

### **3325.0120 ACCESSING VOCATIONAL REHABILITATION PROGRAM SERVICES.**

Subpart 1. **Referral.** Referral may be from another agency or person or a self-referral and may be oral or written. The referral must provide the person's name and a method of contact.

Subp. 2. **Written application.** A written application must be submitted by each person requesting vocational rehabilitation services. The application may be on an application form supplied by SSB, by letter, or by other written means such as a common intake form in a workforce center requesting vocational rehabilitation services. The application must be signed and dated by the applicant or applicant's designated representative.

Subp. 3. **Legal representative.** All signature requirements placed on an applicant or eligible individual by this chapter may be satisfied by the signature of an applicant's or eligible individual's legal representative. All written notices which must be provided to an applicant or eligible individual under this chapter must be provided to the applicant's or eligible individual's legal representative unless providing the information would violate provisions of the Minnesota Data Practices Act.

Subp. 4. **Designated representative.** An applicant or eligible individual or legal representative of the same may designate one person to represent the applicant or eligible individual in any matter pertaining to the applicant's or eligible individual's request for or receipt of rehabilitation services. The applicant or the eligible individual shall designate a representative in writing and shall not designate more than one representative at any given time. SSB shall provide an applicant's or eligible individual's designated representative with a copy of a written notice only if specifically authorized to do so in writing by the applicant or eligible individual.

Subp. 5. **Initial interview.** A vocational rehabilitation counselor shall personally interview each person referred to or who applied to SSB for vocational rehabilitation services within 30 days unless exceptional and unforeseen circumstances beyond SSB's control make it impossible to do so or unless otherwise agreed upon by the individual and the vocational rehabilitation counselor. As part of the interview, the vocational rehabilitation counselor shall:

A. explain that the purpose of the vocational rehabilitation program is that the individual achieves an employment outcome consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice, and, to the maximum extent appropriate, that it results in employment in an integrated setting;

- B. explain the vocational rehabilitation process, including roles and responsibilities;
- C. explain other services offered by SSB;
- D. request the applicant to provide the information needed to determine eligibility; and
- E. inform the referral or applicant of the:
  - (1) protection, use, and release of personal information in accordance with Code of Federal Regulations, title 34, section 361.38, and Minnesota Statutes, section 13.791;
  - (2) right of appeal under part 3325.0478;
  - (3) services available and information on how to contact the client assistance program; and
  - (4) identity of and means to contact organized support and advocacy groups of the blind and deafblind in Minnesota.

As part of the interview, SSB shall provide each individual with a written summary of the information referenced in items A to C and E.

Subp. 6. **Selection of program.** SSB direct service staff shall assume that all referrals to SSB are for the purpose of vocational rehabilitation unless the referral expressly and unequivocally states the referral does not want to pursue an employment outcome. In that case, SSB shall provide the individual with information about other SSB programs.

Subp. 7. **Residency.** No applicant who is present in Minnesota may be denied rehabilitation services on the basis of residency.

Subp. 8. **Access to contents of record of services.** Access to the contents of an applicant's or eligible individual's record of services or to any other information maintained by SSB that pertains to an applicant or eligible individual must be administered by SSB in accordance with the Minnesota Data Practices Act, Minnesota Statutes, chapter 13, and all other applicable laws and regulations.

Subp. 9. **Written communication.** All written communication with an individual must be supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual.

**Statutory Authority:** *MS s 248.07*

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

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