

## Section 2 – Definitions

The following definitions apply to this manual:

**"Appropriate modes of communication"** means specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed captioned videos, specialized telecommunications services and audio recordings, Brailled and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials.

**"Architectural alteration services"** means services provided to adapt or modify a consumer's home or small business. These services may include architectural consultation, design, construction and inspection to determine whether the services meet the necessary building and accessibility codes and consumer needs.

**"Assistive technology device"** means 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 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*\*, including:

- A. the evaluation of the needs of an *individual with a disability*\*, including a functional evaluation of the individual in his or her customary environment;
  - B. purchasing, leasing, or otherwise providing for the acquisition by an *individual with a disability*\* of an *assistive technology device*\*;
  - C. selecting, designing, fitting, customizing, adapting, applying, maintaining, 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 an *individual with a disability*\* or, if appropriate, the family members, guardians, advocates, or authorized representatives of the individual;
- and
- F. training or technical assistance for professionals (including individuals providing education and rehabilitation services) employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities, to the extent that training or technical assistance is necessary to the achievement of an employment outcome by an *individual with a disability*\*.

**"Commensurate"** means, with respect to the comparison of various programs or services, those programs or services which will enable the consumer to, as applicable:

- A. complete the assessment for determining eligibility and priority for services;

- B. complete the assessment for determining rehabilitation needs; or
- C. achieve an *employment outcome*\*

**"Community rehabilitation program"** means a program that provides directly or facilitates the provision of *vocational rehabilitation services*\* to individuals with disabilities, and that provides, singly or in combination, for an *individual with a disability*\* to enable the individual to maximize opportunities for employment, including career advancement: (A) medical, psychiatric, psychological, social, and vocational services that are provided under one management; (B) testing, fitting, or training in the use of prosthetic and orthotic devices; (C) recreational therapy; (D) physical and occupational therapy; (E) speech, language, and hearing therapy; (F) psychiatric, psychological, and social services, including positive behavior management; (G) assessment for determining eligibility and vocational rehabilitation needs; (H) rehabilitation technology; (I) job development, placement, and retention services; (J) evaluation or control of specific disabilities; (K) orientation and mobility services for individuals who are blind; (L) extended employment; (M) psychosocial rehabilitation services; (N) *supported employment services*\* and *extended services*\*; (O) services to *family members*\* when necessary to the vocational rehabilitation of the individual; (P) *personal assistance services*\*; (Q) services similar to the services described in paragraphs (A) through (P) of this definition. For the purposes of this definition, the word program means an agency, organization, or institution, or unit of an agency, organization, or institution, that provides directly or facilitates the provision of *vocational rehabilitation services*\* as one of its major functions.

**"Comparable services and benefits"** means services and benefits that are:

- A. provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits;
- B. available to the individual at the time needed to achieve the *employment outcome*\* in the individual's employment plan; and
- C. *commensurate*\* to the services that the individual would otherwise receive from the bureau;

**"Competitive employment"** means work,

- A. in the competitive labor market that is performed on a full-time or part-time basis in an *integrated setting*\*; and
- B. 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.

**"Employment outcome"** means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time *competitive employment*\* in the *integrated*\* labor market, *supported employment*\*, self-employment, telecommuting, or business ownership.

**"Experimental procedure"** means a medical, rehabilitation, educational or related service, device or methodology which is unproven or is not generally accepted as effective within the professional discipline best able to evaluate the procedure;

**“Extended services”** means *ongoing support services\** and other appropriate services needed to support and maintain an *individual with a most significant disability\** in *supported employment\** that:

- A. are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual in maintaining *supported employment\**;
- B. are based on a determination of the needs of an eligible individual, as specified in the employment plan; and
- C. are provided by a state agency, nonprofit private organization, employer, or any other appropriate resource, after an individual has made the transition from support provided by BRS.

**"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 any relative by blood or marriage of a consumer with a disability and other individuals living in the same household with whom the consumer with a disability has a close interpersonal relationship.

**"Impartial hearing officer"** means an individual who:

- A. Is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education). An individual is not considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by the agency to serve as a hearing officer;
- B. Is not a member of the BRS State Rehabilitation Council;
- C. Has not been involved previously in the vocational rehabilitation of the consumer;
- D. Has knowledge of the delivery of vocational rehabilitation services, the State plan, and the Federal and State regulations governing the provision of services;
- E. Has received training with respect to the performance of official duties; and
- F. Has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual.

**"Individual with a disability"** means an individual who,

- A. has a *physical or mental impairment\** which for such individual constitutes or results in a substantial impediment to employment; and
- B. can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

**“Individual with a most significant disability”** means an *individual with a significant disability\** who:

- A. has serious limitations in a total of three or more functional areas (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an *employment outcome\**; or
- B. will require significant ongoing disability-related services on the job in order to maintain employment following case closure with the bureau.

**"Individual with a significant disability"** means an *individual with a disability\** who has a severe physical or mental impairment which 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 an *employment outcome\**, whose vocational rehabilitation can be expected to require multiple *vocational rehabilitation services\** over an extended period of time, and 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), paraplegia, quadriplegia, and other spinal cord conditions, 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;

**"Informal review"** means an informal procedure through which the bureau affords an opportunity to a consumer, or if appropriate, his or her parent, guardian or other representative, to express and seek remedy for dissatisfaction with any determinations made by the bureau concerning the provision or denial of such services. An informal review does not constitute a "contested case" within the meaning of section 4-166(2) of the Connecticut General Statutes;

**"Informed choice"** means that the individual:

- A. has meaningful options from which to choose;
- B. understands his or her abilities, capabilities and interests related to *the employment outcome\**; and
- C. participates in a planning process with bureau staff which considers such issues as:
  - i. relevant factors regarding choices made in the rehabilitation process. This includes, but is not limited to, service provider effectiveness and consumer satisfaction, relative cost of service options and labor market trends; and
  - ii. applicable laws, regulations, state plan provisions and policy which establish parameters within which choices must be made;

**"Institution of higher education"** means a university, college, junior college, community college, vocational school, technical school or other post secondary institution legally authorized to provide a program of education beyond secondary education;

**"Integrated setting"**

- A. with respect to the provision of services, means a setting typically found in the community in which consumers interact with non-disabled individuals other than non-disabled individuals who are providing services to those consumers.
- B. with respect to an employment outcome, a setting typically found in the community in which consumers interact with non-disabled individuals, other than non-disabled individuals who are providing services to those consumers, to the same extent that non-disabled individuals in comparable positions interact with other persons;

**“Maintenance”** means monetary support provided to a consumer for those 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 a program of vocational rehabilitation services;

**“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. The mediator must be a qualified impartial mediator;

**“Ongoing support services”** means services

- A. provided to *individuals with the most significant disabilities\**;
- B. provided, at a minimum, twice monthly:
  - i. to make an assessment, regarding the employment situation, at the worksite of each such individual in *supported employment\**, or, under special circumstances, especially at the request of the consumer, off site; and
  - ii. based on the assessment, to provide for the coordination or provision of specific intensive services, at or away from the worksite, that are needed to maintain employment stability; and
- C. consisting of:
  - i. a particularized assessment supplementary to the assessment for determining rehabilitation needs;
  - ii. the provision of skilled job trainers who accompany the individual for intensive job skill training at the worksite;
  - iii. job development, job retention, and placement services;
  - iv. social skills training;
  - v. regular observation or supervision of the individual;
  - vi. follow-up services such as regular contact with the employers, the individuals, the individuals’ representatives, and other appropriate individuals, in order to reinforce and stabilize the job placement;
  - vii. facilitation of natural supports at the worksite;
  - viii. any other *vocational rehabilitation service\**;
  - ix. a service similar to another service described in this definition;

**“Personal assistance services”** means a range of services designed to assist an *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. The services must be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. The services must be necessary to the achievement of an *employment outcome\** and may be provided only while the individual is receiving *other vocational rehabilitation services\**. The services may include training in managing, supervising and directing personal assistance services;

**“Physical or mental impairment”** means,

- A. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal,

- special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and specific learning disabilities; or
- B. Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

**"Post-employment services"** means one or more *vocational rehabilitation 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, and interests;

**"Rehabilitation engineering"** means 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"** means 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 areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes *rehabilitation engineering\**, *assistive technology devices\**, and *assistive technology services\**;

**"Representative" or "individual's representative"** means any representative chosen by the consumer, 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;

**"Substantial impediment to employment"** means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) hinders an individual from entering into, engaging in, retaining or preparing for employment consistent with the individual's capacities and abilities;

**"Supported Employment"** means:

- A. *competitive work\** in an *integrated\** work setting or employment in integrated work settings in which individuals are working toward competitive work *with ongoing support services\** for *individuals with the most significant disabilities\**,
- i. for whom *competitive employment\** has not traditionally occurred or has been interrupted or intermittent as a result of a significant disability; and
  - ii. who, because of the nature and severity of their disabilities, need intensive supported employment services from the bureau and extended services after transition in order to perform this work; or
- B. *transitional employment\** for individuals with the most significant disabilities due to mental illness;

**“Supported employment services”** means *ongoing support services\** and other appropriate services needed to support and maintain an *individual with a most significant disability\** in *supported employment\** that:

- A. are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual to achieve *competitive employment\**;
- B. are based on a determination of the needs of an eligible individual, as specified in an employment plan; and
- C. are provided by BRS for a period of time not to extend beyond 18 months, unless under special circumstances the eligible individual and rehabilitation counselor or other appropriate bureau staff jointly agree to extend the time in order to achieve the rehabilitation objectives identified in the Employment Plan;

**"Transition services"** means a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the individual student's needs, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student's individualized plan for employment;

**"Transitional employment"**, as used in the definition of *supported employment\**, means a series of temporary job placements in competitive work in *integrated settings\** with *ongoing support services\** for individuals with the *most significant disabilities\** due to mental illness. In transitional employment, the provision of *ongoing support services\** must include continuing sequential job placements;

**"Vocational training"** means instruction designed to prepare a consumer to perform a particular skill or occupation.

**“Vocational rehabilitation services”** are defined as services described in an Employment Plan which are necessary to a consumer in preparing for, securing, retaining, or regaining an *employment outcome\** consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and *informed choice\** of the individual.

- A. assessment for determining eligibility and priority for services, as described in Ch. II §2 of this manual;
- B. assessment for determining vocational rehabilitation needs, as described in Ch. III §1;
- C. vocational rehabilitation counseling and guidance, including information and support services to assist an individual in exercising *informed choice\** in the development of an employment plan;
- D. referral and other services necessary to help applicants and eligible individuals secure needed services from other agencies and to advise those individuals about the Client Assistance Program (CAP);
- E. physical and mental restoration services, as described in Ch. III §4(b);

- F. vocational and other training services, as described in Ch. III §4(a);
- G. *maintenance\**, as described in Ch. III §4(d);
- H. transportation, as described in Ch. III §4(c);
- I. vocational rehabilitation services to the *family member\** of an *individual with a disability\** that are necessary to assist the individual to achieve an *employment outcome\**;
- J. interpreter services for individuals who are deaf or hard of hearing and tactile interpreting services for individuals who are deaf-blind;
- K. reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind;
- L. job search and placement assistance and job retention services;
- M. *supported employment services\**, as described in Ch. III §4(h);
- N. on-the-job or other related *personal assistance services\** provided while an individual is receiving other vocational rehabilitation services;
- O. *post-employment services\**;
- P. occupational licenses, tools, equipment, initial stocks, and supplies;
- Q. *rehabilitation technology\**, as described in Ch. III §4(e), including vehicular modification, telecommunications, sensory and other technological aids and devices;
- R. transition services for students with disabilities that facilitate the achievement of the *employment outcome\** identified in the Employment Plan;
- S. self-employment services, as described in Ch. III §4(i);
- T. homemaker services, as described in Ch. III §4(j);
- U. other goods and services determined necessary for the consumer to achieve an *employment outcome\**.