

CHAPTER 4
CASE MANAGEMENT AND RECORDS

Section 1. Case Record.

(a) DVR shall maintain for each applicant for, and recipient of, vocational rehabilitation services a case record which includes, to the extent pertinent, documentation that is stipulated in regulations of the Rehabilitation Act and its amendments. Case records will be destroyed three years after closure. If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3 year period, the records shall be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

Section 2. Confidentiality.

(a) All clients, applicants or client representatives shall be informed of the Division's need to collect certain personal information and its policies governing its use and confidentiality.

(b) The VR counselor shall explain to each client or applicant whether the provision of personal information is mandatory or voluntary and the effects of not providing requested information to DVR.

Section 3. Disclosure of Client Data.

~~(a) All client or applicant information acquired as a part of the rehabilitation process shall remain the property of the DVR and is strictly confidential.~~

~~(b) Client information shall only be used for purposes directly related to the administration of the vocational rehabilitation program. This information cannot be shared with anyone except Wyoming Division of Vocational Rehabilitation staff or other agencies with whom DVR has a written cooperative agreement, without the informed written consent of the client. Exceptions to this are when:~~

- ~~(i) — it is required by Federal or State laws (in cases where Federal and State laws differ, Federal law will supersede);~~
- ~~(ii) — it is in response to investigations in connection with law enforcement, fraud, or abuse except where expressly prohibited by Federal or State laws or regulations;~~
- ~~(iii) — it is in response to a judicial order;~~
- ~~(iv) — it is to be used as protection for the individual or others when the individual poses a threat to his or her safety or to the safety of others.~~

(a) All client or applicant information acquired as a part of the rehabilitation process shall remain the property of the Division of Vocational Rehabilitation and is strictly confidential.

(b) Client information shall only be used for purposes directly related to the administration of the individual's vocational rehabilitation program. This information cannot be shared with anyone except Wyoming Division of Vocational Rehabilitation staff, without the informed written consent of the client. Exceptions to this are when:

(i) Federal or State laws require it;

(ii) In response to investigations in connection with law enforcement, fraud, or abuse except where expressly prohibited;

(iii) It is in response to a judicial order; or

(iv) It is to be used as protection for the individual or others when the individual poses a threat to his or her safety or to the safety of others.

~~Section 4. Informed Written Consent.~~

~~(a) Information which pertains to a client or applicant shall not be released unless the counselor has documented that there is informed written consent of client or applicant to do so. This requires that the client or applicant has signed and dated a Release of Information form which:~~

~~(i) designates that DVR is authorized to release the information;~~

~~(ii) specifically designates the parties to whom the information may be released;~~

~~(iii) specifies the purpose for which the related information may be used;~~

~~(iv) designates the specific information to be released;~~

~~(v) (v) identifies the expiration date of the informed consent, not to exceed one year's duration.~~

~~(b) An employee of the Wyoming Division of Vocational Rehabilitation shall testify in court or in an administrative hearing, release records for testimony, only with the informed written consent or authorization of the individual with disabilities, parent or guardian as applicable, or unless served with an appropriate subpoena, and/or if ordered to testify by a judge or hearing officer.~~

Section 54. Client Access to Information.

~~(a) Clients or applicants or, as appropriate, their representatives have the right to see and obtain copies of any information in their DVR case file except:~~

- ~~(i) — medical or psychological information ascertained by the professional provider to be potentially harmful to the individual may not be released to the individual, but must be provided through his or her representative, a physician, or a licensed or certified psychologist.~~
- ~~(ii) — information obtained from another organization, agency, or provider may be released only under the conditions established by the other agency, organization or provider.~~

(a) Clients or applicants or, as appropriate, their representatives have the right to see and obtain copies of any information that DVR maintains on them except:

(i) medical, psychological, or other information which the counselor believes may be potentially harmful to the individual shall be provided to a third party chosen by the applicant or eligible individual.

(ii) authorized applicants or eligible individuals can request that misleading or inaccurate information in the individual's file be amended and have the request documented in the individuals file. If the information is not amended, the request for an amendment must be documented in the record of services (client file).

(iii) case service files must be available for inspection by the applicant or eligible individual.

(b) Secondary Release of Information

(i) If personal information, including psychological information, has been obtained from another agency or organization and includes a statement requesting that the information not be released, it can only be released by that other agency or organization. Information bearing this request will not be released directly to clients or their designated representatives.

(c) Informed Written Consent:

(i) Information, which pertains to a client or applicant, shall not be released unless the counselor has documented that there is informed written consent of client or applicant to do so. This requires that the client or applicant has signed and dated a Release of Information form which:

(A) designates the agency or person authorized to release the information;

(B) specifically designates the parties to whom the information may be released;

(C) specifies the purpose for which the related information may be used;

(D) designates the specific information to be released; and

(E) identifies the expiration date of the informed consent, not to exceed one year's duration.

~~Section 6. Informed Choice. Each individualized written rehabilitation program shall be designed to achieve an employment outcome. All eligible individuals will be active participants in the development of their rehabilitation program. Decisions will be made during the counseling interview. At that time, the eligible individual will be given the opportunity to suggest options and/or select among appropriate alternative goals, objectives, services and the methods used to provide or procure such services.~~

Section 6. Informed Choice:

(a) The qualified rehabilitation counselor will inform each applicant and eligible individual, including students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of the designated State unit, through appropriate modes of communication, about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice throughout the vocational rehabilitation process;

(b) Counselor will assist applicants and eligible individuals in exercising informed choice in decisions related to the provision of assessment services;

(c) Counselor will facilitate the provision of vocational rehabilitation services and afford eligible individuals meaningful choices among the methods used to procure vocational rehabilitation services;

(d) Counselor will assist eligible individuals or, as appropriate, the individuals' representatives in acquiring information that enables them to exercise informed choice in the development of their Individualized Plan for Employment (IPE's) with respect to the selection of the:

(i) Employment outcome;

(ii) Specific vocational rehabilitation services needed to achieve the employment outcome.