

107 CMR: MASSACHUSETTS REHABILITATION COMMISSION

107 CMR 7.00: TERMINATION OF VOCATIONAL REHABILITATION SERVICES

Section

7.01: Scope and Purpose

7.02: Meaning of Terms Used in 107 CMR 7.00

7.03: Termination Of Vocational Rehabilitation Services

7.01: Scope and Purpose

107 CMR 7.00 establishes the conditions and policies for formal termination of vocational rehabilitation services and closure of the case record of any individual who has been referred, applied for, been determined eligible for, or received vocational rehabilitation services from the Commission.

7.02: Meaning of Terms Used in 107 CMR 7.00

The terms used in 107 CMR 7.00 have the meanings ascribed in 107 CMR 3.00: *Definitions*, unless otherwise requires.

7.03: Termination of Vocational Rehabilitation Services

(1) Vocational rehabilitation services shall be terminated and the case of an individual shall be closed when the individual is:

- (a) unavailable for services;
- (b) determined ineligible for vocational rehabilitation services under 107 CMR 4.07: *Eligibility, Ineligibility, Trial Work Experience and Extended Evaluation*;
- (c) determined to have attained an employment outcome and requires no further vocational rehabilitation services except post employment services.

(2) Post employment services shall be terminated and the case of an individual shall be closed when it has been determined that the individual:

- (a) has maintained, regained, or advanced in employment;
- (b) requires complex or comprehensive rehabilitation services which were not included in the IPE;
- (c) can not be assisted by post employment services to attain, regain, or advance in employment; or
- (d) is unavailable for services.

(3) An individual shall be considered unavailable for services when the individual:

- (a) has died, fails to respond to repeated Commission efforts to contact;
- (b) refuses to cooperate or participate in vocational rehabilitation services after reasonable efforts have been made to encourage cooperation or participation; or
- (c) is institutionalized or has moved from the Commonwealth under circumstances making the individual unavailable for an indefinite or considerable period of time as to be unable to attain an employment outcome.
- (d) Such case closure does not constitute a determination of ineligibility under 107 CMR 4.07 and does not require a certification of ineligibility.

(4) An individual shall be determined ineligible for vocational rehabilitation services only when requirements for determination and certification of ineligibility under 107 CMR 4.07: *Eligibility, Ineligibility, Trial Work Experience and Extended Evaluation* are met.

(5) Termination of vocational rehabilitation services after the development of an individualized plan for employment (IPE) shall require amendment of the IPE for closure.

(6) A determination that an individual is incapable of achieving a vocational goal and not eligible for vocational rehabilitation services shall be made only when it is clearly demonstrated and in full consultation with the individual (or in appropriate cases, the individual's parents or guardians). The decision shall be reviewed at least annually.

7.03: continued

(7) A determination that an individual has attained an employment outcome shall be made only when the provision of services under the IPE contributed to achievement of a suitable employment outcome, the individual and counselor agree that employment outcome is satisfactory and stable and the individual has performed well for a period of not less than 90 days in that employment, and requires no further vocational rehabilitation services except post employment services.

(8) Closure action shall be taken when the Commission determines that planned services, expenditures, and reports are completed and that additional vocational rehabilitation services are either unnecessary or inappropriate, except when planned as post employment services.

(9) The Commission shall provide the individual (or in appropriate cases, such individual's parents or guardians) with written notification of termination of vocational rehabilitation services and closure of the case record.

REGULATORY AUTHORITY

107 CMR 7.00: M.G.L. c. 6, § 75; 29 USC 706 and 722, as amended by the Rehabilitation Act Amendments of 1992, P.L. 102-569.