

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
REHABILITATION SERVICES DIVISION**

**CHAPTER 1240-08-11
SUPPORTED EMPLOYMENT SERVICES PROGRAM**

TABLE OF CONTENTS

1240-08-11-.01 Purpose	1240-08-11-.04 Provision of Services
1240-08-11-.02 Definitions	1240-08-11-.05 Case Closure
1240-08-11-.03 Eligibility for Supported Employment	

1240-08-11-.01 PURPOSE.

The Department of Human Services, Division of Rehabilitation Services (DRS), is the designated state entity for the administration of the Supported Employment Services Program. This chapter sets forth the guidelines of the Tennessee Division of Rehabilitation Services (DRS) to be used for administering the State's Supported Employment Services Program.

Authority: T.C.A. §§4-5-202; 71-1-105(12); PL 93-112, as amended by PL 99-506; 34 C.F.R. §§ 361; 363.1 et seq. **Administrative History:** Original rule filed August 22, 1988; effective November 29, 1988. Amendment filed July 12, 2002; effective September 25, 2002. Repeal and new rule filed June 30, 2009; effective September 13, 2009.

1240-08-11-.02 DEFINITIONS.

- (1) "Competitive Employment" means work that is performed on a full-time basis or part-time basis in an integrated setting and for which an individual is compensated at or above minimum wage, but not less than the customary or usual wage paid by the employer for the same or similar work performed by individuals who do not have a disability.
- (2) "Integrated Setting" means:
 - (a) A work setting typically found in the community in which an individual with a most significant disability interacts with individuals who do not have disabilities to the same extent that individuals without disabilities in comparable employment interact with other persons; or
 - (b) A work setting where a small work group of not more than eight (8) individuals with disabilities have regular contact with workers without disabilities (e.g., breaks and lunch time), other than staff providing support services, in the immediate work area.
- (3) "Supported Employment" means competitive employment in an integrated work setting with ongoing support services for individuals determined by DRS to have the most significant disabilities.

These are individuals:

- (a) For whom competitive employment has not traditionally occurred or has been interrupted or intermittent as a result of significant disabilities; and
- (b) Who, because of the nature and severity of their disabilities, need intensive supported employment and extended services after transitioning from DRS services in order to perform this work; or

(Rule 1240-08-11-.02, continued)

- (c) Who require transitional employment for individuals with the most significant disabilities due to mental illness.
- (4) "Most Significant Disability" means an individual meets the following three (3) criteria:
 - (a) The individual has a severe physical or mental disability which seriously limits two (2) 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;
 - (b) The individual's vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
 - (c) The individual 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 other disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause substantial functional limitation.
- (5) Transitional employment means a series of continuing sequential job placements, leading to job permanency, in competitive employment in an integrated work setting with ongoing supports for individuals with a most significant disability due to mental illness.
- (6) Extended services means services that are provided by another State entity, private nonprofit organization, employer, or any other appropriate resource other than DRS that are needed to maintain an individual with a most significant disability in supported employment after transition from DRS services.

Authority: T.C.A. §§4-5-202; 71-1-105(12); PL 93-112, as amended by PL 99-506; 34 C.F.R. §§ 361; 361.5; 363.6. **Administrative History:** Original rule filed August 22, 1988; effective November 29, 1988. Amendment filed July 12, 2002; effective September 25, 2002. Repeal and new rule filed June 30, 2009; effective September 13, 2009.

1240-08-11-.03 ELIGIBILITY FOR SUPPORTED EMPLOYMENT.

The rehabilitation counselor determines eligibility for supported employment based on an exploration, including a review of existing information, of the individual's abilities, capabilities, and capacity to perform in work situations.

- (1) An individual who is eligible for supported employment must meet the eligibility criteria for vocational rehabilitation services:
 - (a) The individual has a physical or mental impairment that constitutes or results in a substantial impediment to employment;
 - (b) The individual requires vocational rehabilitation services to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and
 - (c) The individual can benefit in terms of an employment outcome from the provision of vocational rehabilitation services; and

(Rule 1240-08-11-.03, continued)

- (2) Must be an individual with a most significant disability:
 - (a) For whom competitive employment has not traditionally occurred or has been interrupted or intermittent as a result of significant disabilities; and
 - (b) Who, because of the nature and severity of their disabilities, needs intensive supported employment and extended services after transitioning from DRS services in order to perform this work; or
 - (c) Who requires transitional employment for individuals with the most significant disabilities due to mental illness.

Authority: T.C.A. §§4-5-202; 71-1-105(12); PL 93-112, as amended by PL 99-506; 34 C.F.R. §§ 361; 361.5; 363.1 et seq. **Administrative History:** Original rule filed August 22, 1988; effective November 29, 1988. Amendment filed July 12, 2002; effective September 25, 2002. Repeal and new rule filed June 30, 2009; effective September 13, 2009.

1240-08-11-.04 PROVISION OF SERVICES.

- (1) Supported employment services may be provided by DRS for a period of time not to exceed eighteen (18) months unless, under special circumstances, the eligible individual and the rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the IPE.
- (2) Supported employment services include:
 - (a) Evaluation to determine rehabilitation needs and to develop the Individualized Plan for Employment (IPE);
 - (b) Job placement, job training, stabilization, and other intensive services;
 - (c) Ongoing support services, defined as:
 1. Services needed to support and maintain an individual with a most significant disability in supported employment;
 2. Services based on a determination by DRS of the individual's needs;
 3. Services identified in an Individualized Plan for Employment (IPE);
 4. Services furnished by DRS from the time of job placement until transition from DRS services (transition occurs when ongoing support needs are minimal and job stability is maintained); and/or
 5. Services that consist of:
 - (i) At a minimum, twice-monthly monitoring at the worksite, or under specific circumstances, off-site monitoring, of each individual in supported employment to assess employment stability and to provide for the coordination and provision of specific services at or away from the worksite that are needed to maintain employment stability;
 - (ii) Particularized assessments to determine rehabilitation needs;
 - (iii) Services provided by skilled job trainers and job developers;

(Rule 1240-08-11-.04, continued)

- (iv) Social skills training and regular observation or supervision of the individual;
 - (v) Follow-up services to reinforce and stabilize the job placement;
 - (vi) Facilitation of natural supports at the worksite; and
 - (vii) Any other service within the scope of vocational rehabilitation services.
- (d) Transitional employment;
- (e) Extended services.

Authority: T.C.A. §§4-5-202; 71-1-105(12); PL 93-112, as amended by PL 99-506; 34 C.F.R. §§ 361; 361.5; 363.1 et seq. **Administrative History:** Original rule filed August 22, 1988; effective November 29, 1988. Amendment filed July 12, 2002; effective September 25, 2002. Repeal and new rule filed June 30, 2009; effective September 13, 2009.

1240-08-11-.05 CASE CLOSURE.

- (1) An individual who is receiving supported employment services is considered to be successfully rehabilitated if the individual maintains a supported employment placement for ninety (90) days after making the transition from DRS services.
- (2) The decision for closing a case will be made on an individual client basis by DRS. DRS services shall end at case closure unless post-employment services are necessary and can be provided in accordance with DRS policy.

Authority: T.C.A. §§4-5-202; 71-1-105(12); PL 93-112, as amended by PL 99-506; 34 C.F.R. §§ 361; 363.1 et seq. **Administrative History:** Original rule filed August 22, 1988; effective November 29, 1988. Amendment filed July 12, 2002; effective September 25, 2002. Repeal and new rule filed June 30, 2009; effective September 13, 2009.