

8. At the time of successful closure, the IWRP must reassess the need for post-employment services and, if appropriate, the need for extended services, including a statement detailing how such services shall be provided or arranged through cooperative agreements with other service providers;

9. The objective criteria, the evaluation procedure, and the review schedule to be used in determining whether the stated goals and objectives are being achieved;

10. The terms and conditions under which the goods and services described in the IWRP will be provided to the individual in the most integrated setting and the identity of the entity or entities that will provide the vocational rehabilitation services and the process used to provide or procure such services;

11. The consideration given to the availability of comparable benefits (similar benefits) to the client or to members of the client's family under any program to meet, in whole or in part, the cost of any vocational rehabilitation services;

12. A description by the individual, in the words of the individual (or, if appropriate, in the words of a parent, a family member, a guardian, an advocate or an authorized representative of the individual) regarding how the individual was informed about and involved in choosing among alternative goals, objectives, services, entities providing such services and the methods used to provide or procure such services;

13. The responsibilities of the individual in implementing the individualized written rehabilitation program and the extent of client participation in the cost of services, if any;

14. An assurance that the individual has been informed of that individual's rights and the means by which the individual may express and seek remedy for any dissatisfaction, including the opportunity for a review and fair hearing of rehabilitation counselor or coordinator determinations;

15. An assurance that the individual has been provided a description of the availability of a client assistance program established under section 112 of the Act;

16. The basis on which the individual has been determined to be rehabilitated; and

17. If necessary, an amendment specifying the reasons that an individual for whom a program has been prepared is no longer eligible for vocational rehabilitation and the rights and remedies available to such an individual.

(b) Each individualized written rehabilitation program shall also contain, for individuals with the most severe disabilities for whom a vocational objective of supported employment has been determined to be appropriate:

1. A description of the time-limited services to be provided by the State; and

2. A description of the extended services needed and an identification of the source of extended services, which may include natural supports, or to the extent that it is not possible to identify the source of extended services at the time the individualized written rehabilitation program is developed, a statement describing the basis for concluding that there is a reasonable expectation that such sources will become available.

Amended by R.1994 d.52, effective February 7, 1994.  
See: 25 N.J.R. 5130(b), 26 N.J.R. 813(a).

#### 12:45-1.13 Vocational rehabilitation services

(a) Vocational rehabilitation services are any goods or services necessary to render an individual with a disability employable, including, but not limited to, the following:

1. An assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;

2. Counseling, guidance, and work-related placement services for individuals with disabilities, including job search assistance, placement assistance, job retention services, personal assistance services, and follow-up, follow-along, and specific postemployment services necessary to assist such individuals to maintain, regain, or advance in employment;

3. Vocational and other training services for individuals with disabilities, which shall include personal and vocational adjustment, books, or other training materials, and such services to the families of such individuals as are necessary to the adjustment or rehabilitation of such individuals, except that no training services in institutions of higher education shall be paid for unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such training;

4. Physical and mental restoration services, including but not limited to:

i. Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes an impediment to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;

ii. Necessary hospitalization in connection with surgery or treatment;

iii. Prosthetic and orthotic devices;

iv. Diagnosis and treatment for mental and emotional disorders by a physician or licensed psychologist in accordance with State licensure laws; and

v. Eyeglasses and visual services, including visual training and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids, prescribed by a physician skilled in diseases of the eye or by an optometrist, whomever the individual may select.

5. Maintenance for additional costs incurred while participating in rehabilitation;

6. Interpreter services for individuals who are deaf;

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

8. Transportation in connection with the rendering of any vocational rehabilitation service;

9. Telecommunications, sensory, and other technological aids and devices;

10. Rehabilitation technology services;

11. Referral and other services designed to assist individuals with disabilities in securing needed services from other agencies;

12. Transition services that promote or facilitate the accomplishment of long-term rehabilitation goals and intermediate rehabilitation objectives;

13. On-the-job or other related personal assistance services provided while an individual with a disability is receiving vocational rehabilitation services in this section;

14. Supported employment services; and

15. Other goods and services that can reasonably be expected to benefit an individual with a disability in terms of an employment outcome.

(b) Vocational rehabilitation services, when provided for the benefit of groups of individuals, may also include the following:

1. The establishment, development or improvement of community rehabilitation programs, including, under special circumstances as described at 34 CFR 361.74, the construction of a facility, and the provision of other services (including services offered at community rehabilitation programs) which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the individualized rehabilitation written program of any one individual with a disability. Such programs shall be used to provide services that promote integration and competitive employment.

2. Technical assistance and support services to businesses that are not subject to Title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and that are seeking to employ individuals with disabilities.

Amended by R.1994 d.52, effective February 7, 1994.  
See: 25 N.J.R. 5130(b), 26 N.J.R. 813(a).

#### 12:45-1.14 Individuals determined to be rehabilitated

(a) In order to be determined rehabilitated, an individual must have been, as a minimum:

1. Determined to be eligible under N.J.A.C. 12:45-1.4;

2. Provided counseling and guidance as essential vocational rehabilitation services;

3. Provided appropriate and substantial vocational rehabilitation services in accordance with the individualized written rehabilitation program; and

4. Determined to have achieved and maintained a suitable employment goal for at least 60 days.

(b) After an individual has been determined to be rehabilitated, the individual shall receive post-employment services if necessary to assist an individual to maintain or regain other suitable employment.

Amended by R.1994 d.52, effective February 7, 1994.  
See: 25 N.J.R. 5130(b), 26 N.J.R. 813(a).

#### 12:45-1.15 Participation by clients in the cost of vocational rehabilitation services

(a) The Division shall conduct a needs assessment for each client prior to or at the IWRP conference to establish how much financial participation, if any, client will provide toward the cost of services. The needs assessment shall be conducted as set forth below to ensure that equitable treatment is accorded to all clients in similar circumstances.

(b) The Division shall inform each client that the agency reserves the right to request verification of the current financial situation of the client.

(c) Prior to or at the time of the individualized written rehabilitation program (IWRP) conference, the Division shall require each client to submit a copy of the most recent tax return form.

(d) Each client shall provide the following information on form DVR-17 prior to the IWRP conference:

1. Name, social security number and date;
2. Number of dependents in the family including the client;
3. Liquid assets of the family;
4. Extraordinary medical expenses of the family;

- 5. Extraordinary debt due to disability of the client;
- 6. Medical insurance of the client; and
- 7. A signed certification that the information provided on DVR-17 is true.

(e) The Division may require the client to provide supporting data to verify the information on the DVR-17.

(f) Each client must submit a revised DVR-17 if there is a significant change in financial status or a request for post-employment services.

(g) Immediately upon receipt of a completed DVR-17, the Division shall review the form and calculate the amount of financial participation. The amount of financial participation shall be calculated as follows:

1. The total amount of expenses directly attributable to the disability shall be subtracted from the amount of excess weekly income reported by the client. "Excess weekly income" means the weekly gross income of the client minus the weekly income allowance set forth in (h) below, plus the liquid assets reported by the client minus the liquid asset allowance set forth in (i) below. "Liquid asset" means any personal property, or real estate other than a principal residence or any mixed property (such as a chattel real) to which the client has legal title, the unencumbered value of which shall be greater than the amounts established by (i) below.

2. In cases where the service being provided is a total cost item, the client shall contribute 10 times the amount of excess weekly income. Total cost item means, but is not limited to, wheelchairs, hearing aids, crutches and other appliances. The formula as set forth above shall be applied as follows:

- i. If, after calculating the amount of excess income, the figure is a negative number, the client is not required to participate in the payment of the cost of the item.
- ii. If, after calculating the amount of excess weekly income, the figure is a positive number and is greater than the cost of the item, then the client must pay for the entire cost of the item.
- iii. If, after calculating the amount of excess income, the figure is a positive number and is less than the cost of the item, then the client must pay the difference between the total cost of the item and the amount of excess income.

3. Each client who is over the age of 18 and living in his or her parent's home shall have only his or her own income considered in the financial participation calculation.

4. The Division may waive financial participation if the client has extraordinary medical expenses which would preclude his or her participation in the cost of services.

(h) The current weekly income allowance, which the Division shall update annually by amending this subsection based on average income as determined by the United States Bureau of Labor Statistics, *Consumer Expenditure Survey*, shall be determined in accordance with the following table:

Number of Family Members	Weekly Income Allowance
1	\$ 457
2	557
3	657
4	757
5	857
6	957
7	1,057

For each additional family member, add \$100 to the weekly income allowance.

(i) The current liquid asset allowance which the Division shall update annually by amending this subsection shall be determined in accordance with the following table:

Number of Family Members	Liquid Asset Allowance
1	\$20,000
2	22,000
3	24,000
4	26,000
5	28,000
6	30,000
7	32,000

For each additional family member, add \$2,000 to the liquid asset allowance.

(j) The following services shall not be based on economic need:

- 1. Diagnostic;
- 2. Counseling and guidance;
- 3. Placement;
- 4. On-the-job training;
- 5. Supported employment; and
- 6. Work adjustment training.

**12:45-1.16 Protection; use and release of personal information**

(a) All personal information in the possession of the Division shall be used only for purposes directly connected with the administration of the vocational rehabilitation program. Information containing identifiable personal information may not be shared with advisory or other bodies which do not have official responsibility for administration of the program. In the administration of the program, the Division may obtain personal information from service providers and cooperating agencies under assurances that the information may not be further divulged, except as provided under (d), (e), and (f) below.

(b) The Division shall inform each applicant, client, representative of an applicant or client, and, as appropriate, service provider, cooperating agency, and interested person of the confidentiality of personal information and the conditions, for accessing and releasing this information.

(c) The Division shall provide individuals who are unable to communicate in English or who rely on special modes of communication with explanations about State policies and procedures affecting personal information through methods that can be adequately understood by them.

(d) The requirements for the release of information to an involved individual are set forth below. Involved individual means an individual for whom the Division has a case record (see N.J.A.C. 12:45-1.10).

1. When requested in writing by the involved individual or his or her representative, the Division shall make all information in the case record accessible to the individual or release it to him or her or a representative in a timely manner. Medical, psychological, or other information which the State unit believes may be harmful to the individual may not be released directly to the individual but shall be provided through his or her parent, guardian, representative, a physician or a licensed or certified psychologist. Harmful information means information which may be detrimental to the physical or emotional state of the involved individual or which may cause the individual to pose a threat to himself or herself or to others.

i. When requesting medical or psychological information, the Division will request the professional providing such information to include a statement as to whether the release of such information to the client could be harmful and should be restricted.

ii. If the Division questions the qualifications of the parent, guardian or representative to properly deal with the review of medical or psychological information that is harmful to the client or applicant, the Division will request a ruling by the Attorney General's office.

2. When personal information has been obtained from another agency, or organization, it may be released only by, or under the conditions established by, the other agency or organization.

(e) The requirements for release of information for audit, evaluation, and research are as follows:

1. Personal information may be released to an organization, agency or individual engaged in audit, evaluation, or research only for purposes directly connected with the administration of the vocational rehabilitation program, or for purposes which would significantly improve the quality of life for individuals with disabilities, and only if the organization, agency, or individual assures that:

i. The information will be used only for the purposes for which it is being provided;

ii. The information will be released only to persons officially connected with the audit, evaluation or research;

iii. The information will not be released to the involved individual;

iv. The information will be managed to safeguard confidentiality; and

v. The final product will not reveal any personal identifying information without the informed written consent of the involved individual, or his or her representative.

(f) The requirements for release of information to other programs or authorities is as follows:

1. Upon receiving the informed written consent of the individual, the Division may release to another agency or organization for its program purposes only that personal information which may be released to the involved individual, and only to the extent that the other agency or organization demonstrates that the information requested is necessary for its program. Medical or psychological information which the Division believes may be harmful to the individual may be released when the other agency or organization assures the State unit that the information will be used only for the purposes for which it is being provided and will not be further released to the involved individual;

2. The Division shall release personal information if required by Federal or State law;

3. The Division shall release personal information in response to investigations in connection with law enforcement, fraud, or abuse (except where expressly prohibited by Federal or State laws or regulations), and in response to judicial order; and

4. The Division may also release personal information in a medical emergency or in order to protect the individual or others when the individual poses a threat to his or her safety or to the safety of others (except where expressly prohibited by Federal or State laws or regulations).

Amended by R.1994 d.52, effective February 7, 1994.  
See: 25 N.J.R. 5130(b), 26 N.J.R. 813(a).

#### **12:45-1.17 Appeal of vocational rehabilitation decision by applicant or recipient**

(a) All applicants/clients for vocational rehabilitation shall be advised of their right to an administrative review and/or a fair hearing in the event that they are dissatisfied with any determination with regard to the furnishing or denial of vocational rehabilitation services.