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| OREGON COMMISSION FOR THE BLIND |
| INDEPENDENT LIVING SERVICES POLICY MANUAL |
| Revised 7/7/13 |

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Adopted by Commission Board on 7/26/13

1. **INTRODUCTION**

The Oregon Commission for the Blind’s (OCB) Independent Living (IL) Program is designed to provide a variety of services that enhance the ability of Oregonians who are blind or visually impaired to live as productively and independently as possible.

The following policies and procedures provide a framework in which services will be delivered in an equitable and consistent manner while at the same time meeting all applicable federal and state statutes and agency procedures. The policies and procedures will encompass all IL services provided from the following funding sources: Title VII – Chapter 1 – Individuals with Significant Disabilities- Part B **(IL PartB)** and Title VII – Chapter 2 – Independent Living Services for Older Individuals Who are Blind **(ILOB**). State funds and any other funds designated to operate the Independent Living Services program will also be used.

1. **Definitions**

The following defines terms used in this manual:

*Referral*—is an individual who has been referred to the agency for services or who has expressed interest in services but who has not yet signed an application for IL services.

*Applicant—*is an individual who has signed an application for services.

*Client*—is an individual who is visually impaired or blind who has applied and been found eligible for IL services or who may have been served in the past.

*IL case manager*—is an agency staff person, typically a rehabilitation teacher, who is responsible for processing an individual’s case from application, eligibility, service provision, and closure.

1. **ILOB PROGRAM**
2. **ILOB Eligibility Requirements**

 To qualify for the ILOB program, an individual must be

1. “An individual age 55 or older whose significant visual impairment makes competitive employment extremely difficult to obtain but for whom independent living goals are feasible.” (Chapter 2, Section 751 of the Rehabilitation Act)

For OCB’s ILOB program, OCB defines a significant visual impairment as a medical condition that is congenital or organic in nature and which has resulted in loss of sight to a level that it impedes an individual’s ability to perform daily living activities or to live independently.

The presence of a visual impairment may be determined through eye reports from an ophthalmologist or optometrist or through OCB IL case manager assessment.

**B. ILOB Process**

1. The IL case manager or agency representative contacts the referral to assess and determine referral’s eligibility and to identify the referral’s needs. Service options are discussed.
2. If the referral meets eligibility requirements to qualify for this program and wants services, the referral signs an application for ILOB services to become both an applicant and client.
3. During the application process, the applicant/client also receives information about their rights and Client Assistance Program (CAP)/Disability Rights Oregon information.
4. Oregon voter registration assistance is provided if needed.
5. Individualized assessment and services are provided which have been mutually agreed upon between the client and IL case manager. These services are provided to meet the needs, interests, and goals of the client taking into consideration the client’s level of vision loss, the possible presence of additional disabling conditions, client’s living situation and support system.
6. As services are provided, progress notes are created documenting the services provided and service outcomes.
7. Once services are completed, the case manager will wait a minimum of 30 days before closing the client’s case.
8. If the client desires further services after the case is closed, a new application may be taken so that further services may be provided.

**C. ILOB Services**

Most services are provided one-to-one with each eligible client. However, services may also be provided in group settings. Services may be provided in the client’s residence, in the community, or at the agency.

ILOB funds can be expended to provide independent living services to older individuals who are blind; to conduct activities that will improve or expand services for such individuals; and to conduct activities to help improve understanding of the problems of such individuals.

The following are types of services that can be provided to eligible individuals. Services provided are always dependent upon the availability of funds.

1) services to help correct the effects of blindness, such as the provision of visual aids; visual screening;

2) the provision of services and equipment to assist an individual who is blind to become more mobile and more self-sufficient;

3) mobility training, braille instruction, and other services and equipment to help an individual who is blind adjust to blindness;

4) any other appropriate service designed to assist an individual who is blind in coping with daily living activities, including rehabilitation teaching services;

5) independent living skills training, information and referral services, peer counseling, and individual advocacy training; and

6) other independent living services.

1. **IL PART B PROGRAM**
2. **IL Part B Eligibility Requirements**

To qualify for OCB’s IL Part B program:

1. The applicant must be legally blind, and…
2. The applicant must be someone who can benefit from the delivery of IL services to improve their ability to function, continue functioning, or move toward functioning independently in the family or community, and...
3. The applicant must be age 16 or older and not eligible for services from the secondary school system.

 OCB uses the following definition for legal blindness [Oregon Revised Statue 585-010-0020 Definition of Blindness for Vocational Rehabilitation]:

A person shall be considered blind who has been diagnosed by a qualified physician to have a medical condition that is –

1. congenital or organic in nature, and
2. results in loss of sight to the extent that the person’s central visual acuity does not exceed 20/200 in the better eye with best correction, or
3. the person’s central visual acuity exceeds 20/200 but is accompanied by limitation of the visual field to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

A person is not considered blind who has a functional disorder that does not have a known organic or structural cause.

Blindness would be determined through eye reports from an ophthalmologist or optometrist. These reports are reviewed by the agency’s eye consultant who confirms legal blindness.

1. **IL Part B Process**
2. When the IL case manager first calls the referral to obtain and provide basic information, the case manager or agency representative must obtain a copy of the referral’s eye report if the agency doesn’t already have this information. When possible this report should be received before arranging to meet with the individual because an individual must be legally blind in order to be served in this program. Once the eye report is received, the report will be submitted to the agency’s eye consultant to confirm legal blindness.
3. After the eye consultant confirms legal blindness, the case manager will meet with the referral to discuss the referral’s needs and services in further detail. If the referral is not legally blind and does not qualify for other agency programs, the individual will be referred to other resources when possible.
4. If interested in pursuing services, the referral or their legal representative must sign an application for IL Part B services and information about their rights and responsibilities and Client Assistance Program (CAP)/ Disability Rights Oregon information must be provided.
5. Oregon voter registration assistance is provided if needed.
6. The IL case manager determines eligibility and if eligible, the case manager and client identify and mutually agree on the services that the client needs and wants. These services are designed to meet the needs, interests, and goals of the client taking into consideration the client’s level of vision loss, the possible presence of additional disabling conditions, client’s living situation and support system.
7. These services must be included in a written IL Part B Plan which includes the objectives to be achieved, the services to be provided to achieve the objectives, projected start and ending dates of the service, who is providing and paying for the service, responsibilities required in providing the service, and any comparable benefits available to the client.
8. The client or client’s legal representative and the agency case manager must sign the IL Part B Plan before services are initiated. If the client chooses not to have an IL Part B Plan developed, the client or client’s legal representative and the agency case manager may sign an IL Part B Waiver instead of a plan. Services will be provided as if a plan had been developed.

When possible a plan is encouraged because it specifies the detail of services that are planned with projected timelines for service provision and completion. This can be especially helpful when services are anticipated to last over an extended period of time. The decision to do a plan or waiver is solely the client’s choice.

The objectives and services planned will vary from client to client and are based on expressed individual needs and interests.

1. The client will be given a copy of the signed plan or waiver in their preferred accessible medium.

Independent Living Plans and Waivers are required when using IL Part B funds regardless of whether clients receive purchased services or products or services provided directly by agency staff. Both purchased and significant non-purchased services such as training provided directly by agency staff must be included in the plan when plans are developed.

1. The IL Part B Plan or services provided through a Waiver will be periodically reviewed at a minimum of once a year while active. The review will be completed by the client and the client’s agency case manager. The case manager will document that a review took place and the outcome of the review.
2. If an IL Part B Plan was developed and changes need to be made to the plan, an IL Part B Plan Amendment should be developed reflecting the changes. The client or client’s legal representative and the agency case manager need to sign the amendment showing mutual agreement with the changes made.
3. As services are provided, progress notes are created documenting service outcomes and the client’s progress in meeting independent living goals.
4. After planned services have been completed, case closure will be discussed with the client and the client’s case will be closed.
5. If the client desires further services after the case is closed, the steps under IL Part B Process are repeated starting with a new application for service. If the client’s vision has not improved since they were last served, existing eye information can be used to establish eligibility. If the client reports that their vision has improved significantly, then a new report should be obtained to ensure that the client is still legally blind.
6. **IL Part B Services**

In providing IL services as required under section 704( e) of the Act and 34 CFR 364.43(b), a State may use funds provided under this part to provide directly, or through grants or contracts, the following IL core services:

1. Information and referral services
2. IL skills training
3. Peer counseling, including cross-disability peer counseling
4. Individual and systems advocacy

In addition to the IL core services, the State may also use funds received under Part B of Chapter 1 of Title VII of the Act to provide other IL services defined in 34 CFR 364.4 (Independent living services). Services provided are always dependent upon the availability of funds.

1. **Case Documentation for ILOB & IL Part B**

While cases are in active status, the IL case manager will document pertinent information essential for efficient and complete service delivery and collect federally required information needed for reporting purposes. The information must be inputted into the agency’s automated case management system.

Narratives must be completed regarding all significant contacts made with or on behalf of the client and must be included in case documentation.

1. **Case File Content**

IL case managers are responsible for ensuring that necessary documentation is contained within all case files to meet all federal and state statutes.

Hard case files should contain the following information:

- Documentation of visual impairment (doctor reports are only required for IL Part B to establish legal blindness)

- Signed application for ILOB or IL Part B

- Acknowledgement that voter registration was offered and CAP/Disability Rights Oregon was discussed

- Signed IL Part B Plan or Waiver

- ADL Assessment forms and Pre/Post skill level forms as appropriate

- All required forms to establish/maintain eligibility

- Federally required data for ILOB or IL Part B

- Authorizations for purchased services/products

- Signed equipment loan receipts and ownership transfer forms as appropriate

- Low Vision functional assessment as appropriate

- Reports from other service providers as appropriate

- Correspondence

- Narrative entries, completed by the assigned rehabilitation teacher/case manager on all case activity

- Miscellaneous information collected

1. **Housing of Case Files**

All IL files are the permanent property of OCB. The files will be housed in secure locations.

 Agency procedures for storing and purging client files will be used.

1. **Client Access and Review of Case Files**

The IL Program Manager will be advised of all scheduled reviews and the reasons for the review, as given by the client.

The client may not remove documents from the file. A staff person will make copies of individual pages from the file for the client. These copies are subject to all confidentiality procedures and charges according to ORS 585-001-0008 Establishing Fees for Public Records.

1. **ILOB & IL Part B Administrative Policy**
2. **Legal Authority**

Legal authority is the Rehabilitation Act of 1973, as amended, Title VII, Chapter 1 – Part B and Chapter 2-Independent Living Services for Older Individuals Who are Blind**.**

All facets of services provided by OCB’s Independent Living services shall be in strict compliance with all applicable state and federal statutes.

1. **Civil Rights Provisions**

OCB will provide services without regard to sex, race, age, religion, creed, color, or national origin excepting those restrictive age requirements of the Chapter 2 program.

All facilities, paid agents, and vendors utilized by OCB must comply with Title VI of the Civil Rights Act of 1964, and section 504 of the Rehabilitation Act of 1973, as amended.

1. **Affirmative Action**

OCB follows an Affirmative Action Plan that provides equal employment opportunity and advancement for qualified physically or mentally disabled persons and members of all racial and ethnic minority groups.

1. **Residency**

The following describes residency requirements for each IL program:

--For IL Part B, the client must be present in Oregon. There are no other requirements, duration or otherwise, imposed by Oregon law in establishing/maintaining residency.

--For ILOB, the client must be a resident in Oregon. There are no other requirements, duration or otherwise, imposed by Oregon law in establishing/maintaining residency.

1. **Duration of Services**

No time limit will be placed on services. Cases will be active for varying time periods depending on the needs of the client. In addition, cases may be reactivated if the client’s circumstances give rise to the need for additional services. Services are terminated on an individual basis after consultation and agreement between the rehabilitation case manager and the client.

The agency does not hold cases open indefinitely because the agency goal is to encourage independence. This also allows the agency to use its limited IL resources to continually serve more new clients who are needing assistance. Clients who were formerly served can always reapply for additional services as their needs change and they would be prioritized in the same way as any new referral is prioritized.

1. **Purchases**

When making any client and non-client related purchases in the ILOB or IL Part B Programs, agency procedures, state, and federal rules will be followed.

The following agency procedure documents are the primary ones followed for client and non-client program purchases:

--Oregon Commission for the Blind Procedures for Purchases & Payments for Client and Non-Client related Purchases (located in agency shared drive as Procurement- Client and Non-Client Purchase procedures)

-- Oregon Commission for the Blind- Policy/Procedure RESALE/INVENTORY TRACKING (located in agency shared drive as Resale Inventory Tracking)

Budgetary limitations will impact the quantity and cost of equipment and services that can be made available to clients.

1. **Accessibility**

OCB will endeavor to ensure that all clients are able to fully participate in services offered, regardless of their communication needs. Interpreter services will be provided as needed.

Copies of OCB documents will be provided to clients in their preferred alternate format whenever possible. If it is demonstrated by OCB that a requested alternate format would result in a fundamental alteration or undue financial burden to the agency, that format may not be able to be provided. However, in such instances, alternative options will be made available.

1. **Order of Priority for Service Delivery**

Generally, referrals are processed based on the date they are received. If referrals cannot be processed in a timely manner, a waiting list will be established. The referrals will then be processed according to the following priority list:

1. A client’s safety is at risk unless services are obtained.
2. New referrals by date with priority given to
3. Referral in need of instruction/services in order to remain or become more independent in their home, apartment, or retirement home where no or minimal staff support is provided for daily living tasks.
4. Referral in need of instruction/services in order to become more independent while living in an environment such as assisted living, adult foster home, or nursing home where extensive staff support is provided for daily living tasks.
5. **Client Appeal Process**

If a client is not satisfied with any action taken with regard to the furnishing or denial of Independent Living Services, the client may request an informal review with the IL Program Manager and/or the Vocational Rehabilitation Director. This process may not be used as a means to delay a more formal review, but may be used if likely to result in a more timely resolution of disagreements. The client may choose to have the informal review by phone or in the offices of OCB. The discussion or meeting must take place within 10 working days of the client's request.

If the client is not satisfied at the conclusion of the informal review, an Administrative Review by the agency Administrator may be requested in writing. The Administrator will schedule an Administrative Review within 30 days of receiving the request. During the meeting, the Administrator will consider all information provided by the client and/or his/her representatives, as well as the Vocational Rehabilitation Director and the Independent Living Program Manager. The Administrator will advise the client of his/her conclusions, in writing within 10 days of the Administrative Review. The Administrator will cite specific written policies and procedures to support his/her decision. The decision of the Administrator shall be final.

The IL rehabilitation case manager will advise and provide information about the Client Assistance Program (CAP)/Disability Rights Oregon at the point of application for services.

If a client disagrees with any decision regarding the denial or delivery of services, they will again be advised of the availability of the Client Assistance Program (CAP)/ Disability Rights Oregon, as well as their right to an informal administrative review and/or a formal administrative review.

1. **Confidentiality and Release of Information**

Information about a client shall not be released to any individual or organization outside OCB without the expressed written permission of the client. Copies of signed completed release of information forms should identify to whom the information is being released and the type of information that is being released. This release of information form must be placed in the client’s file. The maximum amount of time a release can be valid is for one year from the date of signature.

The client does have the right to refuse to release his/her information. In this event, no information will be released except as required by legal action.

Medical, psychological, or other information that the agency determines may be harmful to the client may not be released directly to the client, but will be provided to the client through a third party chosen by the client, which may include, among others, an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the client, in which case the information must be released to the court-appointed representative.

The agency must release personal information if required by Federal law or regulations.

The agency must release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by Federal or State laws or regulations, and in response to an order issued by a judge, magistrate, or other authorized judicial officer.

The agency also may release personal information in order to protect the client or others if the client poses a threat to his or her safety or to the safety of others.

If personal information has been obtained from another agency or organization, it may be released only by, or under the conditions established by, the other agency or organization. With the client's written permission, the agency can re-release information (ex: send eye or medical information to a third party) as long as the original document is not stamped or marked by the originating source prohibiting the re-release of the information.

Client eye reports collected by the agency will be released to the client or his/her representative upon request.

If the agency requests information regarding a client from a source outside of OCB, the client must sign a Release of Information form prior to making the request.

**K. Transfer of Cases**

In general, teachers serve clients within specific geographic territories. If for whatever reason, a case needs to be transferred, the client will be notified in person, by phone, or in writing.

 **L. Client Satisfaction Surveys**

At least once a year in each IL program a client satisfaction survey will be conducted from a randomly sampled list of clients who have completed services. Primarily, the survey is conducted telephonically but the client can request that the survey be sent to them in their preferred media. If mailed, clients will be provided with a self-addressed, stamped envelope for return mailing purposes. The client’s case manager may not under any circumstances assist the client in completing the survey. The survey results will remain anonymous.

 **M. OCB Registry**

Oregon law requires that OCB maintain a registry of legally blind individuals who live within the State. When eye reports are received from eye doctors, these reports should be submitted to the agency’s eye consultant for review so the consultant can confirm legal blindness, determine if the report information is sufficient to determine legal blindness, assist with coding the eye condition, and comment on the progressive nature of the condition. The eye information, regardless of legal blindness, is entered into the agency’s registry. The agency can then track statewide the number of people served with different kind of eye conditions and can track level of visual impairment.

 **N. Case Statistics**

Statistical data will be tracked as needed to complete all required federal and state reports relating to all funding sources. The IL Program Manager is responsible for including the appropriate data in the reports and maintaining accurate instructions for data entry.

 **O. Availability of Policy**

IL policy may be made available in the preferred medium requested.