

**Client
Assistance
Program**



**THE
VOCATIONAL
REHABILITATION
PROCESS**

**A Handbook for
Clients and Applicants
December 2012**

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HOW TO USE THIS GUIDE

Disability Rights Montana (DRM) developed this guide to assist people with disabilities, their families, and advocates. The guide describes some of the programs, rules, methods, and standards for getting rehabilitation and independent living services. It explains these services and describes how best to be a self-advocate to get the services you need.

To learn more about DRM's Client Assistance Program (CAP), read the section called *Client Assistance Program* beginning on page 4.

If you need to learn about or improve self-advocacy skills, read the section called *Be Your Own Advocate* beginning on page 6. When you are ready to do advocacy for yourself, you should study how the rehabilitation program and independent living services work.

To understand how the rehabilitation program and independent living services work, read the section beginning on page 12 called *The Steps to Rehabilitation*. Study Steps 1 through 6. You can follow the step-by-step process to locate the part of the program where you can best apply your skills.

If you need information about appealing a decision made by a rehabilitation agency or independent living center, read the section called *Appeals* on page 30.

DRM's goal in writing this handbook is to help people to understand the process of getting services through vocational rehabilitation. Getting information about program services and resources is a skill that you can use in the future with any program.

CLIENT ASSISTANCE PROGRAM

What is CAP?

The Client Assistance Program (CAP) is a DRM program that helps people with disabilities who have concerns about agencies in Montana that provide vocational rehabilitation or independent living services. The type of help provided may be information and referral, advice and counseling, mediation and negotiation, advocacy, representation in an administrative appeal, or legal services.

When a person has a question or problem with Montana Vocational Rehabilitation or an Independent Living Center, CAP can help. CAP can also give information about other programs that provide services.

Who can get CAP services?

INFORMATION is available to anyone with a disability in Montana.

ASSISTANCE is available to people who are having problems with a *rehabilitation agency* or an *independent living center*. If you are a client of or are applying for services from a rehabilitation agency or independent living center, CAP can help you.

You have the right to talk with a CAP advocate about your rehabilitation problem. CAP may have a service that will help. If CAP cannot help, DRM may have a different program that can provide you with assistance.

What programs does CAP cover?

CAP was set up by the Rehabilitation Act of 1973 to protect your rights. The Rehabilitation Act sets the rules regarding your rights and responsibilities and decides who can get rehabilitation services. Agencies in Montana that receive federal money through the Rehabilitation Act are the programs for which CAP can provide

services. These programs include Montana Vocational Rehabilitation and four independent living centers, and any services under the Rehabilitation Act:

LIVING INDEPENDENTLY FOR TODAY & TOMORROW (LIFTT)

3333 2nd Avenue North, Ste. 100
Billings, MT 59101-2033
(406) 259-5181 *Voice*
(800) 669-6319 *Toll Free*
(406) 259-5259 *Fax*
(406) 245-1225 *TTY*

MONTANA INDEPENDENT LIVING PROJECT (MILP)

34 N Last Chance Gulch, Ste 500
Helena, MT 59601-4173
(406) 442-5755 *Voice/TTY*
(800) 735-6457 *Toll Free*
(406) 442-1612 *Fax*

NORTH CENTRAL INDEPENDENT LIVING SERVICES (NCILS)

1120 25th Avenue NE
Black Eagle, MT 59414-1037
(406) 452-9834 *Voice/TTY*
(800) 823-6245 *Toll Free*
(406) 453-3940 *Fax*

SUMMIT INDEPENDENT LIVING CENTER

700 SW Higgins, Suite 101
Missoula, MT 59803-1489
(406) 728-1630 *Voice/TTY*
(800) 398-9002 *Toll Free*
(406) 829-3309 *Fax*

CAP does not cover every type of program that provides services to people with disabilities. Some of the programs that CAP does not cover are Medicaid, Medicare, Social Security, Special Education, and Fair Housing. DRM may be able to give you information about help with these other programs.

What help does CAP offer?

CAP . . .

- Provides information about agencies and programs that help people with disabilities.
- Provides information about rehabilitation agencies and independent living programs and how to get services from them.
- Helps to solve problems between rehabilitation agencies and their clients.

- Represents clients during an appeal process.
- Represents clients of rehabilitation agencies in court.
- Teaches people how to become their own advocate. This is one of CAP's most important services. To learn more about how to be an advocate for yourself, study the next chapter.

How can I get CAP help?

Call or write to DRM and a staff person will take your information and will assist you.

Disability Rights Montana

CLIENT ASSISTANCE PROGRAM

1022 CHESTNUT STREET
HELENA, MT 59601-0820
(406) 449-2344 *VOICE/TTY IN HELENA*
(800) 245-4743 *VOICE/TTY TOLL FREE*

Do I have to pay for CAP services?

No. All CAP services are free. All CAP activities are conducted without regard to race, color, religion, sex, age, national origin, disability, or sexual orientation.

BE YOUR OWN ADVOCATE

Self-advocacy is the same as speaking up for yourself. The best way to learn to be your own advocate is to practice. You are the best person to speak for yourself so you should learn the basic skills for success and how to use these skills.

Advocacy skills

- Define what you need.
- Know your rights and your responsibilities.
- Know the system and the procedures.
- Keep good records.

Learning how to be a good advocate for yourself requires knowing what you need and how to get it. Knowing how to get it means learning the *key rules* of a program and the *key people* involved with the program. *Key rules* are the rules of the program that tell what you must do to get what you need from the services the program provides. *Key people* are the people who will help you and who can make decisions for the program.

Self-advocacy is a skill that will have lifelong value. Each service delivery program is different, but the skills of how to use each program are very similar. Once you learn the basic skills of self-advocacy, you can figure out the process for getting what you need.

Know what you need

There is a difference between what you want and what you need. The first step in self-advocacy is to know what you *need*. It may help you to write a list of those needs. It is also important to know what help an agency or program can give you. Then, you can set goals that are realistic for what you need.

Know your rights

YOU HAVE THE RIGHT TO:

- Apply for services.
- Be treated with courtesy and respect.
- See your file and to get a copy of your file.
- Have your records kept confidential.
- Understand why your counselor makes decisions.
- Ask for a new counselor.
- Appeal any decision you do not agree with.
- Ask CAP for help.

WHEN YOU ARE A CLIENT OF THE VR, YOU ALSO HAVE THE RIGHT TO:

- Choose the job that is best for you.
- Get the help you need to get the job you want.

Know your responsibilities

Responsibilities are things you must do yourself. If you do not act responsibly, the agency may not be able to help you. For example, you should be courteous toward your counselor, just as you expect courtesy from him or her. You have a right to disagree, but you have a responsibility to talk in a polite manner.

Keeping your appointments is an important responsibility. You and the counselor, together, are a team. You must meet when you say you will. If you cannot keep an appointment, call the counselor ahead of time and reschedule your appointment for as soon as possible. Calling ahead of time is a common courtesy and a sign of responsibility. Keeping appointments is so important that a counselor may close your case if you neglect to meet when you say you will.

Other responsibilities

- Give the counselor information which honestly explains your situation. Your counselor will not know what you need if you do not tell him or her the true situation.
- Help your counselor understand the reasons for your decisions. Explain your decisions so the counselor understands your motivation. Sometimes, it is hard to explain, but your counselor needs to know how you feel and why you do things your way.
- Follow through with what you say you will do. Follow through means keeping to the plan and keeping promises.
- Follow your plan. Sometimes, reaching a goal requires persistence. If you do what you say you will, you have an ability that employers value highly.
- Make sure your needs are being met. You should understand each decision and how it supports your goals.
- Ask questions. If the counselor asks you questions or has ideas that do not seem to make sense ask the counselor what the question or idea means, so that you understand.
- Provide all the necessary medical or other reports that may help explain your disability.

Keep records

Keep track of information. Keeping records means keeping the information somewhere other than in your mind. Write the information down on paper and keep it filed where you can find it. The record will help you remember what happened and will also help if you and your counselor do not agree about what happened. Good records will help you prove what you remember. Good records are a complete description of what happened that are accurate and understandable. Keep them in a place where they are easy to find when you need them.

WHAT RECORDS SHOULD BE KEPT?

PHONE CALLS -- Write down who you talked with, the date, and the phone number. Write down what you talked about on the call. Keep a written record of any agreements.

LETTERS -- Keep all letters you receive from your rehabilitation agency. Keep copies of every letter you send to the agency.

MEETINGS -- When you meet with your counselor, write down the date and what you and the counselor decided.

PERSONAL -- Keep a copy of all medical and psychological reports, work evaluations, and transcripts you give your counselor. Maintain your own records of work history, skills, and education so you are ready to tell employers about yourself.

Keep these records together in the same place. Use a notebook or file folders to keep them in order.

Other self-advocacy skills

- Be an active participant in decision-making that affects you.
- Set goals that are realistic for what you want to achieve.
- Get the information you need about solutions and alternatives.

- Be realistic about who you are and your available resources.
- Listen and speak to the issue.
- Be clear about emotional aspects, since the way a person feels can affect how decisions are made.

THE STRUCTURE OF THE MONTANA VOCATIONAL REHABILITATION SYSTEM (Montana VR)

The Montana Vocational Rehabilitation Program is a program of the Montana Department of Public Health and Human Services. Montana VR serves people with disabilities who, because of their disability, cannot work, return to work, or maintain the work they had. Since Montana VR is an “eligibility program,” a VR counselor is required to certify that you are eligible for services before training and support services can begin.

The Montana Vocational Rehabilitation Program serves people with physical, mental or emotional disabilities who apply for services and are found eligible. There is a specialized program of Montana VR services called the Blind and Low Vision Services program. This program provides services to people who are experiencing impediments to work, and other opportunities as a result of visual disabilities or blindness. You can reach this program by calling any of the Montana VR offices. If the office you call does not have a Blind and Low Vision Program counselor, the secretary will forward your message and a Montana VR Blind and Low Vision Counselor will call you back.

Montana Vocational Rehabilitation Programs

REHABILITATION SERVICES (RS)

BLIND AND LOW VISION SERVICES (BLVS)

111 N. LAST CHANCE GULCH, SUITE 4C~P.O. BOX 4210

HELENA, MONTANA 59604-4210

(406) 444-2590 *VOICE/TTY*

(877) 296-1197 *TOLL FREE*

(406) 444-3632 *FAX*

Field offices*

BILLINGS

2121 Rosebud Drive, Suite C
Billings, MT 59102-6295
(406) 248-4801 *Voice*
(406) 652-6046 *TTY*
(406) 652-1781 *Fax*
(888) 279-7532 *Toll Free*

BOZEMAN

220 West Lamme Street, Ste. 1E
Bozeman, MT 59715-3552
(406) 587-0601 *Voice*
(406) 587-7863 *Fax*
(877) 296-1759 *Toll Free*

BUTTE

700 Casey Street, Suite B
Butte, MT 59701-5286
(406) 496-4925 *Voice/TTY*
(406) 782-8728 *Fax*
(888) 279-7531 *Toll Free*

MISSOULA

2675 Palmer Street, Suite A
Missoula, MT 59808-1741
(406) 329-5400 *Voice/TTY*
(406) 329-5420 *Fax*
(888) 279-7528 *Toll Free*

GREAT FALLS

201 1st Street South, Suite 2
Great Falls, MT 59405
(406) 454-6060 *Voice*
(406) 454-6084 *Fax*
(406) 454-6080 *TTY*
(888) 279-7527 *Toll Free*

HAMILTON

316 North 3rd, Suite 109
Hamilton, MT 59840-2471
(406) 375-0203 *Voice*
(406) 363-7530 *Fax*

HAVRE

48 2nd Avenue, Suite 213
Havre, MT 59501-3555
(406) 265-6933 *Voice*
(406) 265-9271 *Fax*
(877) 296-1294 *Toll Free*

HELENA

3075 N. Montana Ave., Ste. 106
Helena, MT 59601-0552
(406) 444-1710 *Voice/TTY*
(406) 444-9659 *Fax*
(877) 296-1757 *Toll Free*

KALISPELL

121 Financial Drive, Suite B
Kalispell, MT 59901-1616
(406) 751-5940 *Voice/TTY*
(406) 751-5944 *Fax*
(877) 296-1760 *Toll Free*

MILES CITY

114 North 7th Street
Miles City, MT 59301-3112
(406) 232-0583 *Voice/TTY*
(406) 232-0885 *Fax*
(877) 296-1198 *Toll Free*

*Includes Blind & Low Vision
Services

THE STEPS TO REHABILITATION

Introduction

The rehabilitation process involves a series of steps aimed at helping you to obtain a job based on your abilities. Each individual in the rehabilitation process has strengths and weaknesses. The mission of Montana VR is to help you learn to live and work with your particular disability while maximizing your abilities and to help you achieve independence in, and integration into, Montana's economic mainstream. For some people this may only take a short time. For others it may take much longer. Remember that your abilities and capabilities, your needs, your disability, your goals, and your rehabilitation program are unique to you.

VR counselor - your contact person

VR counselors are the people who will help you during your rehabilitation process. You can expect your VR counselor to be a skilled professional in the area of understanding disabilities and how disabilities relate to employment. It is your VR counselor's job to help you understand your strengths and weaknesses and how your disability affects the type of work you do or want to do. Their job is to help you understand the steps you and your employer or potential employer will need to take to accommodate your disability and maximize your abilities. You and your VR counselor will work together to fit your present and future abilities, your interests, job requirements, and job opportunities into an organized plan of services.

Your relationship with your VR counselor should ideally be one of mutual understanding and trust. Respect the education and experience of your VR counselor, but don't be afraid to disagree or ask questions if there is something you don't understand.

Your involvement in your rehabilitation plan

Be sure to let your VR counselor know what you want your rehabilitation program to accomplish. This is **YOUR** rehabilitation plan. Your VR counselor is there to help establish a program to meet your needs and desires and help you get a job or return you to your former employment. Therefore, your input and participation are absolutely necessary. You have a right, and should be actively involved in the whole rehabilitation process. Real choices must be offered to you. Your VR counselor should listen to and consider your preferences in light of your present and future abilities. If you do not feel that such communication is taking place, you may call CAP for assistance. Your active involvement is essential for your rehabilitation plan to be successful.

Step 1: The Application Process

APPOINTMENT WITH VR COUNSELOR

If you think you have a disability that prevents you from getting or keeping suitable employment, you may apply for vocational rehabilitation services. Call and make an appointment with your nearest VR office. A VR counselor will discuss eligibility requirements and the rehabilitation process with you. The VR counselor can help you with the application process once you decide to apply. If you feel you need additional help, you may also call the Client Assistance Program.

INFORMATION NEEDED BY VR COUNSELOR

The VR counselor will need to find out as much as possible about your medical, educational and vocational history and interests. If this is your first visit, bring in any records or documents that might be useful. This information will give the counselor a better understanding of the nature of your disability and will help determine what additional information is necessary to determine your eligibility. If existing medical or psychological records adequately document

your disability, your VR counselor can make a determination without requiring any other evaluations or tests. Any relevant existing information about your disability will be used to determine eligibility. Therefore, it is important that you give your VR counselor any and all documentation of your disability. Documentation can be school records, relevant medical records, or on-the-job records. If you are eligible for services, you and the counselor will use this information to explore the services you will require to achieve your employment outcome, i.e., your work goal. You will be asked to fill out a financial statement listing your income, assets, and expenses. This statement is used to explore the extent of your financial need. Not all services provided by VR are free of charge. (See Step 4 for this information.)

CONFIDENTIALITY OF RECORDS

Once you apply, your records are kept confidential. Information about you is to be obtained and released only with your consent and only as it relates to your rehabilitation program.

STATE RESIDENCY REQUIREMENT

To qualify for Montana VR services, you must currently be living in Montana. However, there is no requirement that you need to have lived here for a certain period of time before you can apply. Simply, you must live in Montana at the time you apply.

WHEN IN DOUBT, FILL OUT AN APPLICATION

If you are told that you should not bother applying because it does not appear that you would be eligible or if the VR counselor is uncertain whether you would qualify or if you are discouraged from applying when you think you might qualify, there are several things to consider. **YOU MUST BE GIVEN A CHANCE TO APPLY.** If you do not apply, you have no right to appeal a decision not to assist you. If **YOU** think you need VR services, do not hesitate to apply even if you have been discouraged from doing so.

To apply, all that is needed is your signature with a note indicating your intent to apply for services. Montana VR must make a formal finding of eligibility based upon your written application and a written record of your disability. If you have been discouraged from applying, request that VR provide you with this information in writing. You may appeal only after a written denial is issued as discussed below.

If you feel you need additional help or feel you have been prevented or discouraged from applying for VR services, you may call the Client Assistance Program and request assistance.

DENIAL OF VR SERVICES

The VR counselor will explain the appeals process to you if your application has been denied. If you are denied services, you will receive a written notice stating you are found ineligible for VR services. Keep in mind that the initial decision is based on someone's professional judgment. If you do not agree, you have a right to have CAP or someone else look at the decision. If you are determined ineligible or you disagree with any other decision made in your case, you will need to know how to appeal those decisions. (See page 30 for more information on appeals.)

Step 2: Eligibility Determinations

BASIC REQUIREMENTS

The most basic requirements for eligibility are:

- (1) You must have a physical or mental disability.
- (2) Your disability is a substantial impediment to employment, meaning it is keeping you from working.
- (3) You need vocational rehabilitation services to become gainfully employed.

It is presumed that you can be gainfully employed after you get vocational rehabilitation services. (See page 17 for information on extended evaluations.)

If you meet these requirements, you will be found eligible for further services. If you are eligible for social security benefits, you are presumed eligible for VR services.

VISUAL DISABILITIES AND ELIGIBILITY IN THE VISUAL SERVICES PROGRAM

Applicants with visual disabilities must meet the same eligibility criteria. If found ineligible, however, they may be eligible for the Visual Service Medical Program.

ADDITIONAL INFORMATION

Once you have applied for services, if your VR counselor cannot make a determination of your eligibility based on existing documentation, she/he may request you have a diagnostic evaluation performed to determine if you are eligible. The VR counselor will ask you to make an appointment with a doctor of your choice. This examination, by specialists or psychologists, may be necessary to determine your eligibility and will be conducted at no cost to you.

In addition to medical and psychological examinations, your counselor may want you to undergo a vocational evaluation to determine your skills, abilities, capabilities and interests. The vocational evaluation can help show the types of jobs you might be good at and would enjoy doing. This evaluation may include counseling, paper and pencil tests, work sampling, on-the-job evaluation, and/or interviewing other workers in various fields.

INFORMED CHOICE

VR must assist individuals in their exercise of “informed choice” throughout the VR process. All of the activities that are to be implemented must be consistent with the principles of respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers based on the informed choice of individuals with disabilities.

Informed choice must apply to your selection of an employment outcome, the specific VR services to be provided, the entity which will be providing those services, the method of procuring services, and the setting in which services will be provided. You should be informed of providers in your area. You should be encouraged to choose the provider of your choice. If you are not aware of providers, ask your VR counselor about any information the agency may have regarding the services of providers in your area.

TIME FRAME TO DETERMINE ELIGIBILITY

Once your VR counselor has a complete understanding of your case, he or she will decide if you are eligible. If the extended evaluation is not necessary, **your VR counselor must determine your eligibility within 60 days of your initial application unless you and your VR counselor agree to extend the time period.**

If your VR counselor thinks your disability is so severe that you would not benefit from VR services, you **MUST** be given a chance to show whether or not you can work. An extended evaluation should be offered to you for that purpose.

PRESUMPTION OF BENEFITS

The law establishes a presumption that *an individual can benefit in terms of an employment outcome from vocational rehabilitation ... unless the designated State unit can demonstrate by clear and convincing evidence that such individual is incapable of benefitting from vocational rehabilitation services in terms of an employment outcome.*

Montana VR has the burden to demonstrate by clear and convincing evidence that the applicant with a disability is not eligible for VR services by showing that no employment outcome is possible for that individual. The bottom line is that the applicant is presumed to be able to work unless VR can clearly establish that you cannot work.

You may not qualify for VR services if you are capable of working at your level of ability and it is not a problem for you to work.

INELIGIBILITY DETERMINATION

If you do not meet the eligibility criteria and Montana VR shows by clear and convincing evidence that you could not benefit in terms of employment outcome, by providing you with their services, you will be found ineligible for VR services. If you are found ineligible for services, you should receive a written denial notice from VR. This written notice should detail your right to question VR's determination in what is called a "Fair Hearing." This denial notice will explain the process for requesting such a hearing. This letter will also explain the reasons why you were determined to be ineligible, including references to the specific regulations supporting VR's determination.

Step 3: Writing your Individualized Plan for Employment (IPE)

Once you are found eligible for services, your VR counselor will work with you to develop a plan of rehabilitation services. This plan is called an "Individual Plan for Employment" (IPE) or "your written plan."

DEVELOPING YOUR WRITTEN PLAN

One exciting thing about your written plan is that you can design your IPE yourself or with a friend. In addition, your VR counselor is an important and qualified resource that can assist you in the development of your IPE.

You must use the state VR format and if you do design your own plan outside of the VR office, you still must get your VR counselor's approval and sign off.

EXPLANATIONS TO BE IN YOUR NATIVE LANGUAGE OR ONE ADEQUATE FOR YOUR DISABILITY

Your plan should be explained to you in your native language or a mode of communication you can understand so that you know what you are responsible for doing and what your VR counselor is responsible for doing. You need to understand your plan completely. Be sure to ask questions if there is something that is unclear to you. If you are deaf or have other individual communication needs, Montana VR must provide an interpreter or some other equally effective means of communication in order to accommodate your disability.

COPY OF YOUR WRITTEN PLAN TO BE PROVIDED

When you and your counselor have agreed upon your IPE, you will be given a copy. Keep your copy and refer to it often to ensure that you are aware of what is expected of you and what Montana VR will be doing to help you. It is very important that **YOUR CHOICES** are in your plan. Again, you may have a representative, like family member, guardian, friend, or CAP staff assist you in developing your IPE.

CHANGES IN YOUR WRITTEN PLAN CAN BE MADE ANYTIME

Under the law, you can change your written plan at any time. You should contact your VR counselor regularly and let them know if you are having any problems with any services, your disability, or changes in your life (positive or negative) that could affect your participation in services.

ANNUAL UPDATES OF YOUR PLAN ARE REQUIRED

You and your VR counselor must update your written plan as needed or at least once a year. This is important to keep services as up to date and on target with your plan as possible.

SIGNING YOUR WRITTEN PLAN

You will be asked to sign your plan and any change to your plan. If you are satisfied with your written plan, sign it. If you are not satisfied with your plan, do not sign. Neither you nor your VR counselor should sign the written plan until you are both satisfied. If you are not satisfied, your VR counselor or CAP advocate will assist in resolving any disagreements so you can receive or continue to receive services. The law requires your plan to be signed by both you and your VR counselor before any services can begin.

Step 4: Services Provided

CERTAIN SERVICES PROVIDED FREE

Some of the services provided by VR are free of charge including: diagnostic evaluations (including transportation necessary for evaluation), guidance, counseling, instructional services for the visually impaired, and job placement.

CERTAIN SERVICES REQUIRE YOUR FINANCIAL CONTRIBUTION

Some of the services provided by VR will require your financial contribution. For these services, you will be required to contribute financially to the extent you are able. Medical insurance and educational grants are some examples of personal resources that might be available.

EXAMPLES OF SERVICES THAT MAY BE AVAILABLE THROUGH YOUR WRITTEN PROGRAM

(1) VOCATIONAL COUNSELING AND GUIDANCE

Vocational rehabilitation counseling and guidance will be provided to you by your VR counselor, without charge, throughout your entire program. Additionally, your CAP advocate offers assistance and guidance on your written program and other issues independently from Montana VR without charge.

(2) VOCATIONAL TRAINING

Many jobs require specific training, including education at the technical school or university levels. The purpose of vocational training is to help you to acquire the skills you need to meet your employment objective (work goal). Therefore, be sure that you and your VR counselor have fully discussed what type of work you would enjoy and could be trained for successfully based upon your present and future abilities and capabilities.

Choosing your work goal is the most important decision you and your counselor will make during your rehabilitation program. While you are in training, regardless of whether it is at a trade or technical school, college or university, or on-the-job, you will be responsible for doing the best you possibly can and for keeping your VR counselor advised as to your progress by maintaining regular contact.

(3) WORK ADJUSTMENT TRAINING

It can be difficult to enter a new job, especially if you have never worked before, been out of work for a long time, or if a barrier to employment now requires you to change the type of work you have been used to doing. Work adjustment training is designed to help you adjust to your new situation and to help you gain more confidence in your abilities. It could even involve a discussion with your VR counselor regarding such things as adjustments to some personal habits that might not be appropriate in a particular field of work. If needed, your counselor may be able to provide work adjustment training.

(4) MEDICAL SERVICES AND TREATMENT

If it is determined to be necessary, Montana VR may provide medical, surgical, or psychological treatment to reduce or remove a barrier to being able to be employed.

(5) REHABILITATION TECHNOLOGY SERVICES (ASSISTIVE TECHNOLOGY)

Montana VR may fund some assistive technologies to assist persons with disabilities in accessing and maintaining employment. The term “rehabilitation technology” which is used in the law today encompasses both the term “assistive technology” and the old term “rehabilitation engineering.”

ASSISTIVE TECHNOLOGY DEVICE

Assistive technology devices include *any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of individuals with disabilities.*

ASSISTIVE TECHNOLOGY SERVICES

Assistive technology services include *any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistance technology device. Such services can be quite encompassing and may include such things as:*

(a) The evaluation of the needs of a person with a disability, including a functional evaluation of the person in the person's customary environment;

(b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by persons with disabilities;

(c) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing assistive technology devices;

(d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those

associated with existing education and rehabilitation plans and programs;

(e) Training or technical assistance for a person with a disability or, if appropriate, that person's family; and

(f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of persons with disabilities.

INCLUSION IN YOUR WRITTEN PROGRAM

These definitions are very broad and include many potential devices and services, including devices and services that Montana VR must use to gain a fair evaluation of an individual's ability to benefit from VR services, even before determining whether that individual is eligible for services. Additionally, Montana VR has a responsibility to assess your assistive technology needs in the application and implementation of the rehabilitation process and build those into your written program. If applicable to you, your IPE must contain a statement of the specific rehabilitation technology services you need to successfully achieve both short and long-term rehabilitation goals.

EXAMPLES OF ASSISTIVE TECHNOLOGY DEVICES & SERVICES

Some examples of assistive technology devices and services include wheelchairs, hearing aids, artificial limbs, glasses, augmentative communication devices, home and vehicle modifications, speech therapy, physical therapy, and services to those clients with hearing or visual disabilities can be provided if they will improve your ability to live or work independently.

(6) SUPPORTED EMPLOYMENT

Supported employment means competitive work in an integrated work setting for a person with a severe disability who is in need of assistance in order to become employed or remain employed. It includes assessment, placement preparation, job development, job placement, job skills training and support services including periodic training at the work site. Support services can also include such things as transportation, direction, and assistance in functional skills and counseling for family members. Supported employment is now seen as a goal and preferred alternative to the more segregated "sheltered workshop" for individuals with severe disabilities. You may be eligible for supported employment if you have a severe disability and would require intensive supported employment services or extended services to achieve employment.

(7) PERSONAL ASSISTANCE SERVICES

Personal assistance services (PAS) are important to persons with disabilities and especially individuals with severe disabilities who are trying to enter or maintain competitive employment. Personal assistance services include a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform if the individual did not have a disability. Such services need to be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. Where appropriate, your IPE should include a statement of the specific on-the-job and related personal assistance services to be provided to you, and any training in managing, supervising, and directing personal assistance services to be provided to the individual.

(8) TRANSITION SERVICES FROM SCHOOL TO WORK

Transition services are services needed by a student for the student to be able to make a smooth transition from high school

to working in the community, attending post secondary education, or vocational training, or performing other post school activities. Students and their family members should be aware of this broad provision when they apply for VR services. Transition services are defined as *a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post school activities, including post secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.*

The coordinated set of activities will be based upon the individual student's needs, taking into account the student's preferences and interest, and will include instruction, community experiences, the development of employment, and other post school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services should promote or facilitate accomplishment of long-term rehabilitation goals and intermediate rehabilitation objectives.

Montana VR has a responsibility to coordinate with the schools to ensure that any student who needs transition services can obtain them. This requires coordination with the schools on any individualized education program (IEP) for students with disabilities.

(9) MAINTENANCE

In special circumstances based on financial need, financial assistance may be provided as a supplement to other rehabilitation services for those additional costs incurred by training.

(10) ADDITIONAL SERVICES

Depending on your particular situation, Montana VR might help you with expenses for training and vocational materials, licenses, or other services as needed, that might be necessary to help you

complete training or that might be used on the job. Other services such as independent living services are available, depending on your situation.

Step 5: Placement

Once you have completed the services necessary to help you achieve your vocational outcome, you should be able to begin working. You and your VR counselor will have made plans to conduct a job search. This process is called placement. Your counselor and others experienced in placement can give you ideas and advice on filling out applications and how to present yourself at interviews. In addition, your counselor may have current information on job openings or can suggest other sources that might also have such information.

Matching your abilities with particular job requirements can take a lot of time and effort on your part. Your VR counselor can help, but he or she cannot do it all. As with all of your rehabilitation program, the more responsibility you take in looking for a job, the better your chances for success will be.

Step 6: Follow-up and Closure

Once you begin working, your counselor should check with you and your new employer to see if you are both satisfied. After ninety (90) days of successful employment, you and your counselor will discuss closing your case. You might want to ask your counselor about post employment services that are available to assist you in maintaining or regaining successful employment.

If you agree with your VR counselor that your case should be closed because you do not need any additional VR services, your counselor will inform you in writing that your case is being closed. However, you can reapply to Montana VR for services if your situation changes or you are not able to maintain your job because of changes in your disability or development of a new one.

YOUR RESPONSIBILITIES

Common courtesies

It is your responsibility to keep your appointments and to be on time or to inform the office if you cannot keep the appointment or if you need to reschedule for another time. Even if there are no problems, you should keep in touch with your VR counselor regularly. You should report to your VR counselor as soon as possible any changes in your situation, such as a change of address, telephone number, medical condition, financial condition, or new employment. Even if you are not sure that you will be able to keep the job, let your counselor know you are working because he or she might be able to help you hold the job.

IPE planning

It is your responsibility to participate in the development of your IPE. The only way to make it the best possible program is for you to let your counselor know what you want to accomplish. You should listen closely to your VR counselor, ask questions to make sure you understand, and explain your goals as completely and in as much detail as possible. If you think changes should be made in your IPE, discuss these changes and your reasons with your counselor.

Follow through on recommendations or contest recommendations

If recommendations are written into the signed IPE, it is up to you to follow through with these recommendations or to question the recommendations with your VR counselor before signing your IPE. **NOTE:** It is important to understand your responsibilities on your IPE. Be sure to know what items on your IPE are recommendations and what items are requirements or conditions for you to continue to receive Montana VR services.

The IPE contains you and your counselor's performance expectations. It is a binding agreement. **IF YOU DO NOT AGREE OR DO NOT UNDERSTAND IT, DO NOT SIGN IT.** Make sure you understand before you sign, even if it takes longer. If you have questions or conflicts over this, you may call a CAP advocate.

Financial participation

Although many clients and applicants qualify for VR services free of charge, if your assets and/or income are above a fixed amount, Montana VR will require you to help pay for your rehabilitation to the best of your ability and/or to make every effort to locate "similar benefits." Similar benefits are additional sources of funding which might be able to help pay for your rehabilitation. It can include such things as Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), public assistance (welfare), Medicaid and Medicare, private insurance, educational grants and scholarships. You cannot be required to take out a loan to pay for VR services. Your counselor will discuss each of these with you and help you, if necessary, to get additional funding.

Satisfactory performance

Whether in training or on the job, it is your responsibility to do the best you can. For example, if you are in academic training, your counselor will need to see your grades at the end of each quarter or semester. To continue receiving further training, you must maintain the grade average you agreed upon with your counselor.

YOUR RIGHTS

As a client or client applicant of Montana VR, you should know and understand your rights as they relate to the VR process. The rights that you enjoy as a client come mainly from four sources: the Rehabilitation Act, the ADA, the Montana Human Rights Act, and the U.S. Constitution. Some of these basic rights include:

Non-discrimination

Services of Montana VR are provided on a nondiscriminatory basis without regard to race, color, creed, sex, age, national origin, marital status, religion, or disability. If you feel you have been discriminated against on the basis of any of the standards above, contact CAP immediately.

Presumption of ability to benefit from provision of Montana VR services

The law presumes that you are able to benefit in terms of employability. The burden is on Montana VR if it determines you to be ineligible because you have a disability that is too severe to benefit or that your disability is not severe enough.

Quality of services and choice

Montana VR has a responsibility to serve its clients as well as it possibly can. Your comments, suggestions, and criticism are necessary so that the program can constantly improve delivery of services. You have a right to be offered real and adequate choices in VR training, services and placement.

Confidentiality

All information that is given to Montana VR by you or by someone who has examined you may only be used for your rehabilitation. A VR counselor may not give your personal information to anyone unless you have given written permission by signing a release of information form. Exceptions when information can be shared:

- Within the rehabilitation program.
- When there are periodic case file reviews done to ensure the best quality of service.
- With auditors.
- For public safety reasons.

Your VR counselor will give you a leaflet that explains in greater detail the exceptions. If you still have questions, call CAP.

Your case file

In general, you have the right to see the information in your case file if you sign a release of information form. There might be some information your counselor feels he or she should not release directly to you for one reason or another. For example, the VR counselor might choose not to allow you to see a particular medical or psychological reports at the recommendation of the author. In such circumstances, you have the right to have such information released to a psychologist, family member, guardian, advocate, or another who has the power to share that information with you. The Montana Health Care Information Act also governs the release of records. If you wish to see your records, you will need to make a request to your VR counselor or consult directly with the person who wrote the report.

Appeals

Most people go through the rehabilitation process without having serious problems with Montana VR. However, if you have a problem, you should discuss it first with your VR counselor. If you cannot resolve the problem with your counselor, you should seek help from CAP at 1-800-245-4743 to assist you through the appeals process.

You have the right to appeal any adverse (negative) decisions affecting your status at Montana VR, whether you are a client or an applicant. An adverse action is any determination made by the VR concerning eligibility for, termination from, or the selection and delivery of services delivered by VR. There are several steps in the appeals process.

An appeal is your request to have a decision made by the Montana VR counselor reconsidered. Almost always that decision is called an

“adverse decision.” While adverse decisions sometimes must be made by a Montana VR counselor, if you feel the decision was made without important information, or perhaps unfairly and not in line with the agency’s promises, you can request that the adverse decision be appealed.

The informal approach

Usually conversation is considered informal and written documents are considered formal. This is not to say that we are not bound by what we say, but many times misunderstandings between clients and Montana VR counselors can be resolved by having a conversation. Montana VR calls this “conciliation.” Often clients ask the CAP advocates to help them state their position and interests. Montana VR counselors may call into the conciliation meeting another staff member who has a fresh outlook. This informal meeting can often solve disagreements in a timely manner.

The formal appeal

You are not required to try conciliation. You may ask for CAP’s services for mediation or request the services from another mediator at no cost to you. You may waive the informal appeal and request a Fair Hearing. To formally appeal you must write a request to the Department of Public Health and Human Services Office of Fair Hearings. If you need assistance writing that request, a Montana VR staff member will do that for you, or a CAP advocate can also assist you. From the day the Office of Fair Hearings receives your request, Montana VR has 45 days to conduct a fair hearing. You must be in agreement before time extensions can be approved on the 45 days. The Office of Fair Hearings will assign an Impartial Hearings Officer to your appeal. This assignment will be done randomly unless you have specific concerns regarding who is hearing your case. In that event, Montana VR and you will decide on a Hearings Officer you both agree to use. Your request for a fair hearing should be mailed to:

**OFFICE OF FAIR HEARINGS
P.O. BOX 202953
HELENA, MT 59620-2953**

Preparing for a fair hearing

You may prepare your own presentation for a Fair Hearing. You also may request assistance from CAP or from any private or public advocacy source. Often people do request help for the formal appeal. Within the 45-day limit two events will occur:

- 1) The Impartial Hearings Officer will order Montana VR to conduct an Administrative Review upon receipt of your request for an appeal. You may ask that this review be waived, but if you do not, Montana VR must conduct the review. The purpose of an Administrative Review is to help both you and the Montana VR counselor get organized for the Fair Hearing. The review will be facilitated by Montana VR staff member not directly involved in your case and both the counselor and you (and your representative) will be given assistance in organizing their arguments and evidence in preparation for the Fair Hearing. Often this formal review leads to settlements which then end the appeal. If a settlement is not reached, the Fair Hearing is scheduled.
- 2) Fair Hearings can be conducted over the phone or in person. If you don’t want a phone hearing, you may request a Fair Hearing in person. Within 30 days of the Hearing the Fair Hearings Officer must submit a written decision to you and the agency.

CAP is available to assist you with your appeal. Call them with your questions.

Court

After you have gone through the appeals process, you may still believe that you have been treated unfairly. You can go to court. DRM can advise you about whether you have a good case for court.

DRM can act as your legal representative in court, but DRM must decide whether to do this. If DRM does not act for you in court, and you want to go to court, DRM will give you names of lawyers that may help you.

Discrimination complaints

In addition to all of the above, if you believe that a decision was made for an unlawful, discriminatory reason because of your sex, race, color, age, religion, marital status, political beliefs, or disability, you may file a complaint with:

MONTANA HUMAN RIGHTS BUREAU
1625 11TH AVENUE
P.O. BOX 1728
HELENA, MT 59624-1728
(406) 444-2884 *VOICE*
(800) 542-0807 *TOLL FREE*

Such a complaint must be filed within 180 days of the discriminatory action. If the complaint is due to discrimination on the basis of your disability, you may also seek legal representation from the Protection and Advocacy for Individual Rights Program (PAIR) at Disability Rights Montana as well.

CONCLUSION

If you have any questions about the application or eligibility process with Montana VR, we encourage you to contact your VR counselor or the nearest Vocational Rehabilitation office. All locations and phone numbers are listed on pages 11-12 of this booklet. You may also write or call the CAP advocate with DRM.

Thank you for taking the time to read through this booklet. We hope that you find the information worthwhile. Use it to record the name and phone number of your VR counselor and keep it handy as a source of information for future reference.

Disability Rights Montana

CLIENT ASSISTANCE PROGRAM

1022 CHESTNUT STREET

HELENA, MT 59601-0820

(406) 449-2344 *VOICE/TTY IN HELENA*

(800) 245-4743 *VOICE/TTY TOLL FREE*

(406) 449-2418 *FAX*

www.disabilityrightsmt.org *WEBSITE*

COUNSELOR'S NAME _____

COUNSELOR'S PHONE NUMBER _____

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NOTES

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Mission

***DISABILITY RIGHTS MONTANA
PROTECTS AND ADVOCATES FOR
THE HUMAN, LEGAL AND CIVIL RIGHTS
OF MONTANANS WITH DISABILITIES
WHILE ADVANCING DIGNITY, EQUALITY,
AND SELF-DETERMINATION.***

Disability Rights Montana

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1022 Chestnut Street

Helena, MT 59601-0820

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