

CONSUMER CHOICE

AUTHORITY

The Rehabilitation Act of 1973 as amended
Federal Regulation: Section 361.52

For the purpose of this manual, use of the terms **must** or **shall** reflect requirements of Federal law or regulation or state law or administrative regulation and must be adhered to strictly.

PHILOSOPHY AND HISTORY OF INFORMED CHOICE

Vocational rehabilitation is all about choice. Working with a consumer to assist her or him in understanding options, possibilities, and choices is not just a part of the rehabilitation counseling profession, it is the heart of the profession and the job that rehabilitation counselors do every day.

Vocational Rehabilitation has always been about choice. As early as the 1920's, rehabilitation professionals worked with many individuals with disabilities who chose to work. Choice was exercised even at that early time. Consequently, as the program has grown and expanded over eighty years and as consumers have advocated for changes and continuous improvement in the public vocational rehabilitation program, discussions and concerns about informed choice have been more prominent

Rehabilitation professionals employed by the Department, feel strongly that all persons with disabilities, like all persons in general, should have choices and options. The Department's published values support this belief. Staff of the Department are keenly aware that choices and options have been severely limited for years and have worked as diligent advocates to create avenues, alternatives, options, and yes, choices, for people with disabilities.

Consumers have advocated for more power and control over their individual destinies and for more choice in decisions, service delivery and selection of career goals. With this new self-advocacy, combined with the advocacy of rehabilitation professionals and others, the more recent amendments to the Rehabilitation Act of 1973 contain substantial language emphasizing consumer choice. Choice is mentioned 32 times in the 1998 Amendments to the Rehabilitation Act and 46 times in the Federal Regulations governing the Act.

Department staff are better able to assist individuals with the most significant disabilities when the individual has the desire to make decisions about his or her personal future. To that end, the Department has developed guidelines and best practices to insure that consumers make informed choices about their personal, individualized rehabilitation program.

GUIDELINES FOR PROVIDING INFORMED CHOICE

Be aware of decision points.

Informed Choice /Checklist (ICC)

- ❑ **First contact;**
- ❑ **Initial interview;**
- ❑ **At and during assessment (includes vocational assessment, assistive technology assessment, etc.);**
- ❑ **At and during services leading to selection of a vocational objective;**

Relevant factors related to vocational rehabilitation goals and objectives will be solicited from and described and discussed with all eligible individuals including, but not limited to the following:

- vocational appraisal techniques
- assessment of physical capacities
- assessment of learning capacities
- job market information
- relevant job seeking factors
- job retention factors
- environmental factors
- relative pay
- benefits
- integration
- upward mobility

Necessary choices to be made will be identified by both the individual and the counselor. The counselor will assist the eligible consumer in making these identifications. Information needed to make each choice that has been identified will be discussed and obtained. The counselor will assist the consumer in gathering the needed information or, when necessary, will gather the information for the consumer.

As the beginning step in the IPE development process and prior to amending the IPE, all eligible individuals will be given a thorough description of the scope of available services. Whenever possible, alternative providers of services will be identified for consumers and ***the consumer*** will choose the provider. Except where otherwise provided by state or federal law or regulation, alternative methods to provide and/or secure services will be identified for consumers and ***the consumers*** will choose the method.

- ❑ **Selection of Any Service Provided (including Post Employment);**
- ❑ **Selection of Any Service Provider;**

- ❑ **Selection of the Method of Providing a Service;**
- ❑ **Closure and Closure Status;**
- ❑ **Disagreements and Disputes.**

Any disagreement regarding choices will be thoroughly discussed and resolved as quickly as possible so as not to impede the consumer's rehabilitation program. Consumer choices *will* be given preference unless there are overriding considerations of cost or appropriateness. Choices will be reviewed periodically, especially during scheduled and unscheduled reviews of vocational rehabilitation goals and objectives.

Suggested Procedures

Throughout the vocational rehabilitation process, follow the procedures outlined below for best assurance that consumer choice is offered, explained and adhered to, as appropriate.

Identify where and when you may be making choices for the consumer that the consumer could make or be a partner in making.

Let the consumer know that choice needs to be made periodically and at discrete points and that she or he should make the choice or be a partner in making the choice.

Give the consumer all available information. If not available, a choice may need to be made about who should gather the needed information and how the information should be collected. The counselor could be the gatherer of information, the consumer could be the gatherer of information or both the consumer and counselor could collect information.

Help clarify issues and options. This is where professional skills can be of greatest value. Frequently the consumer may not see options that we may be able to readily identify. They may also not see implications about this decision versus that decision.

Obtain consultation when needed. No one person has all the information needed to make every choice possible. Get help from colleagues, supervisors, support staff, friends, relatives, etc. Get assistance wherever it can be found.

Accept and be open to challenge. Recognize the fact that people are not always going to be in agreement. The intent of informed choice is to give more choice to consumers. It's that simple. As counselors attempt to meet this mandate many are going to be moved out of their comfort zone. Too much discomfort and the counselor probably should examine his or her own agenda. Staff may or may not need help in working through issues. Counselors should not burden consumers with their own "stuff."

Recognize when a consumer CANNOT make a choice. CANNOT is different from refusing to or reluctance to make a choice. Professional expertise is absolutely essential in identifying when a consumer CANNOT make a choice and may need assistance from the counselor or others. Knowing the difference among refusal, reluctance or inability to make a choice is a significant test of professional expertise. Consumers, like all people, may be able to make choices on some days and unable to make choices on other days. Timing comes into play, also. Perhaps, taking a couple of days to reflect on issues and information will enable the consumer to make a choice that he or she was unable to decide earlier.