

3325.0190 CLOSING THE RECORD OF SERVICES.

Subpart 1. **Closing the record of services of individuals who have not achieved an employment outcome.** The record of services of an individual who has not achieved an employment outcome will be closed when the individual:

A. does not satisfy the eligibility conditions of the program identified in part 3325.0130; or

B. has not responded to multiple and varied attempts to contact the individual and has not responded to correspondence mailed to the person's last known address and containing a specific notification that the failure to respond within 15 calendar days after mailing shall result in closure of the individual's record of services;

C. has died;

D. has been institutionalized and will, as a result, be unavailable to receive needed services or evaluation from SSB;

E. has refused to comply with any of the requirements of parts 3325.0120 to 3325.0490 or with any terms or conditions in the eligible individual's written IPE;

F. has refused repeatedly to accept or use the rehabilitation services necessary to rehabilitate the eligible individual. Before closing the record of services or refusing to provide services based on this condition, the eligible individual's vocational rehabilitation counselor shall explain to the eligible individual the purpose of the program and the services to be provided and shall encourage the eligible individual's participation;

G. has been transferred to another agency;

H. was unable to accept or maintain employment because suitable transportation was either not feasible or not available; or

I. would have benefitted from the provision of supported employment services but for whom no source of extended services was available.

Subp. 2. **Conditions for closing the record of services of individuals who have achieved an employment outcome.** The record of services of an individual who has achieved an employment outcome will be closed when the individual has:

A. achieved the employment outcome identified in the eligible individual's written IPE, and:

(1) it is consistent with the eligible individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and

(2) it is in the most integrated setting possible, consistent with the eligible individual's informed choice;

B. maintained employment for at least 90 calendar days and the eligible individual and vocational rehabilitation counselor agree that no further vocational rehabilitation services are needed, the employment outcome is satisfactory, and the eligible individual is performing well; and

C. been informed through appropriate modes of communication of the availability of postemployment services.

Subp. 3. **Consultation prior to closing the record of services.** If SSB expects to discontinue services an eligible individual is receiving under a written IPE because the eligible individual no longer satisfies the eligibility conditions identified in part 3325.0130, SSB shall, before closing the record of services, offer the eligible individual a clear opportunity to discuss the anticipated closing of the case record according to Code of Federal Regulations, title 34, section 361.43.

Subp. 4. **Notice of closing the record of services.** If an individual's record of services is to be closed for reasons other than successful rehabilitation under subpart 2, or death, SSB shall notify the individual of the proposed closing of the record of services. SSB must:

A. send notice to the individual by certified mail of the proposed closing of the record of services at least ten working days prior to the effective date of the proposed closing of the record of services;

B. provide in the notice the basis for and effective date of the proposed closing of the record of services;

C. provide in the notice a summary of the individual's appeal rights under part 3325.0478; and

D. provide in the notice a description of and information on the client assistance program.

The record of services must contain a summary or description of the information or circumstances upon which the closure decision was based. If the closure decision was based on the eligible individual's refusal to accept or use necessary services provided by SSB, the record of services must include a description of the efforts made by SSB to encourage the eligible individual's participation in the vocational rehabilitation process.

Statutory Authority: *MS s 248.07*

History: *11 SR 1784; 36 SR 33; 39 SR 513*

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