

8/01

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on August 1, 2006 by the

Date prior to or same as filing date

Department of Human Services, Division of Children and Adults 582

Agency and Division

Administrative Rules Chapter Number

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to become effective [August 1, 2006]. Rulemaking Notice was published in the [July 2006] Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

Adoption of a time standard for completion of the Individualized Plan of Employment

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: 582-050-000 Standards

REPEAL:

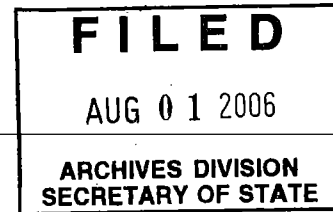
RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS ORS 344.530

Other Auth.: 34 CFR 361.45 (e)

Stats. Implemented: ORS 344.570



RULE SUMMARY

Amending OAR 582-050-0000 to add a time standard of 180 days for the number of days between determination of eligibility and the signing of an Individual Plan of Employment by the client and vocational rehabilitation counselor.

The amendment also lists the exceptions under which it can take longer than 180 days for the Individualized Plan of Employment to be signed.

Ron Barcikowski

Ron Barcikowski

August 1, 2006

Authorized Signer

Printed name

Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.

ARC 930-2005

VRS 2-2006

582-050-0000

Standards

(1) Referrals to and applications for Vocational Rehabilitation Services provided by OVRs shall be handled equitably and expeditiously, with equitable statewide distribution of available staff and other resources.

(2) OVRs shall process all new referrals and applications promptly.

(3) When an Order of Selection is invoked, emphasis in screening of new referrals and processing of applicants shall be placed upon both a determination of eligibility and the severity of the impairment. Priority for services goes first to eligible individuals with the most significant disabilities. Other priority-of-service groups or sub-groups are added or deleted through amendment to the State Plan.

(4) Except when the record shows that delay is reasonable and mutually acceptable, evaluation (for the purposes of basic eligibility determination) shall begin promptly and to the maximum extent possible will be expedited through use of existing information, especially that from the records of schools, Social Security, personal physicians and family members.

(5) Once OVRs has received an application for vocational rehabilitation services, including applications for vocational rehabilitation services made through common intake procedures in One-Stop centers established under section 121 of the federal Workforce Investment Act of 1998, an eligibility determination must be made within 60 days, unless:

(a) Exceptional and unforeseen circumstances beyond the control of OVRs preclude making an eligibility determination within 60 days and OVRs and the individual agree to a specific extension of time; or

(b) A trial work experience or exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out in accordance with 34 CFR 361.42(e) or, if appropriate, an extended evaluation is carried out in accordance with 34 CFR 361.42(f).

(6) OVRs shall not make a determination of ineligibility on the basis that an individual with a significant disability is too severely impaired unless a trial work experience, community based assessment, or extended evaluation results in clear and convincing evidence that such individual is presently incapable of an employment outcome as result of the provision of further Vocational Rehabilitation Services.

(7) OVRs will not close an applicant's record of services prior to making an eligibility determination unless the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility and priority for services, and OVRs has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

(8) The length of time between eligibility determination and the signing of the Individualized Plan for Employment (IPE) by the VR counselor and client or client's representative as appropriate will not exceed 180 days except under the circumstances listed in (8)(a)-(g). If the State invokes an Order of Selection, the length of time begins once the client is pulled from the waitlist. The counselor must obtain supervisor approval to extend the time beyond 180 days and document in the case record the reason for the extension and a time frame for when the IPE will be signed

(a) Mutual agreement by the client and counselor to extend the time past 180 days taking into consideration the unique needs of the individual such as the cultural and linguistic needs of the individual.

(b) Unforeseen circumstances beyond the control of either the counselor or client, which results in extending the time needed beyond 180 days.

(c) Youth Transition program student will have their IPE signed prior to leaving the school setting.

(d) Client has requested an impartial hearing

(e) Lack of cooperation by the client, which extends the length of time beyond 180 days.

(f) Lack of agreement by either the client or counselor over the proposed IPE, which extends the length of time beyond 180 days.

(g) For clients planning to go into self-employment, the length of time between eligibility determination and signing of the IPE is 365 days.

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.570
