

Massachusetts Rehabilitation Commission
Instructional Memorandum
Reference Number: 7.00

To: Commission Staff

Subject: Case Closure

Date: December 13, 2012

Please file this instructional memorandum in back of your hardcopy manual but separate from regulations and information memorandum.

Purpose

This instructional memorandum replaces the Instructional Memorandum dated October 15, 2007 about case closure and procedures to be used in closing case records. Please note this instructional memorandum does not replace relevant regulations (CMR) or associated instructional memorandum. Rather, it provides procedures and practices to be used to assure compliance with existing policies.

Case Closure from Referral and Applicant Statuses

Closure status 08 is used for referrals or applicants who have not been determined eligible for VR services on the active caseload. The counselor may decide that the individual is not eligible for services based on the criteria of eligibility or may also close the case because the individual has become unavailable.

An individual is determined to be ineligible for VR services when one or more of the basic conditions for eligibility are not met (CMR 4.07 (1)). Case closure for this reason constitutes a determination of ineligibility and requires a certification of ineligibility.

An individual who has been referred or has applied for VR services may become unavailable for an extended period of time for assessment or services. Case closure for this reason does not constitute a determination of ineligibility and does not require a certification of ineligibility.

Some reasons why an individual may be unavailable for an extended period of time include situations where the individual has:

- 1) Died (It should be noted in the case record how the counselor learned of the death);
 - 2) Moved out of state and is receiving services another state vocational rehabilitation agency;
 - 3) Been impossible to contact after reasonable efforts to do so; the case record must contain documentation of attempts to contact the individual;
 - 4) Declined to accept or use vocational rehabilitation services after reasonable efforts have been made to encourage his/her participation. For example, if an individual doesn't show up for two consecutive appointments and doesn't call, lack of response to the two appointment letters, is the minimum basis for closure for this reason. When the individual "declines to use VR services" or fails to cooperate, the counselor must make a judgment, backed by documentation in the case record, that reasonable efforts have failed to enlist the participation of the individual (and/or as appropriate his/her parent, guardian or other representative); or
 - 5) Been institutionalized under circumstances making him/her unavailable for an indefinite or considerable period of time.
- This again will be a judgment based on the facts of the case.

When a case is closed because an individual has become unavailable for one of the reasons described above case documentation must include specific reasons for the closure. The case record must contain information on the counselor's attempts to contact the individual (and/or other representative) which were unsuccessful.

Certification of Ineligibility

When a counselor finds, that an individual does not meet eligibility requirements for vocational rehabilitation services a certification of ineligibility must be completed. The form must include the specific reasons for the ineligibility determination.

The individual (and/or other representative) must participate in the ineligibility determination or must have been given clear opportunity to participate. When a counselor is considering determining an individual ineligible he/she should write or call the individual (and/ or other representative) and offer an opportunity to come in to discuss the reasons why the individual seems to be

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ineligible. The individual may be able to offer information which will affect the counselor's decision. The fact that the individual has been offered an opportunity to meet the counselor must be documented in the case record.

The individual (and/ or other representative) must be notified in writing of the determination of ineligibility, the reasons for the determination, and the means for expressing dissatisfaction with the determination, including all appeal rights. In addition, the individual should, if appropriate, be referred to other agencies or facilities.

Case Closure after Determination of Eligibility when not Rehabilitated

When the counselor determines that suitable employment cannot be achieved or that employment resulted without benefit from VR services, the case should be closed in the appropriate category, i.e., status 30, when closed before the IPE was initiated or status 28 when closed after.

Before placing a case in status 28 or 30, the counselor must evaluate, with the eligible individual (and/or other representative), the feasibility of continuing VR services. The counselor and individual should reach a mutually understood decision regarding his or her current ability to reach a vocational goal.

If the individual no longer meets the criteria of eligibility due to severity of disability (only when clear and convincing evidence indicates the individual cannot benefit from services), a certificate of ineligibility must be completed and the case scheduled for review in one year. The counselor must document in the case record that the individual and/ or other representative was consulted regarding the ineligibility decision and that the case will be reviewed in one year.

Status 30 Closed before IPE Initiated

Once an IPE has been approved, even if not initiated; the counselor must complete the IPE amendment for termination, obtain appropriate signatures, and provide the individual (and/or other representative) with a copy of the amendment. For example, an individual for whom eligibility has been determined and an IPE is being developed or has been formulated, may decide not to follow through with a program of services. Before such a case is closed the counselor should assure that the individual understands the purpose of the program and the services that are available. Reasons for an individual's decision not to proceed with a program of services should be fully recorded in the case record and he or she should be informed that reapplication is possible.

When the individual can be referred to another agency, the referral should involve more than merely advising the individual to make application. Referral action should include preparing the individual for referral, transmittal of essential case data to the other agency if appropriate, and additional assistance which may help meet his/her needs.

Status 28 Closed After IPE Initiated

Circumstances may arise after an IPE has been initiated which will prevent the individual from attaining a vocational goal and will necessitate the closing of the case. The decision to close the case should only be made after full consideration of all pertinent facts. The individual may have completed all or none of the IPE services, have decided that he or she no longer needs or wants services or has become unavailable to the counselor to assess these issues.

The counselor needs to make reasonable efforts to contact the individual by phone and in writing to try to engage the individual in his or her rehabilitation program. If a counselor is unable to contact an individual and the individual continues to be unavailable to complete a periodic review at least once annually of his or her IPE services; the case should be closed.

Before closing the case in status 28; the counselor should document the reasons for the closure and complete the IPE amendment for termination, obtain appropriate signatures, and provide the individual (and/or other representative) with a copy of the amendment.

When the complicating circumstances are related to the eligible individual's physical or mental condition, the review and advice of appropriate agency consultants/supervisors should be obtained.

Status 26 Closure as Rehabilitated

When the counselor:

- 1) determines that VR services were directly related to achievement of an employment outcome in an integrated setting *which* can include a goal of homemaker and self employment; and
- 2) determines that that it has been maintained for period of at least ninety (90) days; and
- 3) agrees with the individual that he or she is performing well; and that a suitable employment outcome has been achieved.

If all these conditions are met then the case should be closed in Status 26.

The counselor must:

- 1) Document that services beyond assessment services were provided under the individual's IPE and any amendments, were "substantial", and contributed "substantially" to the achievement of the employment outcome. ("Substantial" vocational rehabilitation services are those services, provided in the context of the counseling relationship, collectively and significantly contribute to the achievement of an employment outcome consistent with the informed choice of the individual);
- 2) Assure that service provision is consistent with the IPE and any amendments;
- 3) Assure the service record documents that substantial multiple services were provided over an extended period of time (prior to status 22) and after the implementation of an approved IPE;
- 4) Assure the case record demonstrates that services were specific to needs identified in the assessment of needs, were listed on the IPE, and were provided consistent with OOS determination. Corroboration that the individual's needs were met by provision of services should be evident in review of the certificate of eligibility, certificate of OOS, IPE and amendments, and counselor's notes.

An approved and implemented IPE and any amendments must describe the services that addressed the individual's major needs (as identified in the assessment process or later in the service record) that had to be met in order for the individual to achieve an employment outcome consistent with that individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The VR counselor may have planned to meet these needs through services provided directly by the agency, may have purchased these services from vendors, or may have arranged to meet the needs through other service providers using comparable services and benefits. Regardless of how the services are provided, the services planned to meet the needs should be listed on the IPE.

The case record must demonstrate that a need has been met, appropriate OOS determination has been made and that services contributed to the achievement of the employment outcome. Such demonstration is not made when:

- 1) Counseling and guidance were needed and not provided or not documented; and/or
- 2) Placement assistance was necessary but not provided or not documented; and/or
- 3) Services were stated as needed on the IPE, its amendments, or anywhere in the service record and, were planned, but were not provided subsequent to approval and implementation of the IPE or not documented.

Notifications

It is necessary that before closing a case the counselor advise the individual (and/or representative) in writing of the:

- 1) intent to close,
- 2) reasons for doing so;
- 3) opportunity to participate in the decision; and
- 4) appeal procedures.

When closure occurs after an approved IPE, the counselor should meet or offer the opportunity to meet with the individual (and/or representative), complete the IPE conclusion amendment, obtain appropriate signatures, and provide the individual (and/or representative) with a copy of the IPE conclusion amendment.

Joan Phillips, VR Assistant Commissioner