

# 107 CMR: MASSACHUSETTS REHABILITATION COMMISSION

## 107 CMR 5.00: INDIVIDUALIZED PLAN FOR EMPLOYMENT

### Section

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#### 5.01: Scope and Purpose

107 CMR 5.00 establishes the requirements for the Individualized Plan for Employment (IPE). The purpose of the IPE, formerly known as the Individualized Written Rehabilitation Program (IWRP), is to achieve the specific employment objective of an eligible individual who can choose to develop all or part of the IPE independently or with the assistance of the Massachusetts Rehabilitation Commission (MRC) or other entity.

#### 5.02: Definitions

The terms used in 107 CMR 5.00 shall have the same meanings ascribed in 107 CMR 3.00 unless otherwise specified in 107 CMR 5.02.

Assessment refers to the determination of vocational rehabilitation needs that will be made on the existing data that was used to establish eligibility or priority category and only if necessary will include a more comprehensive process to determine the unique strengths, resources, priorities, concerns, abilities, capabilities and interests of the eligible individual.

Individualized Plan for Employment (IPE) refers to an initial written plan for rehabilitation services and subsequent amendments developed either independently or jointly with technical assistance from a Commission qualified vocational rehabilitation counselor or other source. An IPE must be developed and implemented in a timely manner.

Informed Choice means that an eligible individual will be given the necessary information to make meaningful choices in conjunction with his or her Qualified Vocational Rehabilitation Counselor (QVRC) in both the selection of an employment outcome and in the specific vocational rehabilitation services needed to reach that employment outcome. These choices would include who would provide the services, the setting where they would be provided and how those services would be procured. While the decision making process is a collaborative one, the final decision must reflect the QVRC's application of professional judgement, applicable laws, regulations and policies, as well as the unique strengths, resources, priorities, concerns, abilities, capabilities, and interests of the eligible individual.

Qualified Vocational Rehabilitation Counselor (QVRC) means that the counselor possesses the highest entry-level academic degree needed to meet the licensure requirements of the Commonwealth.

#### 5.03: Consumer Options

(1) Options will be provided to the eligible individual in the development of his or her IPE. These options may include the individual or his or her representative developing all or part of the IPE independently, with the assistance of a QVRC from the Commission or with technical assistance from another source. The other source may be an independent living center, community rehabilitation program, school guidance counselor, family member or friend.

The Commission will provide the individual and others if appropriate:

- (a) Information about developing an IPE;
- (b) A copy of the written assessment of vocational rehabilitation needs;

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- (c) Assistance of a QVRC in developing all or part of the IPE including any assistance needed to complete Commission forms;
- (d) Information about using technical assistance from other sources in developing the IPE;
- (e) Necessary Commission forms that he or she needs to develop and finalize the IPE;
- (f) Financial costs for the services on the IPE; as well as;
- (g) Commission policies on financial participation, comparable benefits and purchase of service requirements.

(2) If an individual chooses to use technical assistance from a source other than the Massachusetts Rehabilitation Commission then the Commission will not be responsible for paying any of the costs for that technical assistance.

(3) The individual will also be informed in writing about appeal rights including information about and how to contact the Client Assistance Program (CAP) and any additional information that an individual may need to complete an IPE.

5.04: Assessment for Determining Vocational Rehabilitation Needs

(1) The QVRC will complete the assessment for determining vocational rehabilitation needs. The assessment identifies the vocational rehabilitation needs of the individual and evaluates factors that are essential to the development of the IPE. If existing information is insufficient for a QVRC to identify an eligible individual's rehabilitation needs then a comprehensive assessment should be done. A comprehensive assessment:

- (a) Is limited to information necessary to identify the rehabilitation needs of the individual and to develop the individual's IPE;
- (b) Uses existing information as a primary source to the maximum extent possible as appropriate and in accordance with confidentiality requirements. Existing information may include: information obtained under the assessment for determining the individual's eligibility and vocational rehabilitation needs and information available from other programs and providers, particularly that used by education officials and the Social Security Administration;
- (c) Relies on information provided by the individual as much as possible;
- (d) May include, as needed, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual, including the need for supported employment services;
- (e) 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, with the informed choice of the individual, to assess and develop the capacities of the individual to perform adequately in a work environment;
- (f) Includes referral, where appropriate, for an assessment of the need for rehabilitation technology services to assess and develop the capacities of the individual to perform in a work environment.

(2) The assessment must be in writing and the QVRC will offer the eligible individual or his or her representative a copy of the written assessment.

5.05: IPE Development

(1) An IPE will be developed, agreed to and signed by the eligible individual, or if appropriate the individual's representative. All IPE's must be reviewed, approved and signed by the MRC QVRC prior to implementation.

(2) The QVRC, the individual and if appropriate, the individual's representative will review the IPE at least once annually. Amendments to the IPE are required when there is a substantial change to the individual's employment goal, service(s) to be provided or in the provider(s) of those services. All amendments must be agreed to and signed by the individual or his or her representative and reviewed, approved and signed by the QVRC before they are implemented.

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(3) For those students in special education programs who are eligible for vocational rehabilitation services, an IPE may be developed, approved and implemented prior to exiting high school. The IPE should reflect the transition services of the student's Individualized Education Program (IEP).

(4) A written copy of the IPE, including any amendments, must be given to the individual or the individual's representative in the native language or mode of communication of the individual whenever possible.

5.06: Mandatory Components of the IPE

The IPE must contain the following elements:

(1) The employment goal of the eligible individual that is the profession or occupation the individual is expected to achieve as a result of the services that were provided under the IPE. The employment goal and the timeline for achieving it should be as specific and realistic as possible. It should be based on the assessment of vocational rehabilitation needs, reflect the individual's strengths, resources, priorities, concerns, abilities, capacities, interests and informed choice. The IPE must, to the maximum extent possible, provide training and employment in an integrated setting.

(2) The specific vocational rehabilitation services that are needed by the individual to attain the goals and objectives on the IPE including starting and ending dates for each service. All services are to be provided in the most integrated setting appropriate and consistent with the informed choice of the individual. Rehabilitation technology and personal assistance services must be considered if needed.

All services that are necessary to the achievement of an employment goal whether paid for or of no cost to the Commission must be listed on the IPE. These services may include those provided by the QVRC such as counseling and guidance, referral and placement as well as those provided by other agencies or providers such as training and support.

(3) The criteria to evaluate progress toward achievement of an employment goal including timelines.

(4) The service provider(s).

(5) The financial expectations including if and how much an individual will be expected to participate in the cost of his or her vocational rehabilitation services and/or explore comparable benefits and services, wherever appropriate.

(6) The responsibilities of the individual and the QVRC to implement the IPE. Such responsibilities may include the individual's attendance at training or maintaining a certain grade average or meeting with the counselor on an agreed upon schedule.

(7) Information about the Commission's dispute resolution process both informal, such as through the QVRC's supervisor or the agency Ombudsperson, and formal, through an administrative review, mediation or fair hearing.

(8) Any post-employment service(s) the individual is anticipated to need, once employed, including terms and conditions for provision by the Commission or other entities.

(9) Information about the Client Assistance Program, including how the individual can contact them.

5.07: Informed Choice

(1) The QVRC must inform the individual of the opportunity to exercise informed choice throughout the rehabilitation process and assist the individual in acquiring information that will enable them to exercise informed choice in the development of his or her IPE with respect to the selection of:

- (a) Employment goal;
- (b) The specific vocational rehabilitation services needed to achieve the employment goal;
- (c) The provider(s) who will deliver those services; including cost, accessibility, duration, qualifications, consumer satisfaction, and outcomes achieved by individuals, if available;
- (d) The employment setting and the setting in which the vocational rehabilitation services will be provided; and
- (e) The methods which are available to procure those services.

(2) Individuals must be provided information in his or her native language or preferred mode of communication whenever possible. Individuals with cognitive or other disabilities that require support services to exercise informed choice must be told of its availability to ensure meaningful choices.

REGULATORY AUTHORITY

107 CMR 5.00: M.G.L. c. 6, § 75; 29 USC 706 and 722.