
CHAPTER 18: ANNUAL REVIEWS

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SECTION 1: DEFINITION

Extended employment means work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act and any needed support services to an individual with a disability to enable the individual to continue to train or otherwise prepare for competitive employment, unless the individual through informed choice chooses to remain in extended employment.

SECTION 2: GENERAL POLICY

Within the vocational rehabilitation process are 3 types of “annual reviews” which are required by law. They are the annual review of:

- A. The Individualized Plan for Employment;
- B. Any case closure due to the determination that the person’s disabilities are so significant that he/she would not be able to benefit from services in terms of an employment outcome; and
- C. Any case closure as “rehabilitated” in extended employment.

SECTION 3: SPECIFIC ANNUAL REVIEW REQUIREMENTS

- A. **The Individualized Plan for Employment (IPE)** may be reviewed and amended at any time; however, a review of the IPE is required and must be visible in the case record at least annually to help assure that it is resulting in progress toward accomplishing its intentions. Considerations for review in addition to the IPE’s goal(s), services, and providers are the stability of the person’s disability/general health as it may have had an impact on progress and any new/improved medical treatments, rehabilitation technology, etc., which may be applicable to the individual’s situation.

1. The annual review must be conducted by a qualified vocational rehabilitation counselor and the eligible individual or, as appropriate, the individual's representative, to assess progress in achieving the identified employment outcome.
2. A description of the results of the annual review shall be identified and summarized in the case record.
3. The IPE shall be amended, as necessary, by the individual in collaboration with a representative of the Division or a qualified vocational rehabilitation counselor (to the extent determined to be appropriate by the individual), if there are substantive changes in the employment outcome, the services to be provided, or the providers of those services.
4. Amendments to the IPE shall not take effect until agreed to and signed by the eligible individual and by a qualified Division counselor; and
5. A copy of any amendments shall be provided to the individual and, if appropriate, in his/her native language or mode of communication (e.g., braille).

B. Closure as “too significantly disabled”:

1. If an individual is determined to be ineligible for vocational rehabilitation services based on a finding that he/she would not be able to achieve an employment outcome, a review of his/her situation must be conducted within 12 months of closure (and annually thereafter if requested by the individual). Considerations for this review are possible improvement in the individual's disability/general health and any new medical treatments, rehabilitation technology, etc., which may be applicable to the individual's situation and which may markedly improve the individual's potential to achieve an employment outcome.
2. A description of the results of this review shall be identified and summarized in the case record.
3. This review need not be conducted in situations in which the individual has refused it, he/she is no longer present in the State, his/her whereabouts are unknown, or his/her medical condition is rapidly progressive or terminal.

C. Closure in Extended Employment

1. If an individual has achieved an employment outcome in extended employment or in an employment setting in which he/she is compensated in accordance with section 14(c) of the Fair Labor Standards Act (i.e., the employer is allowed to pay less than the prevailing wage due to lower productivity caused by a disability), reviews of his/her situation must be conducted for 2 years after achievement of the employment outcome (and thereafter if requested by the individual).
2. The reviews are to determine the interests, priorities, and needs of the individual with respect to competitive employment or training for competitive employment. The determination shall include a review of his/her disability/general health as applicable to competitive employment and of new medical treatment, rehabilitation technology, etc., that may be applicable toward helping the individual toward competitive employment given informed choice.
3. A description of the results of this review shall be identified and summarized in the case record. The individual shall be given the opportunity to provide input into the reviews and shall sign an acknowledgment that they were, in fact, conducted.