Education and Workforce Development Cabinet
Department of Workforce Investment
Office of Vocational Rehabilitation
(Amended at ARRS Committee)

781 KAR 1:050. Carl D. Perkins Vocational Training Center.

RELATES TO: KRS 151B.190, Chapter 387, 34 C.F.R. 361.42, 29 U.S.C. §701 et seq.
STATUTORY AUTHORITY: KRS 151B.185, 151B.195
NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.195 authorizes the Executive Director, Office of Vocational Rehabilitation to promulgate administrative regulations governing the services and administration of the Office of Vocational Rehabilitation. This administrative regulation establishes the criteria for admission to and discharge from the Carl D. Perkins Vocational Training Center .

Section 1. Definitions.
(1) "Applicant" means an individual who has signed a letter or document requesting vocational rehabilitation services and for whom the following minimum information has been furnished: name and address, disability, age and sex, date of referral, and source of referral.
(2) "Director" means Division Director of the Carl D. Perkins Vocational Training Center (CDPVTC).
(3) "Discharge" means an individual:
(a) Does not have a further CDPVTC service provided; and
(b) Will be transported to the home area.
(4) "Eligible individual" means an individual who has been determined by an appropriate office staff member to meet the basic conditions of eligibility for vocational rehabilitation services as defined in 34 C.F.R. Part 361.

Section 2. Admissions Policy.
(1) An individual admitted to CDPVTC shall be an:
(a) Applicant of the Office of Vocational Rehabilitation for whom an assessment is needed prior to making an eligibility or ineligibility decision;
(b) Eligible individual of the Office of Vocational Rehabilitation who requires services of the type provided by CDPVTC, in order to benefit in terms of a competitive integrated employment outcome.
(2) A prospect for admission shall provide:
(a) A consent for CDPVTC to provide emergency medical care signed by:
1. The individual; or
2. If the individual is a minor or a person for whom the court has determined some form of guardianship or conservatorship is necessary, the individual's parent or guardian, as appropriate, subject to the limitations of KRS Chapter 387;
(b) An agreement assuming responsibility for living arrangements upon the individual's discharge from CDPVTC by:
1. The individual; or
2. If the individual is a minor or a person for whom the court has determined some form of guardianship or conservatorship is necessary, the individual's parent or guardian, as appropriate, subject to the limitations of KRS Chapter 387; and
(c) A description of each limitation that the individual has in performing an activity of daily living.
(3) An individual shall not be admitted to a CDPVTC program if there is evidence that a medical or behavioral condition represents a direct threat to the health or safety of self or

others. The determination of whether a condition exists shall be made by a written opinion from a CDPVTC professional with expertise concerning the identified condition, based upon documentation submitted at referral, and other information the professional shall gather as needed.

(4) If it is determined that the documentation submitted indicates the possibility that the individual's medical or behavioral condition represents a direct threat to self or others, the CDPVTC admissions counselor shall select a CDPVTC professional with expertise concerning the identified condition, and shall submit the documentation to that professional for an opinion.

(5) If the admissions counselor has requested an opinion from a CDPVTC professional, the decision of the professional shall determine whether the individual shall be admitted to CDPVTC during that referral. If the individual is referred at a later time, a new opinion shall be submitted.

(6) The admissions counselor or the admissions committee, as appropriate, shall, at the time that the individual is accepted for CDPVTC services for evaluation or treatment and training, establish a list of recommended services for the individual and make a referral to the appropriate service area.

(7) If a decision is made to accept an individual for admission, the individual shall be notified in writing of the decision, and the date of admission, and a copy of that notification shall be sent to the referral sources, as appropriate.

(8) The individual shall agree to and abide by the terms of the signed Individualized Plan for Employment and the Individualized Behavior Management Plan, as appropriate.

(9) If a decision is made not to admit an applicant or eligible individual to CDPVTC, the referral source shall be notified in writing of the decision with justification for that decision. The applicant or eligible individual shall be notified in writing of the decision with justification and informed of the availability of the Client Assistance Program and the right to appeal.

(10) An applicant or eligible individual may appeal the admissions decision. An appeal shall be pursuant to 781 KAR 1:010.

Section 3. Retention Policy. The decision to provide further services after an individual has completed a CDPVTC program shall be based upon:

(1)

(a) A further program shall be requested by the referral source; or

(b) A CDPVTC professional shall believe that the individual requires an additional service; and

(2) The availability of the program requested for the individual.

Section 4. Discharge Policy.

(1) An individual shall be voluntarily discharged from the CDPVTC if:

(a) The individual has completed a program of services, and is not qualified for another CDPVTC program;

(b) The individual does not desire further services from CDPVTC;

(c) The individual's medical condition requires treatment away from the CDPVTC for an extended period of time; or

(d) The individual wishes to leave CDPVTC

(2) An individual shall be involuntarily discharged from CDPVTC if:

(a) The individual fails to make progress in the program of services and efforts to resolve the problem have been unsuccessful;

(b) The individual is no longer qualified for the program and no other needed program is available; or

(c) The individual's behavioral condition deteriorates to the point of direct threat to the safety of others.

(3) An individual shall be discharged from CDPVTC without prior notice if necessary to prevent harm to a person or property, or to prevent serious disruption of a CDPVTC program.

Section 5. Due Process.

(1) The individual, or the parent or guardian if under eighteen (18) years of age or a person for whom the court has determined some form of guardianship or conservatorship is necessary, the referring counselor, or representative if applicable, shall be notified in writing or other appropriate format of the intent to discharge involuntarily with justification.

(2) The individual shall be given an opportunity to present facts and views in rebuttal to the director or a designee.

(3) The director or designee shall notify the individual, in writing or other appropriate format, with justification, of the involuntary discharge decision or of intent to rescind the intent to discharge.

(4) At the time an applicant or eligible individual is informed of the involuntary discharge decision, the individual shall be also informed of the availability of the Client Assistance Program and the right to appeal.

(5) An applicant or eligible individual may appeal the discharge decision. An appeal shall be pursuant to 781 KAR 1:010.

(17 Ky.R. 791; eff. 10-14-1990; 21 Ky.R. 560; eff. 10-6-1994; 25 Ky.R. 431; 845; eff. 10-1-1998; 26 Ky.R. 2032; 27 Ky.R. 115; eff. 7-17-2000; 48 Ky.R. 1011; 49 Ky.R. 48; eff. 10-4-2022.)

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