

ACCESS TO MASSACHUSETTS REHABILITATION COMMISSION (MRC) SERVICES

**Prepared by the Mental Health Legal Advisors Committee
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INTRODUCTION TO THE MASSACHUSETTS REHABILITATION COMMISSION

What is the Massachusetts Rehabilitation Commission?

The Massachusetts Rehabilitation Commission (MRC) is a state agency¹ that operates programs for persons with disabilities. MRC's mandate is to assist eligible individuals with disabilities, regardless of age, nature of disability or functional ability, to maximize quality of life and self-sufficiency in the community. To do so, MRC works to help people live and work independently. MRC serves people with all types of disabilities *except* those who are blind.²

MRC oversees a number of discrete programs authorized by state law, the Federal Rehabilitation Act of 1973, and the Social Security Act. Each MRC program has its own focus and eligibility criteria, and these are discussed below.

What programs does MRC operate?

MRC has three main service divisions:

- 1) The Vocational Rehabilitation (VR) division;
- 2) The Community Living (CL) division; and
- 3) Disability Determination Services (MRC DDS) division.

VOCATIONAL REHABILITATION DIVISION

What does MRC's Vocational Rehabilitation division do?

The Vocational Rehabilitation (VR) division assists people with a disability who would like to find or return to work. VR also works closely with employers in the community to help create job openings and to help increase employer awareness regarding the benefits of diversity in the workplace. More information is available at <http://www.mass.gov/eohhs/consumer/disability-services/vocational-rehab/>.

Where are the offices located?

The Vocational Rehabilitation division Area Offices can be found at

<http://www.mass.gov/eohhs/consumer/disability-services/vocational-rehab/vr-area-offices/>.

The VR division also offers Supported Employment Services at the MRC Administrative Office at 27 Wormwood Street in South Boston.

OFFICE OF COMMUNITY LIVING

What does MRC's Community Living division do?

The Community Living (CL) division offers a range of services to specific subpopulations of people with disabilities to live and work independently in the community.

- Brain Injury and Specialized Community Services for individuals with an acquired/traumatic head injury;
- Protective Services for persons with physical disabilities who may be abused by their caregiver;
- Supported Living Services for persons with disabilities needing assistance to live independently at home;
- Turning 22 Independent Living Program, which designs and implements transition services for youth with a severe physical disability with a mobility impairment who need residential services after high school graduation or turning 22.
- Assistive Technology Program to enable individuals with severe disabilities equal access to employment and community life through the use of assistive technology and training;
- Home Care Assistance for eligible adults with disabilities ages 18-59;
- Consumer Involvement Program to improve MRC services by working cooperatively with individuals with disabilities;
- The Community Services Program has numerous services including Independent Living Center (ILC) Services through contracts with eleven Independent Living Centers (ILCs) across the Commonwealth providing information, referral, and peer counseling for persons with disabilities to live independently in the community;
 - Home Modification Loan Program;
 - Transition of People with Developmental Disabilities from Nursing Homes to Community Living.

DISABILITY DETERMINATION SERVICES DIVISION

What does MRC's Disability Determination Services division do?

Disability Determination Services determines the medical eligibility of initial and continued applications for Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) federal benefits programs for Massachusetts citizens with disabilities.

Where are the offices located?

Disability Determination Services is located in Worcester and Boston.

MRC FOR YOUTH

Does MRC serve youth?

While MRC primarily serves adults, certain of its services are available to youth.

What services are available to youth?

The services for youth include:

- Turning 22 Independent Living Program (including its Transition to Adulthood Program);
- Family Assistance Services of the Statewide Head Injury Program;
- Home Modification Loan Program;
- Housing Registry;
- Assistive Technology Loan program;
- Home care assistance (for individuals 18 or older);
- Independent Living Center services;³
- Vocational Rehabilitation Services (transition age youth);⁴
- Community Service programs (transition age youth).⁵

TURNING 22 INDEPENDENT LIVING PROGRAM

What is the Turning 22 Independent Living Program and who does it serve?

The Turning 22 (T22) Independent Living Program designs and implements transition services for young people who have a severe physical disability with a mobility impairment, and who would need residential services after high school graduation or turning age 22. The program utilizes the independent living philosophy in which consumers are empowered to make their own decisions about their lives, based on informed choice.

What services are available through the T22 program?

The T22 Independent Living Program offers three services:

- Supported Living Program,
- Transition to Adulthood Program and
- Ancillary Supports.⁶

What does the Supported Living Program of T22 provide?

The T22 Independent Living Program allocates most of its funding toward its supported living program. MRC contracts with several agencies across the state to provide case coordination services to eligible individuals. A case coordinator then meets with consumers in their homes, from one to several hours a week, to help them manage their daily activities.⁷

MRC staff also work with special education departments to coordinate services for students who

will be graduating and needing supported living services. Students can choose the supported living provider with whom they wish to work and should begin meeting with them during the last six months he/she is in school. The case coordinator will help with such things as finding accessible housing and hiring appropriate Personal Care Assistants (PCAs).⁸

When the individual is ready to move into an apartment, the case coordinator and client jointly develop a service plan to address the areas of daily life in which the client will need help. Assistance can be provided in the following areas:

- PCA management;
- personal healthcare management;
- housing;
- social/recreation management;
- adaptive equipment;
- household management;
- financial management;
- self-advocacy;
- vocational/educational management;
- transportation management.⁹

Who is eligible for the Supported Living Program?

A youth is eligible for the supported living program if he or she:

- is exiting from a 766 educational program and has not reached age 22;
- has no court appointed legal guardian;
- has a severe physical disability with a mobility impairment;
- has a 688 Individual Transition Plan (ITP) that includes supported living services; and
- is ineligible for comparable services from another Executive Office of Health & Human Services (EOHHS) state agency, such as DDS, DMH, MCB, or the MRC Brain Injury and Statewide Specialized Community Services Program (BISSCS).¹⁰

How does one apply for the Supported Living Program?

- Any consumer who meets the above guidelines and would like to receive case coordination services through the Turning 22 Supported Living Program should call MaryEllen MacRae, T22 Services Coordinator, at (617) 204-3618 (voice) or (617) 204-3815 (TTY). It is extremely important to make the referral early so an Individual Transition Plan can be scheduled before the student graduates.
- After eligibility is determined, the consumer will be asked to choose a provider with whom they will work. That provider will assess the individual's need for supported living services and evaluate the number of hours needed per week to support the consumer. MRC will then provide case coordination services.¹¹

What does the Transition to Adulthood Program (TAP) of T22 provide?

Through its Transition to Adulthood Program (TAP), the MRC T22 Independent Living Program contracts with the Independent Living Centers (ILCs) in Massachusetts to provide early intervention to students with disabilities, regardless of the type of disability. Students receiving TAP services attend public, private, and residential schools throughout Massachusetts. Experienced skills trainers, who themselves have a disability, provide advocacy, skills training, and peer counseling to young people with disabilities in their school setting.¹²

Students learn skills and self-confidence to better prepare them for independence. Exposure to adult peer role models, as well as skills training, helps students learn how to take on the responsibilities of living independently in the community of their choice. The ILC staff coordinates with supported living staff at the time of transition to the community and on an ongoing basis, as needed.¹³

Who is eligible for TAP?

Transition age youth are eligible for TAP if they are:

- between the ages of 14-22;
- enrolled in special education (regardless of the type of disability); and
- seeking to learn independent living and self-advocacy skills.¹⁴

How does one apply for TAP?

Application to TAP can be initiated by phone. The youth or family can contact MaryEllen MacRae, T22 Services Coordinator, at (617) 204-3618 (voice) or (617) 204-3815 (TTY), who will make the referral to the appropriate Independent Living Center.¹⁵

What are the ancillary supports available through the T22 program?

As funding permits, the MRC T22 Independent Living Program can purchase adaptive equipment for items designed to increase a consumer's independence. These items can include adapted computers, computerized communication devices, automatic door openers or other adaptive equipment.¹⁶

HOME CARE ASSISTANCE

What is the Home Care Assistance Program?

The Home Care Assistance Program provides homemaker services to eligible disabled adults ages

18-59 who need homemaking and coordination of services in order to live independently and avoid hospitalization and institutionalization.¹⁷

What are the eligibility requirements of the Home Care Assistance Program?

Eligibility requirements are contained in MRC regulation.¹⁸

The program is open to individuals who meet all these criteria:

- age 18-59 years old with medically documented physical or mental disability making one unable to perform essential homemaking activities;
- needing services to avoid hospitalization or institutionalization;
- if the individual or others who live with him/her cannot perform the needed homemaking activities;
- who meet financial criteria; and
- who perform information of the above.¹⁹

What are the homemaker services?

Homemaking services are defined as direct assistance with:

- meal preparation;
- grocery shopping;
- medication pick-up;
- laundry;
- light housekeeping (dusting, vacuuming, mopping floors, cleaning kitchen, cleaning bathroom and changing the bed only).²⁰

PROBLEMS OBTAINING SERVICES

How can one appeal a decision regarding the delivery of vocational rehabilitation services?

Any applicant, eligible individual or authorized representative can request a review of any decision made by the MRC about a vocational rehabilitation program service that he or she disagrees with.²¹ There are three ways to appeal a decision regarding the delivery of vocational rehabilitation services provided by the MRC:

- administrative review;
- mediation;
- fair hearing.

Administrative reviews and mediations are optional, and can be requested at the same time as a request for a fair hearing.²² If you need to appeal an MRC decision, you may request the necessary form from your MRC counselor. You must request a review in writing within 30 days of receiving notice of the decision you wish to challenge.²³ Your request for an appeal should state that you are challenging a Commission determination, action or inaction, should summarize the problem,

and must be signed by the individual or representative.²⁴

The Commission's appeal coordinator will schedule all reviews within 10 days of receipt of a request.²⁵ All fair hearings must be held within 60 days of receipt of the request, unless the problem is resolved through an administrative review or mediation beforehand or the parties agree on a specific extension of time.²⁶

What is an Administrative Review?

An administrative review is an informal meeting with you and advocates of your choice (CAP advocate, family member, and/or friend), your counselor and his/her supervisor in order to reach a mutually agreeable resolution.²⁷ An administrative review officer who is an MRC employee from outside your geographical area is assigned to assist you and your counselor in resolving the disputed issue. If no amicable resolution is reached, the administrative review officer will make a decision based on information presented by you and your counselor, the issues, good rehabilitation practice and Commission policies.²⁸ If you are unhappy with the Administrative Review Officer's decision, you have the right to appeal.²⁹ You may proceed to either mediation or a Fair Hearing.³⁰

What is Mediation?

Mediation is a voluntary confidential process whereby all parties must agree to come to the table to try to resolve their dispute.³¹ An impartial and qualified third party (the mediator) facilitates a discussion between the client and your counselor in order to assist in resolving the dispute.³² The mediator is a trained professional provided through the Massachusetts Office of Dispute Resolution. If the client and counselor are successful in resolving the dispute, the mediator will write a mediation agreement.³³ The mediator then asks the client and the counselor to sign it. If the mediation is unsuccessful, the client may proceed to a fair hearing.³⁴

The individual who chooses mediation as his or her first step in the appeal process and who is not satisfied with the decision, has the right to then choose a fair hearing but not an informal administrative review as the next step in the appeal process.³⁵

What is a Fair Hearing?

A fair hearing is a formal process whereby an impartial hearing officer, not an employee of MRC, hears the dispute.³⁶ The participants at the Fair Hearing include you, an advocate or attorney or other representative of your choice, your MRC counselor and other MRC staff individuals of his/her choice, and the Fair Hearing Officer.³⁷ The Fair Hearing Officer will listen to testimony and take in the evidence.³⁸ The Fair Hearing is tape-recorded and the Fair Hearing Officer will make the decision.³⁹

The decision of the Fair Hearing Officer is final.⁴⁰ If a client disagrees with the decision, he or she has 30 days from receipt of the decision to file an appeal in Superior Court of the Commonwealth.

⁴¹ If the client agrees with the decision, an MRC staff member will notify the client of the right to and the name of the person in charge of prompt implementation.⁴²

What if one believes he or she has been discriminated against by the MRC on the basis of disability?

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination on the basis of disability in employment and public services provided by government agencies. If an individual believes that he or she has been discriminated against on the basis of disability, they should contact MRC's Civil Rights Officer, Mary Connelly. Massachusetts Rehabilitation Commission, 27 Wormwood Street, Boston, MA 02210 Telephone: 617-204-3736 or TTY: 617-204-3866, Mary.Connelly@MassMail.state.ma.us.⁴³

What if someone is having trouble getting services from MRC?

If one is having trouble getting services from MRC, he or she should contact Client Services Program of the Massachusetts Office on Disability (MOD). This program provides information and advocacy for people with disabilities. When consumers report systems are not responsive to their individual or collective needs or that their civil rights have been violated, this program investigates and advocates that legitimate problems be corrected.⁴⁴

MOD also houses the federally mandated Client Assistance Program (CAP), which provides information and assists individuals having difficulty obtaining federally funded vocational rehabilitation and independent living services.⁴⁵

CAP is independent of MRC's vocational rehabilitation and independent living agencies. It was selected to redress problems related to these services specifically because it is run by an independent state agency, MOD, which itself is responsible for promoting the rights of persons with disabilities in Massachusetts. CAP services are free and confidential.

More information about CAP is available at <http://www.mass.gov/mod/ClientAssistance.html>. To contact CAP, call (617) 727-7440 or toll free at 1 (800) 322-2020.

What exactly can CAP do?

If you have requested MRC services but have not received them, CAP can:

- Discuss how the vocational rehabilitation and independent living systems can work best for you.
- Inform you of your rights and responsibilities.

Advocate for you with the vocational rehabilitation or independent living agency, by representing you at appeals and hearings, as well as provide other legal representation if necessary, and by helping you locate other services or resources you may need.

ENDNOTES

¹ MRC is organized pursuant to M.G.L. c. 6, paragraphs 74-84.

² Individuals with visual impairments are served through the Massachusetts Commission for the Blind (MCB).

³ Massachusetts Rehabilitation Commission, Annual Family Support Plan, State Fiscal Year 2008,

<http://www.mass.gov/eohhs/docs/mrc/mrc-ar-2008.pdf>, at 1.

⁴ Massachusetts Rehabilitation Commission, Annual Family Support Plan, State Fiscal Year 2008,

<http://www.mass.gov/eohhs/docs/mrc/mrc-ar-2008.pdf>, at 1.

⁵ Massachusetts Rehabilitation Commission, Annual Family Support Plan, State Fiscal Year 2008,

<http://www.mass.gov/eohhs/docs/mrc/mrc-ar-2008.pdf>, at 1.

⁶ MRC, Turning 22 Independent Living Program (Apr. 2008),

<http://www.mass.gov/eohhs/consumer/disability-services/living-supports/turning-22-independent-living-program.html>.

⁷ MRC, Turning 22 Independent Living Program (Apr. 2008),

<http://www.mass.gov/eohhs/consumer/disability-services/living-supports/turning-22-independent-living-program.html>.

⁸ MRC, Turning 22 Independent Living Program (Apr. 2008),

<http://www.mass.gov/eohhs/consumer/disability-services/living-supports/turning-22-independent-living-program.html>.

⁹ MRC, Turning 22 Independent Living Program (Apr. 2008),

<http://www.mass.gov/eohhs/consumer/disability-services/living-supports/turning-22-independent-living-program.html>.

¹⁰ MRC, Turning 22 Independent Living Program (Apr. 2008),

<http://www.mass.gov/eohhs/consumer/disability-services/living-supports/turning-22-independent-living-program.html>.

¹¹ For details, see MRC, Turning 22 Independent Living Program (Apr. 2008),

<http://www.mass.gov/eohhs/consumer/disability-services/living-supports/turning-22-independent-living-program.html>.

¹² MRC, Turning 22 Independent Living Program (Apr. 2008),

<http://www.mass.gov/eohhs/consumer/disability-services/living-supports/turning-22-independent-living-program.html>.

¹³ MRC, Turning 22 Independent Living Program (Apr. 2008),

<http://www.mass.gov/eohhs/consumer/disability-services/living-supports/turning-22-independent-living-program.html>.

¹⁴ MRC, Turning 22 Independent Living Program (Apr. 2008),

<http://www.mass.gov/eohhs/consumer/disability-services/living-supports/turning-22-independent-living-program.html>.

¹⁵ MRC, Turning 22 Independent Living Program (Apr. 2008),

<http://www.mass.gov/eohhs/consumer/disability-services/living-supports/turning-22-independent-living-program.html>.

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- ¹⁶ MRC, Turning 22 Independent Living Program (Apr. 2008), <http://www.mass.gov/eohhs/consumer/disability-services/living-supports/turning-22-independent-living-program.html>.
- ¹⁷ 107 CMR 11.01(1).
- ¹⁸ 107 CMR 11.05.
- ¹⁹ 107 CMR 11.05.
- ²⁰ 107 CMR 11.10; <http://www.mass.gov/eohhs/consumer/disability-services/living-supports/home-care/under-60/hcap-handbook.html>.
- ²¹ 107 CMR 1.04 (1).
- ²² 107 CMR 1.04(2), 1.06(1).
- ²³ 107 CMR 1.04 (3)(a).
- ²⁴ 107 CMR 1.06 (3).
- ²⁵ 107 CMR 1.04 (3)(b)
- ²⁶ 107 CMR 1.04 (3)(c)
- ²⁷ 107 CMR 1.08 (1)
- ²⁸ 107 CMR 1.08 (1)
- ²⁹ 107 CMR 1.09(3).
- ³⁰ 107 CMR 1.09(3), 1.11; MRC web site, Consumers' Rights and the Massachusetts Rehabilitation Commission Appeal Process, <http://www.mass.gov/eohhs/consumer/disability-services/advocacy/consumers-rights-and-the-massachusetts.html>.
- ³¹ 107 CMR 1.07 (1)(a). For more information, see MRC web site, Consumers' Rights and the Massachusetts Rehabilitation Commission Appeal Process, <http://www.mass.gov/eohhs/consumer/disability-services/advocacy/consumers-rights-and-the-massachusetts.html>.
- ³² 107 CMR 1.07 (1)(c)
- ³³ 107 CMR 1.07 (2)
- ³⁴ 107 CMR 104(2), 107 CMR 1.07(2).
- ³⁵ 107 CMR 104(2).
- ³⁶ 107 CMR 1.02.
- ³⁷ 107 CMR 1.15(2), (3).
- ³⁸ 107 CMR 1.15(3).
- ³⁹ 107 CMR 1.14 (1) (2).
- ⁴⁰ 7 CMR 1.17(4).
- ⁴¹ 107 CMR 1.17 (5), 107 CMR 1.04(2).
- ⁴² 107 CMR 1.17 (4).
- ⁴³ MRC web site, Consumers' Rights and the Massachusetts Rehabilitation Commission Appeal Process, <http://www.mass.gov/eohhs/consumer/disability-services/advocacy/consumers-rights-and-the-massachusetts.html>.
- ⁴⁴ <http://www.mass.gov/mod/clientser.html>.
- ⁴⁵ <http://www.mass.gov/mod/clientser.html>.
