

# Memorandum

**TO:** Vocational Rehabilitation Counselors  
**CC:** Vocational Rehabilitation Specialists, Kris Peterson  
**FROM:** Glenn Morton  
**DATE:** October 24, 2006  
**SUBJECT:** Meeting Announcement & Results of September 22, 2006 Meeting

The next informal meeting between court staff and certified vocational rehabilitation counselors is scheduled for Friday, November 17, 2006, at 2:00 pm. The meeting will be held at the court's administrative offices at 1221 "N" Street, Suite 402, in Lincoln (TierOne Center). Please note that this is a specialty scheduled meeting to continue discussions relating to plan justification and the plan approval/denial process. The final regularly scheduled quarterly meeting for this year is set for December 15, 2006.

The following are the results from the September 22, 2006 meeting. If you have questions or concerns about any of the discussions or decisions at this meeting please notify the court prior to the next meeting and they will be considered at that time.

**1. Draft VR Rule Changes.** There were final discussions regarding the proposed VR rule changes to be considered at the November 16, 2006 public hearing. Revised drafts, incorporating changes from the last meeting on August 21, 2006, were circulated to all certified counselors prior to the meeting. Consideration was given to whether a change is needed to Rule 44,C given our previous decision that specific job goals are not required for ESL/GED/ABE programs (see the "outcomes" memo for the June 24, 2005 meeting). Rule 44,C requires that a VR plan must list a "specific vocational goal", and there was concern that our previous decision could be contrary to this rule. However, it was recognized that a goal is required for ESL/GED/ABE plans, although that goal does not necessarily relate to a specific job or type of job. While no decision was made at the meeting, it was subsequently decided not to recommend a change to this rule. The goals in an ESL/GED/ABE plan, while not related to a specific job, are part of the process of obtaining a vocational goal. Therefore, the Rule 44,C requirement is likely satisfied. It was also decided subsequent to the meeting that Rule 43,A will be deleted in the proposed changes. Rule 43,A is not consistent with the subject matter of the remainder of the rule (change of counselor), and is also largely redundant with Rule 42,D. The proposed changes will also delete that portion of Rule 42,D which provides that the counselor of record shall be the sole counselor to perform a loss of earning power evaluation at any one time.

**2. LOE Certification/CEU's.** At the previous meeting it was decided that the staff would seek input from the judges as to whether there should be a separate certification for LOE evaluations or mandatory CEU hours for forensic rehabilitation. It was announced that the preference of the judges would be for the counselors to address this through their own association(s), perhaps through training and/or policy development, rather than pursuing either

of these options at this time. There was discussion at the meeting that policy development would be difficult for an association, but it was suggested that the court staff and the counselors could partner in training efforts and in the development of a court “fact sheet” on LOE evaluations which could then be reviewed by the judges. This will be given further consideration.

**3. CEU Approval.** Questions were raised as to whether LMHP should be added as a qualifying organization under the proposed rules for automatic approval of CEU’s, and, alternatively, whether NBCC should be removed. After extensive discussion, it was decided that LMHP should NOT be added, but that existing references to NBCC should be retained. This was with the understanding that NBCC’s counseling focus is relevant to counselor certification, whereas LMHP has broader application, some of which is not relevant to counselor certification.

**4. Plan Justification and Plan Approval/Denial Process.** There was beginning discussion regarding plan justification and the plan approval/denial process. Concerns were expressed regarding a lack of consistency among the specialists regarding the information requested to justify a proposed plan, and a lack of constancy among the counselors regarding information provided to justify a plan. Labor market information was a particular area of concern for both sides. It was recognized and agreed that the specialists must have flexibility in evaluating a proposed plan, just as the counselors must have flexibility in developing a plan. Nevertheless, it was suggested that there could and should be more consistency from both sides, and that perhaps a broad framework could be established which would still allow for flexibility on a case by case basis. Questions have also recently resurfaced regarding whether a specialist should defer to the professional judgment of the counselor, whether an explanation must be given for why requested information is needed, and whether the plan justification should address only the applicable priority or the appropriate job within the priority. Attention was drawn to the attached court policy which was announced at the February 20, 2004 counselor/specialist meeting. However, it was also acknowledged and agreed that the current relationship between the counselors and court specialists is positive and professional, and that this relationship must be maintained. Therefore, it is imperative that the discussions on these issues be conducted in a spirit of cooperation and good will, with constructive give and take on both sides.

**5. Next meeting agenda items.** At the next meeting on November 17, 2006, we will address the following:

Plan justification and plan approval/denial process. Consider any questions or issues relating to plan justification and the plan approval/denial process.

**6. Future meeting agenda items.** The following topics will likely be addressed at future meetings. Any suggestions for additional agenda items are welcome.

a. Plan justification and plan approval/denial process. Continuing discussions as needed.

b. Changes to VR Plan Form.

c. Changes to Case Closure Form. The legislature is increasingly requesting information regarding the vocational rehabilitation program and the success of vocational rehabilitation plans. However, existing data is insufficient to allow the court to respond fully to these requests. Could the Case Closure Form be amended to provide the necessary data, and if so, what data should be collected?

d. Job Placement Plans. What is the counselor's role and what are the counselor's obligations in a job placement plan?