

CHAPTER 45

DIVISION OF VOCATIONAL REHABILITATION SERVICES

Authority

N.J.S.A. 34:1-20, 34:1A-3(e), 34:16-20 et seq. and 34 C.F.R. § 361.1 et seq.

Source and Effective Date

R.1994 d.52, effective December 29, 1993.
See: 25 N.J.R. 5130(b), 26 N.J.R. 813(a).

Executive Order No. 66(1978) Expiration Date

Chapter 45, Division of Vocational Rehabilitation Services, expires on December 29, 1998.

Chapter Historical Note

Chapter 45, Division of Vocational Rehabilitation Services (formerly "Legal Authority"), was filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Chapter 45 ("Legal Authority") was readopted as R.1983 d.82, effective May 2, 1983. See: 14 N.J.R. 1438(b), 15 N.J.R. 693(a). Pursuant to Executive Order No. 66(1978), Chapter 45 ("Legal Authority") was readopted as R.1988 d.235, effective May 2, 1988. See: 20 N.J.R. 620(a), 20 N.J.R. 1230(a). Subchapter 2, Transportation for Employees of Sheltered Workshops, was adopted as R.1989 d.305, effective June 5, 1989. See: 21 N.J.R. 690(a), 21 N.J.R. 1576(b). Subchapter 3, Vehicle Modification Requirements, was adopted as R.1989 d.564, effective November 6, 1989. See: 21 N.J.R. 2213(b), 21 N.J.R. 3535(b). Chapter 45, formerly "Legal Authority," was retitled "Division of Vocational Rehabilitation Services" by R.1991 d.189, effective April 15, 1991. See: 22 N.J.R. 1045(c), 23 N.J.R. 1133(c). Subchapter 1, formerly "General Provisions," was repealed and replaced with new rules, "Procedures and Standards," by R.1991 d.189. Prior amendments to the repealed rules in Subchapter 1 were at 12:45-1.1 and 1.2, by R.1983 d.82, effective May 2, 1983. See: 14 N.J.R. 1438(b), 15 N.J.R. 693(a). Administrative Correction to 12:45-3. See: 23 N.J.R. 1416(b). Administrative Correction to expiration date. See: 23 N.J.R. 1416(b). Administrative Correction to expiration date. See: 23 N.J.R. 1416(a). Pursuant to Executive Order No. 66(1978), Chapter 45 was to expire on May 2, 1993. On April 23, 1993, Governor Florio waived the expiration date from May 2, 1993 to and including December 31, 1993. Pursuant to Executive Order No. 66(1978), Chapter 45 was readopted as R.1994 d.52 and Subchapter 3, Vehicle Modification Requirements, was repealed. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

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SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 1. PROCEDURES AND STANDARDS

12:45-1.1 Purpose and scope

(a) The purpose of this subchapter is to set forth the procedures, standards and criteria used by the Division of Vocational Rehabilitation Services to rehabilitate individuals with disabilities.

(b) This subchapter applies to every individual who is seeking vocational rehabilitation services through the Division of Vocational Rehabilitation Services.

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

12:45-1.2 Definitions

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

"Act" means the Rehabilitation Act, 29 U.S.C. §§ 701 et seq., as amended by the Rehabilitation Act Amendments of 1992, P.L. 102-569.

"Assessment for determining eligibility and vocational rehabilitation needs" means, as appropriate in each case:

1. A review of existing data:
 - i. To determine whether an individual is eligible for vocational rehabilitation services; and
 - ii. To assign the priority described in the order of selection found at N.J.A.C. 12:45-1.9;

2. To the extent additional data is necessary to make the determination and assignment in 1 above, a preliminary assessment of such data (including the provision of goods and services during such assessment);

3. To the extent additional data is necessary, a comprehensive assessment (including the administration of the assessment) of the unique strengths, resources, priorities, interests and needs, including the need for supported employment, of an eligible individual to make a determination of the goals, objectives, nature and scope of vocational rehabilitation services to be included in the individualized written rehabilitation program of the individual, which comprehensive assessment:

i. Is limited to the information that is necessary to identify the rehabilitation needs of the individual and to develop the rehabilitation program of the individual;

ii. Uses, as a primary source of such information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements;

(1) Existing information; and

(2) Such information as can be provided by the individual and, where appropriate, by the family of the individual.

iii. May include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual, and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational and environmental factors, that affect the employment and rehabilitation needs of the individual; and

iv. May include an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the utilization of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment; and

4. Referral;

i. Where appropriate, the provision of rehabilitation technology services to an individual with a disability to assess and develop the capacities of the individual to perform in a work environment;

ii. The provision of vocational rehabilitation services to an individual for a total period not in excess of 18 months for the limited purpose of making determinations regarding whether an individual is eligible for vocational rehabilitation services and regarding the nature and scope of vocational rehabilitation services needed for such individual; and

iii. An assessment at least once in every 90-day period during which such services are provided, of the results of the provision of such services to an individual to ascertain whether any of the determinations described in subparagraph 4ii above may be made.

“Community rehabilitation program” means a program that provides directly, or facilitates the provision of, vocational rehabilitation services to individuals with disabilities and that provides, singly or in combination, for an individual with a disability to enable the individual to maximize opportunities for employment, including career advancement:

1. Medical, psychiatric, psychological, social and vocational services that are provided under one management;

2. Testing, fitting, or training in the use of prosthetic and orthotic devices;

3. Recreational therapy;

4. Physical and occupational therapy;

5. Speech, language and hearing therapy;

6. Psychiatric, psychological and social services, including positive behavior management;

7. Assessment for determining eligibility and vocational rehabilitation needs;

8. Orientation and mobility services for individuals who are blind;

9. Extended employment;

10. Psychosocial rehabilitation services;

11. Supported employment services and extended services;

12. Services to family members when necessary to the vocational rehabilitation of the individual;

13. Personal assistive services; or

14. Services similar to the services described in paragraphs 1 through 13 above.

“Disability” means a physical or mental impairment that constitutes or results in a substantial impediment to employment.

“Division” means the Division of Vocational Rehabilitation Services (DVRS), New Jersey Department of Labor.

“Employment outcome” means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market (including satisfying the vocational outcome of supported employment) or satisfying any other vocational outcome the Secretary of the U.S. Department of Education may determine consistent with the Act.

TRANSPORTATION SURVEY FOR ALL NEW DVRS EE CLIENTS
 ALL REQUESTED INFORMATION MUST BE PROVIDED

Period Covered: _____ Facility Name _____ Persons Completing Form _____ Telephone Number _____

Client Name	Address and Zip Code	SS#	Mode of Transportation	Distance From Facility (Roundtrip)	Daily Client Out of Pocket Cost	Number of Days in Attendance

APPENDIX A

Instructions for completion of client lists for transportation survey

The enclosed client list is that which we have for your facility at the present time. We may have overlooked some data that we received from you, so please check the list carefully. If any clients have been placed or dropped out and are not to receive a check, please draw a single line through the entry. Please do this lightly so that we can read the information sufficiently to remove it from our system.

The critical items that we need reviewed and adjusted on this document are:

1. The daily cost to the client is to be adjusted in the column "Daily Client Out of Pocket Costs."
2. The number of days the client attended during this period should be indicated under "Number of Days in Attendance."
3. Accurate distance is critical in those instances where the client is transported by personal auto and is to be paid mileage up to a maximum of \$0.25 per mile.

4. Please verify the mode of transportation on all clients in extended employment using the following codes as appropriate:

- NJ = New Jersey Transit
- CT = County Transportation System
- PC = Private contractor
- FC = Facility operated
- PF = Private Contractor arranged by facility
- DD = Division of Developmental Disabilities
- MU = Municipal transportation system
- AU = Client/Parent own auto
- PA = PATH (northeast) or PATCO (south).

After verifying the accompanying list, please use the blank form to list any clients that must be added. Please fill in all the requested information: Client name, address, zip code, social security number, mode of transportation, distance from the facility, daily client out of pocket cost, and the actual number of days the individual attended the program.

Please return this material to the attention of your community rehabilitation program specialist by _____.

SUBCHAPTER 3. (RESERVED)