



NOTICE OF CLIENT RIGHTS AND RESPONSIBILITIES

Eligibility: The New Mexico Division of Vocational Rehabilitation (NMDVR) program is **NOT** an entitlement program. To be determined eligible for services, you must meet the following criteria:

- 1) You must have a physical or mental impairment which constitutes a substantial impediment to your employment;
- 2) You must be able to benefit from vocational rehabilitation services in terms of an employment outcome; and
- 3) Vocational rehabilitation services are necessary in order for you to prepare for, enter, engage in, or retain gainful employment.

Nondiscrimination: You will not be discriminated against on the basis of race, color, creed, national origin, age, sex, or disability in determination of eligibility and/ or provision of vocational rehabilitation services.

Confidentiality: All information obtained by the NMDVR will be held confidential and will not be given to any person or agency without written consent of the client except by order of the court; and will not be given to any person or agency without written consent of the client, except as mandated by law. Such exceptions include threat of harm to self or others; child or elder abuse; or by court order.

Information obtained by NMDVR under the authority of the Rehabilitation Act of 1973, as amended, is used to determine eligibility and, if you are eligible, to develop an Individualized Plan for Employment (IPE) and may be used as a basis for review of your progress. Although provision of information is voluntary, failure to provide pertinent information may result in case closure or delay in case development.

Your Rights: As an active applicant or participant in the vocational rehabilitation process, if you are dissatisfied with a decision or action **that affects your vocational rehabilitation services**, you have the right to request **any one or all** of the following:

- (1) Informal Supervisory Review - The disputed decision or action will be reviewed by a supervisor and may be upheld, overturned, or amended.
- (2) Mediation - An impartial mediator will attempt to negotiate a resolution satisfactory to both parties.
- (3) Fair Hearing - An impartial hearing officer will conduct a hearing and render a binding decision/order.

All of the above reviews must be requested in writing within 45 calendar days of the date of the disputed decision or action and sent to the NMDVR Director at 2935 Rodeo Park Drive East, Santa Fe, NM 87505 or emailed to contact@dvr.nm.gov

Selection Of Mediator Or Impartial Hearing Officer: If you request a Mediation or Fair Hearing, an impartial mediator or hearing officer will be appointed to conduct the mediation or hearing. The mediator or impartial hearing officer is selected:

- (1) From among a pool of persons qualified to be a mediator or an impartial hearing officer who are identified by the NMDVR and the New Mexico State Rehabilitation Council; and
- (2) On a random basis or by agreement between the NMDVR Director and you or your representative.

After you go through a Fair Hearing, if you are dissatisfied with the decision rendered by the impartial hearing officer, your only recourse is to file a civil action in state or federal court against the NMDVR. There are no other internal NMDVR procedures available.

Client Assistance Program: The Client Assistance Program (CAP) through Disability Rights New Mexico is a program independent of NMDVR that can provide you with information about your rights as an applicant or a participant. CAP may also be able to assist you with the review process outlined above if you wish to appeal a decision made by NMDVR. **Disability Rights New Mexico can be contacted at 3916 Juan Tabo NE., Albuquerque, NM 87110, or by calling (505) 256-3100 or 1-800-432-4682.**

Your Responsibilities:

Cooperation: You are expected to work closely with your counselor during the vocational rehabilitation process in order to maximize your chances for success. Your cooperation includes, but is not limited to, the activities listed below. **Failure to cooperate may result in case closure or delay in case development.**

- Obtain and provide any requested records pertaining to your disability;
- Commit to participation in your vocational rehabilitation program in order to reach an employment outcome;
- Provide honest and accurate information;
- Keep all scheduled appointments;
- Follow counselor and professional recommendations;
- Inform your counselor of any changes in your circumstances that may affect your program;
- Conduct yourself in a respectful manner with NMDVR staff and vendors to foster a cooperative relationship;
- **Understand that abusive or hostile behavior may result in case closure.**

Financial Participation: You may be required to contribute toward the cost of your vocational rehabilitation program. You are also required to apply for and utilize services and benefits that other agencies, organizations, and programs may provide. Receipt of these services must be reported to your counselor.

You understand that before any monetary services are provided by NMDVR, they must be in an approved IPE authorization created and signed by the Vocational Rehabilitation Counselor. You understand services obtained prior to an approved IPE and signed authorization will be the responsibility of the Participant. NMDVR will not pay for these services.

Released And Requested Information From The Social Security Administration/Department Of Labor/Human Services Department: If you are a Social Security applicant or recipient, information related to your eligibility of benefits, employment status, and wages can be provided to or requested from the Social Security Administration through cooperative agreements between NMDVR, the Social Security Administration, the U.S. Department of Labor, and the U.S. Department of Human Services. This information may be utilized for determining your eligibility and for seeking payment from the Social Security Administration related to the cost of your vocational rehabilitation program.

NMDVR's Right To Contact Appropriate Professionals/And Or Law Enforcement Authorities In The Event Of Potential Harm To Self Or Others: NMDVR staff has the right to contact appropriate professionals and/or law enforcement authorities and reveal otherwise confidential information if you disclose plans or undertake actions to harm yourself or others.

My rights and responsibilities have been provided to me through appropriate modes of communication and in writing. By signing this Notice, I acknowledge that I have received and understand the information contained herein.

Applicant's or Applicant Representative's

Signature _____

Date _____