6.3); and
2. On the job training (see N.J.A.C. 10:95-6.4).

(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 is issued at the discretion of the vocational rehabilitation counselor based on documented economic need (see N.J.A.C. 10:91-4.3(m) and N.J.A.C. 10:95-9.1);
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. 10:95-6.8; and
4. Transportation services shall be available to eligible clients in accordance with the criteria set forth at N.J.A.C. 10:95-13.1.

SUBCHAPTER 6. COMMISSION OPERATED VOCATIONAL REHABILITATION SERVICES

10:95-6.1 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.

10:95-6.2 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. 10:91-2.3 and 2.7;
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 written rehabilitation program (see N.J.A.C. 10:91-5.4(a) and (c)).

(e) The criteria for closing a rehabilitated case as a homemaker are set forth at N.J.A.C. 10:95-15.4.

10:95-6.3 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. 10:91-2.3 and 2.7;
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. 10:95-6.8, and academic intervention for all clients as needed.

(e) Appeals shall be handled in accordance with the provisions of N.J.A.C. 10:91-6.

(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 a New Jersey State college or Rutgers, the State University of New Jersey;

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 Rutgers, the State University of New Jersey;

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. 10:95-6.8;

4. Transportation services may be available to eligible clients in accordance with the criteria set forth at N.J.A.C. 10:95-13.1; and

5. Personal maintenance is issued at the discretion of the vocational rehabilitation counselor based on documented economic need (see N.J.A.C. 10:91-4.3(m) and N.J.A.C. 10:95-9.1).

(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 "B" or better average. Failure to maintain at least a "B" average will result in loss of Commission sponsorship.

10:95-6.4 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.

10:95-6.5 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.

10:95-6.6 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.

10:95-6.7 Joseph Kohn Rehabilitation Center

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

1. Offer evaluation 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; and
 - iv. Arts and crafts.
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 evaluation;
 - iv. Psychometric testing;
 - v. Clerical training program;
 - vi. Homebound employment program;
 - 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. 10:91-6.

10:95-6.8 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 program, up to \$150.00 per month;

2. For full time graduate program, up to \$250.00 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 rate of:

1. Up to \$250.00 per semester for full time students; and

2. Pro rated for part time students.

SUBCHAPTER 7. PROVISION OF TRAINING AND ADAPTIVE EQUIPMENT

10:95-7.1 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 training/adaptive equipment and/or materials to eligible vocational rehabilitation clients to enable them to participate in a training program. The client's individualized written rehabilitation program must specify the training/adaptive equipment to be purchased (see N.J.A.C. 10:91-5.4).

(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 which is purchased relative to work adjustment training (see N.J.A.C. 10:91-3 and 5.4).

10:95-7.2 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 8. COUNSELING AND GUIDANCE SERVICES

10:95-8.1 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.

10:95-8.2 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) The services of a transition counselor shall be requested when a client's education instructor feels there is a need for involvement or consultation by the Commission's vocational rehabilitation staff. The transition counselor, the education instructor and any other ancillary workers are part of a transition team. Mainstream clients who will be graduating in two to three years shall be referred for transition services at age 16. Clients who remain in high school until age 21 shall be referred for transition services at age 19.

(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.

10:95-8.3 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.

SUBCHAPTER 9. MAINTENANCE SERVICES

10:95-9.1 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.

(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 Rutgers, the State University of New Jersey.

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

SUBCHAPTER 10. PLACEMENT SERVICES

10:95-10.1 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. 10:95-7.1(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. 10:95-15.2. 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 agrees 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 shall pay the cost of the maintenance contract after the first year. The client shall be responsible for all deductibles, repairs or routine maintenance not covered by the contract.

10:95-10.2 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. 10:95-10.3).

10:95-10.3 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 condition according to the counselor based upon documented medical conditions pertaining to the requirement of the business; and

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

(c) The Commission's similar 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 will be a written report which provides justification for any projected expenditure of vocational rehabilitation funds.

(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.

(f) Start-up costs are one-time expenditures such as the purchase of licenses, supplies, services and equipment. The client shall provide a minimum of 20 percent of the total start-up cost of the business before the Commission will intervene by providing vocational rehabilitation funds. The Commission's maximum expenditure of vocational rehabilitation funds for any individual business shall be no more than \$25,000. The client shall submit to the Commission verification that the client's co-payment of start-up costs 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.

(g) The business enterprise program may continue to provide 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 Commission shall retain title to any equipment it purchases for a self-employed client in the business enterprise program until all necessary post-employment services have been provided and 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.

10:95-10.4 Competitive employment

(a) A client shall be considered competitively employed when the client, vocational rehabilitation counselor and employer determine that the client is suitably employed for a minimum of 60 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.

10:95-10.5 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 written rehabilitation program 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. 10:95-6.2 and 15.4.

SUBCHAPTER 11. POST-EMPLOYMENT SERVICES

10:95-11.1 General purpose and scope

(a) Post-employment services are designed to assist the individual in maintaining 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 shall 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 written rehabilitation program 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 similar benefits 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 written rehabilitation program. 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.

(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 similar 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 shall 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 written rehabilitation program; or
3. The client is rehabilitated and the case is closed.

SUBCHAPTER 12. SERVICES TO CLIENTS' FAMILIES

10:95-12.1 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 5.4(a) and (c), and N.J.A.C. 10:95-3.3 and 11.1).

(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 rehabilitation program; or
4. The individualized written rehabilitation program would be jeopardized or interfered with to the extent that employment would be unnecessarily delayed or could not be achieved.

SUBCHAPTER 13. TRANSPORTATION SERVICES

10:95-13.1 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 diagnostic evaluation, 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. 10:95-12.1. 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. 10:95-13.1(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.

SUBCHAPTER 14. OTHER SERVICES

10:95-14.1 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 similar benefits 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. 10:95-5.2(i)4;

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; 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 written rehabilitation program (see N.J.A.C. 10:91-5.4(a) and (c)). The individualized written rehabilitation program must 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 written rehabilitation program.

(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 written rehabilitation program.

SUBCHAPTER 15. CRITERIA FOR CASE CLOSURE

10:95-15.1 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(c).

(c) The Commission shall issue a certificate of ineligibility in accordance with N.J.A.C. 10:91-2.10 upon a determination that an individual is ineligible for vocational rehabilitation services.

10:95-15.2 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 evaluation 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 written rehabilitation program will have been jointly formulated by the client and counselor, and the provision of services has been completed insofar as feasible (see N.J.A.C. 10:91-5.4(a) and (c));

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 60 days in accordance with the criteria set forth at N.J.A.C. 10:95-10.4(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 written rehabilitation program 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. 10:95-10.4 and 15.2, N.J.A.C. 10:95-10.5 and 15.3, or N.J.A.C. 10:95-6.2 and 15.4 are met.

10:95-15.3 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. 10:95-10.5.

10:95-15.4 Homemaker closure

(a) The counselor shall document in the client's case folder the amount of time actually needed for 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. 10:95-6.2.

10:95-15.5 Case closed as not rehabilitated after initiation of planned services

(a) The Commission may close a client's case as not rehabilitated in accordance with (b) below, after the initiation

of services developed through an individualized written rehabilitation program, when the client is unable to achieve his or her vocational goal after having received at least one planned vocational rehabilitation service (see N.J.A.C. 10:91-5.4(a) and (c)).

(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.

SUBCHAPTER 16. FOLLOW-UP REVIEW

10:95-16.1 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.

10:95-16.2 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. 10:95-10.5(c)).

APPENDIX I

AGREEMENT
CONCERNING THE LOAN OF TOOLS,
EQUIPMENT, INITIAL STOCK, AND
OTHER MATERIAL ITEMS FOR EDUCATIONAL
AND TRAINING PURPOSES

NEW JERSEY STATE COMMISSION FOR THE BLIND
AND VISUALLY IMPAIRED
153 Halsey Street
P.O. Box 47017
Newark, New Jersey 07101

I, _____
Name of Client Address

hereby agree that the New Jersey State Commission for the Blind is providing me with the use of the following equipment, stock or supplies:

All tools, equipment, other material items, and the equivalent of initial stock or inventory provided for my use by the New Jersey State Commission for the Blind are the property of the said Commission, and are furnished to me for instructional and/or training purposes. These items are for my use, with the residual title and interest remaining with the said Commission. They are on loan for as long as I remain in the Commission sponsored or approved educational or training program. I further understand that this property may be used by me only for the purposes granted, and may not be disposed of or sold.

I understand that I am responsible for any deliberate damage or misuse and for routine maintenance, including cleaning and typewriter ribbon replacement. I will be responsible for minor repairs (\$35.00 or less) unless this causes a financial hardship which is substantiated by the Commission's needs test. I will return my listed equipment immediately upon request to the New Jersey Commission for the Blind and Visually Impaired.

Signature _____ Date _____

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7/88/244B
