

Closures Chapter 18

- 18.00 **Definition.** A case shall be closed when the individual has achieved a competitive integrated employment outcome, is determined ineligible, is not available, declines further service, or when the individual's actions or inaction materially interferes with providing services. The Counselor Analyst must review and approve all closures decisions for the private unit.
- 18.01 **Employment outcome** means, with respect to an individual, entering, advancing in, or retaining full-time or, if appropriate, part-time competitive integrated employment, (including customized employment, self-employment, telecommuting, or business ownership), or supported employment, that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- 18.02 **Competitive Integrated Employment** means work that is performed on a full-time or part-time basis (including self-employment) and establishes **three essential criteria of employment:**
1. **Income** - the individual is compensated at or above the minimum wage and the individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by individuals without disabilities.
 2. **Integration** - the individual is employed at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons.
 3. **Advancement**- the employment, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.
- 18.03 **Successfully Rehabilitated.** For an individual to be considered successfully rehabilitated, the individual must have been:
1. determined to be eligible;
 2. provided an assessment for determining eligibility and vocational rehabilitation needs;
 3. provided services from VR in accordance with the IPE;
 4. determined to have achieved and maintained a suitable *employment outcome* for at least 90 days or, for Supported Employment completes an additional 90 days of stabilized employment after transitioning to Extended Services. The counselor must verify and document suitable employment through contact with the individual:

- a. The employment outcome is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
 - b. The individual and counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.
5. the individual is informed of the availability of post-employment services (PES) prior to case closure.

18.04 **SSA/VR Successful Rehabilitation** [Reference: Chapter 16 for additional requirements]

18.05 **Supported Employment Successful Rehabilitation** [Reference: Chapter 17]

18.06 **Ineligibility Closure**

1. **Disability Too Significant to Benefit from VR Services.** The individual's mental and/or physical disability and resulting functional limitations are so significant that the individual cannot benefit from VR services in terms of employment. This includes eligible individuals who later acquire additional disabilities and/or functional limitations that are so significant that the individual cannot continue to benefit from VR services [Reference: Chapter 4.09 and Chapter 6.05(1)]
2. **Does not Require VR Services.** The individual does not require VR services to prepare for, enter into, engage in, or retain gainful employment consistent with their strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.
3. **No Impediment to Employment.** The individual is not eligible for VR services because his or her physical or mental impairment does not constitute a substantial impediment to employment.
4. **No Disabling Condition.** The individual is not eligible for VR services because no physical or mental impairment exists, such as when the reported disability is an acute condition with no residual impairment, e.g., a broken bone that heals.
5. **Ineligible After Determined Eligible.** After the individual was determined to be eligible, is later determined not to have met eligibility criteria.
6. **Ineligible, 511.** The individual applied for VR services pursuant to section 511 of the Rehabilitation Act but decided not to pursue competitive integrated employment and was determined ineligible.
7. **Ineligible, Following Trial Work.** Following Trial work Experience(s), the individual was unable to benefit from VR services due to the severity of the individual's disability and was determined ineligible.

18.07 Closure without Eligibility Determination

1. An individual's case may not be closed prior to making an eligibility determination unless the individual declines to participate in, or is unavailable to complete an assessment for determining eligibility and priority of services, and
2. A reasonable number of attempts have been made to contact the individual or, if appropriate, the individual's representative to encourage the individual's participation.
3. The rationale for closing the case must be documented in a case note. The closure will be reviewed and approved by the Counselor Analyst for the private unit.
4. The individual must be notified in writing.

18.08 Closure Reasons Other than Ineligibility

1. **Death**
2. **Individual in Institution other than a prison or jail.** The individual has entered an institution other than a prison or jail, and will be unavailable to participate in a VR program for an indefinite or considerable period of time. Institutions include: hospitals, nursing homes, residential treatment centers, etc.
3. **Health/Medical.** Individual is receiving medical treatment that is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program.
4. **Reserve Forces Called to Active Duty.** Individual is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.
5. **Criminal Offender.** Individual entered a correctional institution (e.g., prison, jail, reformatory, work farm, detention center) or other institution designed for confinement or rehabilitation of criminal offenders.
6. **Unable to Locate or Contact.** The individual has relocated or left the state without a forwarding address, or when the individual has not responded to repeated attempts to contact the individual by mail, telephone, text or e-mail.
7. **No longer interested in receiving services or Further Services.** The individual chooses not to participate or continue his or her VR program at this time. It can be used when an individual's actions make it impossible to begin or continue a in the VR program. Examples would include repeated failures to keep appointments for assessment, counseling, or other services.
8. **Transferred to Another Agency.** The individual needs services that are more appropriately obtained elsewhere. Transfer to the other agency indicates that appropriate referral

information is forwarded to the other agency so that agency may provide services more effectively. Include individuals transferred to other State VR agencies.

9. **Extended Employment.** The individual received services and was placed in a non- integrated or sheltered setting for a public or private non-profit agency or organization that provides compensation in accordance with the Fair Labor Standards Act.
10. **Extended Services Not Available After Receiving Services.** Individual has received VR services but requires long term extended services for which no long term source of funding is available.
11. **All Other Reasons.** It is used only when no other category of closure status applies. This status is not to be used for ineligibility closures.

18.09 Closure Documentation

1. For all closures, a standardized, approved letter will be sent to the individual or, as applicable, the individual's representative (except in the case of death or previous letters having been returned addressee unknown or no forwarding address).
2. Each letter must include the reason for closure, the effective date of closure, the right to appeal, the appeal procedures, mediation, Disability Rights Florida contact information and referrals to other agencies when appropriate. The letter must be co-signed by the Counselor Analyst for the private unit.
3. The individual's case record must contain the rationale for the closure decision, documented in a case note.
4. In addition, for successful closures the individual's case record must contain the following documentation:
 - a. the involvement of the individual in the closure decision and the individual's views regarding the closure
 - b. the availability of post-employment services
 - c. verification of suitable employment through contact with the individual. (Section 18.02)