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DEFINITIONS

Applicant – an individual who submits an application for VR services; has signed an agency application form; or has completed a common intake application form in a One Stop center requesting VR services; or has other wise requested services from VR.

Assessment for determining eligibility and VR needs – as appropriate in each case means:

A review of existing data:

- A. To determine if an individual is eligible for VR services.
- B. To assign priority for an order of selection if ARS is under an order of selection.
- C. To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and assignment.
- D. To the extent additional data are necessary to make a determination of the employment outcome and the nature and scope of VR services to be included in the IPE plan for employment of an eligible individual.

Assistive technology device – means any item, piece of equipment, or product system that is used to increase, maintain, or improve the functional capabilities of an individual with a disability.

Assistive technology service – means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device.

Blind – an individual who has: Not more than 20/200 central visual acuity in the better eye or an equal disabling loss of the visual field, i.e., a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

Case Note/Narrative - Case notes document the VR process from the initial contact of an individual through the eventual closure of a case. They are written, in such a manner, to allow a clear understanding as to the individual's interest, informed choice, rationale for decision making, and critical steps in advancing the rehabilitation process.

Clear and convincing evidence means a high degree of certainty before concluding that an individual is incapable of benefiting from services in terms of an employment outcome. The "clear and convincing" standard constitutes the highest standard used in our civil system of law. The term "clear" means unequivocal. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence. Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability. The demonstration of "clear and convincing evidence" must include, if appropriate, a functional assessment of skill development activities, with any necessary supports, including assistive technology, in real life settings. §361.42

Congenital disorder, or **congenital disease**, is a condition existing at birth and often before birth, or that develops during the first month of life (neonatal disease), regardless of causation.

Competitive employment – work that is performed on a full-time or part-time basis in an integrated setting and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

Criminal Act – means any crime, including an act, omission or possession under the laws of the United States or a state of general government that poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication, or otherwise, the person engaging in the act, omission or possession was legally incapable of committing a crime.

Deafness - A hearing impairment of such severity that the individual must depend primarily upon visual communication such as writing, lip-reading, manual communication, and gestures.

Deaf/Blind

- A. who has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or a field defect such that the peripheral diameter of visual field subtends an angular distance no greater than 20 degrees, or a progressive visual loss having a prognosis leading to one or both of these conditions; (2) who has a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, or a progressive hearing loss having a prognosis leading to this condition; and (3) for whom the combination of impairments described in items 1 and 2 cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment or obtaining a vocation;
- B. who despite the inability to be measured accurately for hearing and vision loss due to cognitive or behavioral constraints, or both, can be determined through functional and performance assessment to have severe hearing and visual disabilities that cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment or obtaining vocational objectives.

Degenerative disease is a disease in which the function or structure of the affected tissues or organs will progressively deteriorate over time, whether due to normal bodily wear or lifestyle choices such as exercise or eating habits.

Disability - Is defined in the Vocational Rehabilitation Regulations, an individual: who has one or more physical or mental disabilities condition resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

Eligible individual – means an applicant for VR services who meets the eligibility requirements;

- A. A determination that the individual has a physical or mental impairment.
- B. A determination the individual's physical or mental impairment constitutes or results in a substantial impediment to employment for the individual.
- C. A presumption that the individual can benefit in terms of an employment outcome from the provision of VR services.
- D. A determination that the individual requires VR services to prepare for entrance into, engage in, or retain gainful employment consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities and informed choice.

Employment outcome – entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market to the greatest extent practicable: supported employment, or any other type of employment, including self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice.

Extended Period of Time – as defined for ARS purposes means 90 days.

Extreme Medical Risk – Means a Probability of Substantially Increasing Functional impairment or death if medical services, including mental health services, are not provided expeditiously.

Family Member – means an individual who is a relative or guardian of an applicant or eligible individual; or lives in the same household as an applicant or eligible individual; who has a substantial interest in the well-being of that individual; and whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

Hard of hearing - A hearing impairment resulting in a functional loss, but not to the extent that the individual must depend primarily upon visual communication.

Pre-lingual hearing impairment - An impairment that is known or is assumed to have occurred prior to the third birthday.

Pre-vocational hearing impairment - An impairment that is known or is assumed to have occurred on or after the third birthday, but prior to the 19th birthday.

Post-vocational hearing impairment - An impairment that is known or is assumed to have occurred on or after the 19th birthday.

Individual's representative – any representative chosen by an applicant, or eligible individual, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the individual's representative.

Informed Choice – the dissemination of appropriate information to the individual that will allow the individual to make decisions.

Integrated Setting – as referenced by RSA, “integrated setting” is intended to mean a work setting in a typical labor market site where people with disabilities engage in typical daily work patterns with co-workers who do not have disabilities; and where workers with disabilities are not congregated.

Further clarification on the definition of Integrated Setting: RSA points out that entities that are set up specifically for the purpose of providing employment to individuals with disabilities will likely not satisfy the definition of "integrated setting." The high percentage of individuals with disabilities employed with these entities most likely would result in little to no opportunities for interaction between individuals with disabilities and non-disabled individuals. These entities, therefore, would be considered sheltered or non-integrated employment sites.”

Multiple services over an extended period of time – means two or more services and two of the services must last 90 days or longer.

Maintenance – means monetary support provided to an individual for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the individual and that are necessitated by the individual’s participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual’s receipt of VR services under an individualized plan for employment.

Mediation – means the act or process of using an independent third party to act as a mediator, intermediary, or conciliator to assist persons or parties in settling differences or disputes prior to pursuing formal administrative or other legal remedies.

Medical Directed Therapy – means any type of medical treatment that a physician recommends.

Occupational License - means any license, permit or other written authority required by a state, city or other governmental unit to be obtained in order to enter an occupation or enter a small business.

Outcome and Service Goals - objectives established by the State Agency, which are measurable in terms of expansion or program improvement in specified program areas and which the State Agency plans to achieve during a specified period of time.

Personal assistance services – means a range of services provided by one or more persons designed to assist as individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability.

Physical or mental impairment – means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Physical and mental restoration services – means:

- A. Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment;
- B. Diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with state licensure laws.

Post-employment services – means one or more services that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Qualified and impartial mediator – means an individual who:

- A. Is not an employee of a public agency (other than an administrative law judge, hearing examiner, employee of a State office of mediators, or employee of an institution of higher education);
- B. Is not a member of the State Rehabilitation Council for the designated State unit;
- C. Has not been involved previously in the vocational rehabilitation of the applicant or eligible individual;
- D. Is knowledgeable of the vocational rehabilitation program and the applicable Federal and State laws, regulations, and policies governing the provision of vocational rehabilitation services;
- E. Has been trained in effective mediation techniques consistent with any State-approved or-recognized certification, licensing, registration, or other requirements; and
- F. Has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual during the mediation proceedings.

An individual serving as a mediator is not considered to be an employee of the designated State unit for the purposes of this definition solely because the individual is paid by the designated State unit to serve as a mediator.

Rehabilitation engineering – the systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by individuals with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community.

Rehabilitation technology – the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in the areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

Service status – means, a status post IPE in which the individual is receiving VR services (status 18, 20, 22, 24).

Significant disability – means an individual with a disability:

- A. Who has a significant physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of as employment outcome;
- B. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
- C. Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders including stroke and epilepsy, spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

Substantial impediment to employment – a physical or mental impairment (in light of attendant medical, physical, psychological, vocational, educational, communication, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual’s abilities and capabilities.

Supported employment – See Appendix C.

Transition Services means a coordinated set of activities for a child with a disability that is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, including postsecondary education; vocational education; integrated employment (including supported employment); continuing and adult education; adults services; independent living, or community participation. The coordinated set of activities shall be based upon the individual child’s needs, taking into account the child’s preferences and interest, and shall 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. 34 CFR §361.22(a)(2) provides that, if the child is determined eligible for VR services, the child’s IPE should be developed as early as possible during the transition process but no later than when the child exits the school setting.

Transportation - means necessary travel and related expenses in connection with transporting individuals with disabilities and their attendants or escorts for the purpose of providing VR services under the State Plan and may include relocation and moving expenses necessary for the achievement of a VR objective.