



OKLAHOMA
Rehabilitation Services

Commission for Rehabilitation Services

**Commissioners Theresa Flannery, Wes Hilliard
and Jace Wolfe**

Special Meeting
and Video Conferencing

3535 NW 58th Street, Suite 200
Oklahoma City, OK

March 31, 2023

Empowering Oklahomans with Disabilities

State of Oklahoma
Commission for Rehabilitation Services
March 31, 2023
10:30 a.m.

Special Commission Meeting

Oklahoma Department of Rehabilitation Services
3535 NW 58th Street, Suite 200
Oklahoma City, OK

Commission link: <https://www.zoomgov.com/j/1609951303>

Phone: 1-669-254-5252

Webinar ID: 160 995 1303

Jace Wolfe, Commission Chair
Wes Hilliard, Commission Vice-Chair
Theresa Flannery, Commission Member

Sign Language Interpreters are provided for public accessibility

- | | | |
|----|---|-------------------------------------|
| 1. | Call to Order and Roll Call | Wes Hilliard
Vice-Chair |
| 2. | Statement of Compliance with Open Meeting Act | Carol Brown
Commission Assistant |

ACTION ITEMS

PAGE #

- | | | | |
|----|---|--|-----------|
| 3. | Review and discussion with possible vote for approval of the February 13, 2023, Commission for Rehabilitation Services regular meeting minutes. | Wes Hilliard
Vice-Chair | 2 |
| 4. | Review and discussion with possible vote for approval of DRS Proposed Administrative Rules. | Tina Calloway
Administrative Program
Officer | 9 |
| 5. | Review and discussion with possible vote for a Request to Abolish Fixed Rates for Private Trade, Barber, and Cosmetology Schools. | Kathy Lowry
Manager/Compliance
Officer | 92 |
| 6. | New Business ("Any matter not known about, or which could not have been reasonably foreseen prior to the time of posting" 25 O.S. § 311). | Wes Hilliard
Vice-Chair | |

7. Announcements
Next Meeting:
Monday, April 10, 2023, at 10:30 a.m.
3535 NW 58th Street 2nd Floor
Oklahoma City, OK 73112
Wes Hilliard
Vice-Chair
8. Public Comments. (Under Oklahoma Open Meeting
Laws, the Oklahoma Commission for Rehabilitation
Services cannot respond to or discuss any matter
not on today's agenda.)
Wes Hilliard
Vice-Chair
9. Adjourn
Wes Hilliard
Vice-Chair

COMMISSION MINUTES

**Oklahoma Commission for Rehabilitation Services
Department of Rehabilitation Services
In-Person and Videoconferencing
Commission Minutes
February 13, 2023**

Jace Wolfe, Commission Chair
Wes Wolfe, Commission Vice Chair
Theresa Flannery, Commission Member

Sign Language Interpreters are provided for public accessibility

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 10:30 a.m. by Commission Chair Wolfe. Two Commissioners were in attendance; therefore, there was a quorum.

PRESENT

Jace Wolfe, Commission Chair
Wes Wolfe, Commission Vice Chair

NOT PRESENT

Theresa Flannery, Commission Member

STATEMENT OF COMPLIANCE

Carol Brown, Commission Assistant confirmed the Commission for Rehabilitation Services follows the Open Meetings Act.

REPORTS

PRESENTATION OF LONGEVITY CERTIFICATE

Commission Chair Wolfe presented Jody Harlan with her certificate and pin for thirty (30) years of service to the State of Oklahoma.

Jody Harlan has served as DRS' only communications director since she opened the agency's first public information office when DRS became an independent agency. Jody directs public information, media relations, communications, and marketing programs for DRS. As agency spokesperson and liaison to the media, she arranges interviews, responds to media inquiries, and writes more than 100 media releases each year. People say her specialty is defense of DRS to avoid negative media. The Communications Team Jody manages is responsible for DRS' public website, publications, graphic design, social media, video and special projects, requests for information and the State Office switchboard. She writes and produces public service announcements that air on TV stations and radio stations free of charge through a partnership with the Oklahoma Association of Broadcasters. OAB stations have broadcast PSAs valued at \$5.3 million. Jody's PSAs have earned 5 international Telly awards and many *American Advertising Awards from the OKC Ad Club*. Jody is fully committed to Access for All and collaborates with the Communications Team to create

fully accessible products in standard, braille, large print, accessible pdf, American Sign Language, video and other formats so people with disabilities have equal access. Over 30 years, Jody has hired 8 employees. Five of them or 63 percent have had disabilities. She hired the best people for the job. Their disabilities were a bonus not a barrier to employment.

Both Commissioners applauded her dedication to DRS and their clients. involved. He is very policy-oriented and sticks to what policy states. He has been an asset to his unit.

EXECUTIVE DIRECTOR 2022 AWARD

Commission Vice-Chair Wolfe recognized Executive Director Fruendt to present her 2022 Executive Director Award to Paula Nelson of the Finance Division. In the December meeting the Human Resource's staff was awarded the 2022 Executive Director Award for the exceptional efforts they put forward in the transition of the agency to Workday. Paula Nelson was an integral part of this group and was accidently left off the group recognized in December.

EXECUTIVE DIRECTOR CERTIFICATE OF APPRECIATION

Executive Director Fruendt presented a Certificate of Appreciation to Keith Wilson, a VR Counselor in Tulsa. He met with a client and his mother. The mother was very emotional during the interview and upon leaving she discovered she had a flat tire. Keith attempted to help with equipment he had, and the tire was too severely damaged. He used his AA membership and waited until the tire was fixed. The client was anxious for he thought he was going to miss a Christmas program with the Penguin Project. He did not miss his Christmas program. Mrs. Fruendt wanted to thank Keith for his service above and beyond the call of duty to make a difference in the lives of those whom we serve!

The Commissioners thanked Mr. Wilson for his sincerity and caring in assisting his client and mother.

Executive Director Fruendt also wanted to recognize several staff members for their help with the "great flood" on the 2nd floor. This flood is the reason the Commission meeting was cancelled for the month of January. There was about two inches of water on the 2nd floor. There has been new carpet installed. Those who came to take care of the flooded floor were Jonathan Woodward, Randy Weaver, Tom Patt, and his staff. Also, James Mason, who was a member of Central Processing at the time, Susan Smith, Tommy Hay, Sarah Seabolt, and Herb Carson. I also want to thank Warren Colbert who is head of maintenance for Landmark Towers. He is always there to assist and gives tremendous help.

There was also a flood at OSD in the gymnasium and Read Hall. The brand-new gymnasium floor buckled, yet there will be a new one replacing it. Those helping with this flood were Matt Neal, Lynn Hickman, Ronnie Merrill, Marshal Griffith, Bryson Pruitt, Joe Mann, Heath Freeborn, and Shane Ramsey.

EXECUTIVE DIRECTOR

Commission Chair Wolfe recognized Melinda Fruendt, Executive Director. Mrs. Fruendt introduced Dr. Heather Laine to the Commission and participants. Dr. Laine is the new Superintendent at the Oklahoma School for the Deaf. This is her first Commission meeting.

PRIORITY GROUP UPDATE

Mrs. Fruendt announced Priority Group I is now opened. She was very proud to announce this group is opened for all those with severe disabilities.

MEETINGS

Mrs. Fruendt reported on her meetings for the months of December, January, and February. She also announced Rehabilitation Services Administration (RSA) will be in our state office performing on-sight monitoring and reviews May 9 through 11, 2023.

AGENCY ANNUAL REPORT

She further stated an error was discovered on vocational rehabilitation data for the annual report. The annual report numbers and the legislative budget reports are being updated.

VR ON-LINE SELF-REFERRAL/CUSTOMER PORTAL

Mrs. Fruendt reported the portal link was activated January 17th and as of February 1st there have been 22 individuals self-referred. Mrs. Fruendt also thanked Dana for her assistance in getting the portal live.

PWDAD

Mrs. Fruendt reminded everyone about the people with Disability Awareness Day on March 7, 2023.

PROCESS IMPROVEMENT

She further explained the AWARE team is still working on the roll-out of the new on-line self-referral/customer portal.

CASE REVIEW

Mrs. Fruendt further reported the QA team is reviewing open cases.

PROGRAM STANDARDS, STATISTICAL RESEARCH

Mrs. Fruendt also reported the research team finalized and published the 2020 – 2022 Statewide Needs Assessment.

PRIORITY GROUP UPDATE

Commission Chair Wolfe recognized Mark Kinnison, VR Director. Mr. Kinnison reported all of Priority Group I has been released and currently there are nine hundred seventy-eight (978) in Group II and one hundred forty (140) in Group III, with a total of one thousand one hundred eighteen (1,118).

FINANCIAL STATUS

Commission Chair Wolfe recognized Kevin Statham, Chief Financial Officer, who reported the Financial Status Reports for FY 2023 as of December 31, 2022.

PERSONNEL ACTIVITY

Commission Chair Wolfe recognized Tom Patt, Human Resource Director, who reported on the personnel activity report as of December 31, 2022. The activity report also has current FTE status. Mr. Patt introduced Tammie Jones who has two new employees she wanted to introduce. Mrs. Jones introduced Rehabilitation Technicians Debbie Bothroyd of Chickasha and Kim Tamagos of OLBPH.

LEGISLATIVE REPORT

Commission Chair Wolfe recognized Jennifer Hardin, Legislative Liaison. Mrs. Hardin's report had the DRS Request Bills, DRS Shell Bills, Education Bills, General Government Bills, OMES Bills, and Open Meeting/Records Bills. Her report also included Bill Synopsis on HB 1040, Alternate Diploma and SB154, RSA Exemption.

SUCCESS STORY

Commission Chair Wolfe recognized Trudy Mitchell, Oklahoma School for the Deaf Director of Student Life. Mrs. Mitchell introduced OSD student Ashlei Miller. Ashlei is from Ardmore and is a senior at OSD. She was the official spokesperson for Deaf Awareness Week this last September. Miss Miller said more people are becoming more knowledgeable and more interested in deaf culture in our community. Ashlei uses American Sign Language (ASL) and she wants to educate as many people as she can aware of deaf individuals. She was in a public school until the 5th grade. At that time, she moved to OSD and said she feels more connected. She is involved in sports, work, being with friends and doing anything she wants. She represents OSD as the first official bison mascot at sports and community events. She performed as the bison mascot at the Oklahoma City Thunder basketball game in April. At this game she signed the national anthem with other OSD students. Her role model is Lauren Ridloff, a deaf actress who portrayed Makkari, the first deaf superhero in Marvel Studio's film "Eternals". Ashlei said it shows deaf students if she can do it, so can we.

She plans to attend Gallaudet University in Washington, D.C. She wants to become a basketball coach and teach sign language at a deaf school or public school. She also is interested in teaching about the deaf community and culture.

VOCATIONAL REHABILITATION DIVISION

Commission Chair Wolfe recognized Mark Kinnison, VR Director. Mr. Kinnison's reported on the final production numbers for 2022; wages on successfully closed cases; meetings he attended; Business Services team; and Business Advisory Councils.

OKLAHOMA REHABILITATION COUNCIL

Commission Chair Wolfe recognized Carolina Colclasure, ORC Program Manager. Ms. Colclasure reported on the following committees within ORC; Executive (they have 4 vacancies), Program and Planning, Policy and Legislative, Transition and Employment.

OKLAHOMA STATE INDEPENDENT LIVING COUNCIL

Commission Chair Wolfe recognized Sidna Madden-Trimnell, SILC Executive Director. In her report, Mrs. Madden-Trimnell gave updates on SILC's monthly stakeholder meetings; National Association of Statewide Independent Living Councils (NASILC); Association of Programs for Rural Independent Living (APRIL); meetings she has attended; and new SILC board members.

ACTION ITEMS

COMMISSION MEETING MINUTES

Commission Chair Wolfe asked for a motion and vote to approve the December 12, 2022, Commission for Rehabilitation Services regular Meeting Minutes.

Motion was made by Commissioner Hilliard and seconded by Commissioner Wolfe to approve the December 12, 2022, minutes. Both Commissioners voted in the affirmative. Motion passed.

OKLAHOMA LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED DONATIONS

Commission Chair Wolfe recognized Kevin Treese, OLBPH Program Manager. He reviewed December 2022 OLBPH donation report. Commission Chair Wolfe asked for a motion and vote to approve the OLBPH donations.

Motion was made by Commissioner Hilliard and seconded by Commissioner Wolfe to approve the December 2022 OLBPH donations. Both Commissioners voted in the affirmative. Motion passed.

OKLAHOMA SCHOOL FOR THE BLIND DONATIONS

Commission Chair Wolfe recognized Rita Echelle, Superintendent of OSB. She reviewed the December 2022 and January 2023 OSB donation report. Commission Chair Wolfe asked for a motion and vote to approve the OSB donations.

Motion was made by Commissioner Hilliard and seconded by Commissioner Wolfe to approve the December 2022 and January 2023 OSB donations. Both Commissioners voted in the affirmative. Motion passed.

OKLAHOMA SCHOOL FOR THE DEAF DONATIONS

Commission Chair Wolfe recognized Dr. Heather Laine, Superintendent of OSD. She reviewed the December 2022 and January 2023 OSD donation report. Commission Chair Wolfe asked for a motion and vote to approve the OSD donations.

Motion was made by Commissioner Hilliard and seconded by Commissioner Wolfe to approve the December 2022 and January 2023 OSD donations. Both Commissioners voted in the affirmative. Motion passed.

NEW BUSINESS

Commission Chair Wolfe asked if there was any New Business. There was none.

ANNOUNCEMENTS

Commission Vice-Chair Wolfe announced the date and location of next regular meeting of the Commission for Rehabilitation Services is **March 13, 2023** at 10:30 a.m., DRS State office 3535 NW 58th Street, 2nd Floor Oklahoma City, OK 73112.

PUBLIC COMMENTS

Commission Chair Wolfe asked if there were any public comments. Jonathon Cook said there were none.

ADJOURNMENT

Motion was made by Commissioner Hilliard and seconded by Commissioner Wolfe to adjourn. Both Commissioners voted in the affirmative. Motion passed

**Respectfully submitted by Carol Brown, Commission Assistant
February 13, 2023**

**PROPOSED
ADMINISTRATIVE
RULES**

Department of Rehabilitation Services

Summary of 2023 Administrative Rule Amendments

Chapter 10. Vocational Rehabilitation and Services for the Blind and Visually Impaired

Subchapter 1. General Provisions

612:10-1-2. Definitions [AMENDED] – amended language in definition, Post-employment services. Removed section (D) in Supported employment services.

612:10-1-7. Purchase of services and goods for individuals with disabilities [AMENDED] – amended punctuation in (k) (3). Removed cited rule 612:10-7-220 and add “agency administrative rule” terminology. This rule will be cited under Instructions to Staff (ITS).

SUBCHAPTER 3. CLIENT PARTICIPATION IN COST OF SERVICES

612:10-3-2. Consideration of comparable services and benefits [AMENDED] Correction of spelling error, (d) line 44 and (e) line 54.

612:10-3-3. Participation of individuals in cost of services based on financial need [AMENDED] – Language clarification ‘Family’ revised to ‘Household’ (f) line 64 and 68.

SUBCHAPTER 7. VOCATIONAL REHABILITATION AND SERVICES FOR THE BLIND AND VISUALLY IMPAIRED

PART 1. SCOPE OF VOCATIONAL REHABILITATION AND SERVICES FOR THE BLIND AND VISUALLY IMPAIRED

612:10-7-1. Overview of Vocational Rehabilitation and Services for the Blind and Visually Impaired [AMENDED] – Language clarification ‘retain, regain, or advance’ revised to ‘maintain’ (b) (21) line 72. Rule is revised to be consistent with RSA FAQ 22-03 guidance document that was published in March 2022.

612:10-7-3. Client responsibilities [AMENDED] – Added section (13) basic responsibility to assist counselors in obtaining employment earnings from clients. This will help with WIOA requirements with 2nd and 4th earnings.

PART 3. CASE PROCESSING REQUIREMENTS

612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services [AMENDED] – Language clarification to section (h) (3) line 68 revising Deafness and Hearing Loss procedures. Section (ii) (I) Line 133 add review by RCD and line 117 (II) is removed regarding speech reception threshold measurement.

PART 5. CASE STATUS AND CLASSIFICATION SYSTEM

612:10-7-45. Electronic Case Management System Progression [AMENDED] – Language clarification amending rule to be consistent with the RSA FAQ 22-03 guidance document published March 2022.

612:10-7-58. Closed Rehabilitated [AMENDED] – Language clarification amending rule to be consistent with the RSA FAQ 22-03 guidance document published March 2022. Section (f) line 48 provides counselor with the ability to provide correspondence to the client in their preferred format.

612:10-7-62. Post-Employment services [AMENDED] – Language clarification ‘retain, regain, or advance’ revised to ‘maintain’ under section (a). Section (a) (4) revised language to state Post-employment services are to be provided under an amended IPE and a eligibility -re-determination is not required. Section (b) (3) is revoked. Section (c) is being revoked and rule is renumbered accordingly.

612:10-7-63. Post-Employment services completed [AMENDED] – Revised ‘status’ to ‘services’ under section (b).

PART 15. TRAINING

612:10-7-142. General guidelines for training services [AMENDED] – Language revision under section (f).

PART 17. SUPPORTED EMPLOYMENT SERVICES

612:10-7-185. Provision of supported employment services [AMENDED] – Removed section (c) (4).

612:10-7-185.1. Customized Employment [NEW] – New rule for customized employment.

PART 21. PURCHASE OF EQUIPMENT, OCCUPATIONAL LICENSES AND CERTIFICATIONS

612:10-7-220. Vehicle modification services [AMENDED] – Revised OMES language to read OMES-DCAM. Administrative rule listed within the rule body is being relocated to the Instructions to Staff section.

612:10-7-221. Housing Modification [AMENDED] – Revised OMES language to read OMES-DCAM.

SUBCHAPTER 13. SPECIAL SERVICES FOR THE DEAF AND HARD OF HEARING

PART 3. CERTIFICATION OF INTERPRETERS

612:10-13-16. Evaluation [AMENDED] – Language revision replaces ‘maintenance’ with ‘renewal’, ‘Oklahoma QAST Ethical Standards with ‘NAD-RID Code of Professional Conduct’ under section (a).

612:10-13-18. Fees [AMENDED] – Language revision to incorporate ‘renewal’ relating to yearly certification maintenance fees.

612:10-13-20. Certification maintenance [AMENDED] – Language clean-up, removed section (3) and added section (4) under (a), added section (f).

612:10-13-22. Grievance procedures [AMENDED] – Added language to define procedures: regarding NAD-RID Code of Professional Conduct, ICRC Level of

Limitations, or state and federal laws that is required to file a possible violation against an interpreter. Defined function of the merit panel which is to assist the Department in determining if there is merit to a formal grievance, which is based on facts and parties are anonymous.

612:10-13-23. Formal hearing [AMENDED] – Added language to define and clarify who the Department is, expanded what is needed from parties, defined and clarified what ‘Revocation’ is considered – must be determined and proven there was a severe violation against CPC, Limitations, or a malicious intent to harm.

CHAPTER 25. BUSINESS ENTERPRISE PROGRAM

SUBCHAPTER 2. GENERAL PROVISIONS

612:25-2-5. Definitions [AMENDED] – Language correction of ‘Visual Services’ to ‘Services to the Blind and Visually Impaired’.

SUBCHAPTER 4. THE STATE LICENSING AGENCY

PART 1. ORGANIZATION AND GENERAL OPERATION STANDARDS

612:25-4-1. Organization of the State Licensing Agency [AMENDED] – Language correction of ‘Visual Services’ to ‘Services to the Blind and Visually Impaired’.

PART 3. BUSINESS ENTERPRISE PROGRAM TRAINING

612:25-4-14. Training for new or potential licensed managers – Language correction of ‘DVS/DVR’ to ‘DVR/DSBVI’.

**CHAPTER 10. VOCATIONAL REHABILITATION AND SERVICES FOR THE
BLIND AND VISUALLY IMPAIRED**

SUBCHAPTER 1. GENERAL PROVISIONS

1 **612:10-1-2. Definitions [AMENDED]**

2 The following words and terms, when used in this Chapter, shall have the following
3 meaning, unless the context clearly indicates otherwise:

4 **"Act"** means the Rehabilitation Act [29 USC 701 et seq.].

5 **"ADL"** Activities of Daily Living often refer to the routine activities carried out for
6 personal hygiene and health (including bathing, dressing, feeding) and for operation of a
7 household.

8 **"Applicant"** means an individual who has completed and signed an agency
9 application form or has otherwise requested vocational rehabilitation services; who has
10 provided information necessary to initiate an assessment to determine eligibility and
11 priority for services; and who is available to complete the assessment process.

12 **"Appropriate modes of communication"** means specialized aids and supports
13 that enable an individual with a disability to comprehend and respond to information that
14 is being communicated. Appropriate modes of communication include, but are not
15 limited to, the use of interpreters, open and closed captioned videos, specialized
16 telecommunications services and audio recordings, Brailled and large print materials,
17 materials in electronic formats, augmentative communication devices, graphic
18 presentations, and simple language materials.

19 **"Assessment for determining eligibility and vocational rehabilitation needs"**
20 means, as appropriate in each case a review of existing data to determine if an
21 individual is eligible for vocational rehabilitation services; and to assign priority for an
22 order of selection described in 34 CFR 361.36 in the States that use an order of
23 selection; and to the extent necessary, the provision of appropriate assessment
24 activities to obtain necessary additional data to make the eligibility determination and
25 assignment.

26 **"Assistive technology"** means technology designed to be utilized in an assistive
27 technology device or service.

28 **"Assistive technology device"** means any item, piece of equipment, or product
29 system, whether acquired commercially, modified, or customized, that is used to
30 increase, maintain, or improve functional capabilities of individuals with disabilities.

31 **"Assistive technology service"** means any service that directly assists an
32 individual with a disability in the selection, acquisition, or use of an assistive technology
33 device.

34 **"Best correction"** refers to the use of standard eyeglasses or contact lenses and
35 does not include the use of bioptic telescopic systems or specialized lenses which
36 cannot be worn by the individual on a sustained basis.

37 **"Blind"** means persons who are blind within the meaning of the State Law relating
38 to Vocational Rehabilitation. Legal blindness means a visual acuity of 20/200 or less in
39 the better eye with best correction, or a visual field of 20 degrees or less.

40 **"Client"** means an individual found eligible and receiving services under the Act.

41 **"Community rehabilitation program"** (CRP) means a program that directly
42 provides or facilitates the provision of vocational rehabilitation services to individuals
43 with disabilities, and provides singly or in combination, services for an individual with a
44 disability to enable the individual to maximize opportunities for employment, including
45 career advancement.

46 **"Comparable services and benefits"** means services that are provided or paid for
47 in whole or in part by other Federal, state or local public agencies, health insurance or
48 employee benefits, and are available to the individual at the time needed to ensure the
49 progress of the individual toward achieving the employment outcome in the individual's
50 individualized plan for employment in accordance with 34 CFR 361.53, and
51 commensurate to the services that the individual would otherwise receive from the
52 designated State vocational rehabilitation agency. For the purposes of this definition,
53 comparable services and benefits do not include awards and scholarships based on
54 merit.

55 **"Compensatory training"** means training required before the client can enter a
56 formal training program or employment, such as pre-vocational or personal adjustment
57 training.

58 **"Competitive integrated employment"** means full or part-time work that is
59 compensated at or above minimum wage, offers an individual with a disability benefits
60 and opportunities for advancement comparable to those offered to employees in similar
61 positions, and is performed in a setting where the individual with a disability interacts
62 with persons without disabilities to the same extent that employees who are not
63 individuals with disabilities and who are in comparable positions interact with these
64 persons. Specific criteria defining competitive integrated employment are detailed in 34
65 CFR 361.5(c)(9)."

66 **"Consumer Independence Support Services" (CISS)** are defined as providing
67 independent living assessment, intensive counseling, community integration, and
68 housing modifications to further assist individuals with severe disabilities in achieving
69 independence.

70 **"Continuity of Services"** means once an individual is selected for services in
71 accordance with administrative rules, regardless of the priority category from which the
72 individual was selected, the individual will receive the necessary purchased services,
73 including post-employment services.

74 **"Counselor"** means the qualified vocational rehabilitation professional, who is an
75 employee of the designated state unit, and who has primary responsibility for the
76 management of an individual's rehabilitation services record of service, including
77 determination of eligibility, service planning and management, counseling and guidance,
78 and determination of successful or unsuccessful rehabilitation. Counselor is equivalent
79 to such terms as VR/SBVI Specialist and VR/SBVI Coordinator.

80 **"Credential attainment"** means the percentage of those clients enrolled in an
81 education or training program (excluding those in OJT and customized training) who
82 attained a recognized postsecondary credential or a secondary school diploma, or its
83 recognized equivalent, during participation in or within one year after exit from the
84 program. Under the WIOA, workforce agencies are required to report this percentage
85 during participation in or within one year after closure of the case. This is based on the
86 sub-regulatory guidance related to the implementation and operation of the performance

87 accountability system under section 116 of WIOA and the implementing regulations in
88 34 CFR parts 361 subpart E.

89 **"Customized employment"** means competitive integrated employment, for an
90 individual with a significant disability, that is based on an individualized determination of
91 the unique strengths, needs and interests of the individual; designed to meet the
92 specific abilities of the individual and the business needs of the employer; and carried
93 out using flexible strategies such as those detailed in 34 CFR 361.5(c) (11).

94 **"Department"** unless otherwise indicated in the text, means the Department of
95 Rehabilitation Services as constituted in 74 O.S., Section 166.1 et seq.

96 **"DRS"** means the Department of Rehabilitation Services.

97 **"DVR"** means the Division of Vocational Rehabilitation.

98 **"DSBVI"** means the Division of Services for the Blind and Visually Impaired.

99 **"Electronic Case Management System"** means a "system of records" which is a
100 group of any records under the control of any agency from which information is retrieved
101 by the name of the individual or by some identifying number, symbol, or other identifying
102 particular assigned to the individual.

103 **"Eligible individual"** means an applicant for vocational rehabilitation services who
104 meets the eligibility requirements of 34 CFR 361.42(a).

105 **"Employment and Retention"** (E&R) means short-term job coach support for
106 individuals with severe disabilities who require assistance preparing for, obtaining, and
107 maintaining employment.

108 **"Employment outcome"** means, with respect to an eligible individual, entering,
109 advancing in, or retaining full-time or part-time competitive integrated employment as
110 defined in 34 CFR §361.5(c) (9) (including customized employment, self-employment,
111 telecommuting, or business ownership), or supported employment as defined in 34 CFR
112 §361.5(c) (53), that is consistent with an individual's unique strengths, resources,
113 priorities, concerns, abilities, capabilities, interests, and informed choice. (Note: As
114 specified in federal rule, a designated State unit may continue services to individuals
115 with uncompensated employment goals on their approved individualized plans for
116 employment prior to the effective date of the final federal regulations until June 30,
117 2017, unless a longer period of time is required based on the needs of the individual
118 with the disability, as documented in the individual's service record.)

119 **"Extended employment"** means work in a non-integrated or sheltered setting for a
120 public or private nonprofit agency or organization that provides compensation in
121 accordance with the Fair Labor Standards Act.

122 **"Extended period of time"** means, with respect to duration of vocational
123 rehabilitation, services that are expected to extend at least 6 months from eligibility.

124 **"Extended services"** means ongoing support services provided to individuals with
125 the most significant disabilities, including youth with the most significant disabilities,
126 after the time-limited vocational rehabilitation services have been completed and job
127 stabilization has been achieved. They consist of specific services, including natural
128 supports, needed to maintain the supported employment placement. Extended services

129 are paid from funding sources other than DRS and are specifically identified in the IPE,
130 except that DRS may provide and pay for extended services for youth with the most
131 significant disabilities for a period not to exceed 4 years or extend beyond the date
132 when the youth reaches age 25.

133 **"Extreme medical risk"** means a risk of substantially increasing functional
134 impairment or risk of death if medical services including mental health services, are not
135 provided expeditiously.

136 **"Family member"** means for purposes of receiving vocational rehabilitation
137 services in accordance with 34 CFR 361.48(b)(9), means an individual who either is a
138 relative or guardian of an applicant or eligible individual; or lives in the same household
139 as an applicant or eligible individual; who has a substantial interest in the well-being of
140 that individual; and whose receipt of vocational rehabilitation services is necessary to
141 enable the applicant or eligible individual to achieve an employment outcome.

142 **"Functional capacities"** means a client's assets, strengths, and resources which
143 maintain or increase the individual's ability to work. Functional capacities include
144 mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or
145 work skills.

146 **"Functional limitations"** means physical or mental conditions, emergent from a
147 disability, which impair, interfere with, or impede one or more of an individual's
148 functional capacities.

149 **"Higher education"** means universities, colleges, community/junior colleges,
150 vocational schools, technical institutes, or hospital schools of nursing.

151 **"Highly challenged"** describes a client receiving supported employment services
152 who, due to the nature of the disability, requires a greater level of support from the job
153 coach to achieve and maintain employment.

154 **"IEP"** means Individualized Education Program as required by the Individuals with
155 Disabilities Education Act.

156 **"Individual with a disability"** means an individual who has a physical or mental
157 impairment; whose impairment constitutes or results in a substantial impediment to
158 employment; and who can benefit in terms of an employment outcome from the
159 provision of vocational rehabilitation services.

160 **"Individual with a severe disability"** means with respect to eligibility for the state's
161 Optional Program for Hiring Applicants with Disabilities, an individual who has a
162 physical or mental impairment which seriously limits one or more functional capacities
163 (such as mobility, communication, self-care, self-direction, interpersonal skills, work
164 tolerance, or work skills) in terms of an employment outcome.

165 **"Individual with a significant disability"** means an individual with a disability:

166 (A) who has a severe physical or mental impairment that seriously limits one or
167 more functional capacities (such as mobility, communication, self-care, self-
168 direction, interpersonal skills, work tolerance, or work skills) in terms of an
169 employment outcome;

170 (B) whose vocational rehabilitation can be expected to require multiple
171 vocational rehabilitation services over an extended period of time; and

172 (C) who has one or more physical or mental disabilities resulting from
173 amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy,
174 cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia,
175 respiratory or pulmonary dysfunction, mental illness, intellectual disability,
176 multiple sclerosis, muscular dystrophy, musculoskeletal disorder, neurological
177 disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal
178 cord conditions, sickle cell anemia, specific learning disability, end-stage renal
179 disease or other disability or combination of disabilities determined on the basis
180 of an assessment for determining eligibility and vocational rehabilitation needs
181 to cause comparable substantial functional limitation.

182 **"Individual with the most significant disability"** means an individual with a
183 significant disability who meets the designated State unit's criteria for an individual with
184 a most significant disability. These criteria must be consistent with the requirements in
185 34 CFR 361.36(d)(1) and (2):

186 (A) who has a severe physical or mental impairment that seriously limits three
187 or more functional capacities in terms of an employment outcome;

188 (B) whose vocational rehabilitation can be expected to require multiple
189 vocational rehabilitation services over an extended period of time; and

190 (C) who has one or more physical or mental disabilities resulting from
191 amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy,
192 cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia,
193 respiratory or pulmonary dysfunction, mental illness, intellectual disability,
194 multiple sclerosis, muscular dystrophy, musculoskeletal disorder, neurological
195 disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal
196 cord conditions, sickle cell anemia, specific learning disability, end-stage renal
197 disease or other disability or combination of disabilities determined on the basis
198 of an assessment for determining eligibility and vocational rehabilitation needs
199 to cause comparable substantial functional limitation.

200 **"Individual's representative"** means any representative chosen by an applicant or
201 eligible individual, as appropriate, including a parent, guardian, other family member, or
202 advocate, unless a representative has been appointed by a court to represent the
203 individual, in which case the court-appointed representative is the individual's
204 representative.

205 **"Integrated setting"** means:

206 (A) With respect to the provision of services, a setting typically found in the
207 community in which applicants or eligible individuals interact with non-disabled
208 individuals other than non-disabled individuals who are providing services to
209 those applicants or eligible individuals.

210 (B) With respect to an employment outcome, means a setting typically found in
211 the community where the employee with a disability interacts, for the purpose of
212 performing the duties of the position, with other employees within the particular
213 work unit and the entire work site, and, as appropriate to the work performed,
214 other persons (e.g., customers and vendors) who are not individuals with

215 disabilities (not including supervisory personnel or individuals who are providing
216 services to such employee) to the same extent that employees who are not
217 individuals with disabilities and who are in comparable positions interact with
218 these persons.

219 **"Intercurrent (acute) conditions"** means an illness or injury occurring during the
220 actual course of an individual's rehabilitation which, if not cared for, will complicate or
221 delay achievement of the client's employment outcome as identified in the client's IPE.

222 **"IPE"** means the Individualized Plan for Employment.

223 **"Job Club"** is a structured learning experience for a client to build skills in self-
224 assessment, resume development, job search and research strategies, and interview
225 techniques to assist the person to enter a career of their choice.

226 **"Job Coach/Employment Training Specialist"** means a qualified individual
227 providing support services to eligible individuals in supported employment and
228 employment and retention programs. Services directly support the eligible individual's
229 work activity including marketing and job development, applied behavioral analysis, job
230 and work site assessment, training and worker assessment, job matching procedures,
231 and teaching job skills.

232 **"Long-term treatment"** means medical or psychological treatment that is expected
233 to last more than three months.

234 **"Maintenance"** means monetary support provided to an individual for expenses,
235 such as food, shelter, and clothing, that are in excess of the normal expenses of the
236 individual and that are necessitated by the individual's participation in an assessment for
237 determining eligibility and vocational rehabilitation needs or the individual's receipt of
238 vocational rehabilitation services under an individualized plan for employment.

239 **"Measurable Skill Gains" or "(MSG)"** means a measure of the documented
240 progress (academic, technical, occupational, or other) that a client makes in a training
241 or education program toward obtaining a recognized postsecondary credential. This
242 progress is reported throughout the life of the case. Examples of a valid skill gain would
243 be the documented completion of a high school semester or a minimum of 12 college
244 hours successfully completed over a one year period.

245 **"Milestones"** means a payment system that reimburses a vendor based on
246 incentives and outcomes. The vendor is paid when the client completes pre-defined
247 checkpoints on the way to a desired employment goal.

248 **"Multiple services"** means the counseling and guidance provided as a routine part
249 of case management plus two or more VR services. Comparable benefits and/or
250 services can count toward meeting the definition of multiple services. Services routinely
251 provided as a package do not count as multiple services for the purpose of determining
252 the presence of a significant disability, even if two or more services are included in the
253 package.

254 **"Natural supports"** means any assistance, relationships or interactions that allow a
255 person to maintain employment in ways that correspond to the typical work routines and
256 social interactions of other employees. Natural supports may be developed through
257 relationships with people or put into place by the adaptation of the work environment
258 itself, depending on the support needs of the person and the environment.

259 **"Occupational license"** means any license, permit, or other written authority
260 required by a state, city or other governmental unit to be obtained in order to enter an
261 occupation.

262 **"OMES-DCAM"** means Office of Management & Enterprise Services-Division of
263 Capital Assets Management, which sets thresholds for State Purchasing guidelines.

264 **"Ongoing support services"** means services specified in the IPE according to
265 individual need, which support and maintain an individual with the most significant
266 disabilities in supported employment. Sponsored ongoing support services are provided
267 from the time of placement until the individual is stabilized on the job. Ongoing support
268 services are provided by one or more extended services providers, or by natural
269 supports, following transition throughout the individual's term of employment.

270 **"Other Qualified Rehabilitation Personnel"** means qualified rehabilitation
271 personnel who, in addition to rehabilitation counselors, are necessary to facilitate the
272 accomplishment of the employment outcomes and objectives of an individual (Section
273 100(a)(3)(E) of the Act.) Other qualified rehabilitation personnel include, but are not
274 limited to, rehabilitation teachers of the blind who are certified at the national level.

275 **"Package of services"** means several services which are usually provided
276 together for the same purpose. The services in a package are usually, but not always,
277 from the same category of services (see definition of multiple services, this section).
278 Examples include, but are not limited to: surgery, anesthesia, and hospitalization; or
279 personal computer, software, and peripheral equipment.

280 **"Personal assistance services"** means a range of services including, among
281 other things, training in managing, supervising, and directing personal assistance
282 services, provided by one or more persons, that are designed to assist an individual
283 with a disability to perform daily living activities on or off the job that the individual would
284 typically perform without assistance if the individual did not have a disability. The
285 services are also designed to increase the individual's control in life and ability to
286 perform everyday activities on or off the job; necessary to the achievement of an
287 employment outcome; and provided only while the individual is receiving other
288 vocational rehabilitation services.

289 **"Physical and mental restoration services"** means corrective surgery or
290 therapeutic treatment that is likely, within a reasonable period of time, to correct or
291 modify substantially a stable or slowly progressive physical or mental impairment that
292 constitutes a substantial impediment to employment.

293 **"Physical or mental impairment"** means any physiological disorder or condition,
294 cosmetic disfigurement, or anatomical loss affecting one or more of the following body
295 systems: neurological, musculo-skeletal, special sense organs, respiratory (including
296 speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and
297 lymphatic, skin, and endocrine; or any mental or psychological disorder such as
298 intellectual disability organic brain syndrome, emotional or mental illness, and specific
299 learning disabilities.

300 **"Post-employment services"** means one or more of the services identified in 34
301 CFR 361.48(b) that are provided subsequent to the achievement of an employment
302 outcome and prior to case closure that are necessary for an individual to maintain,
303 regain, or advance in employment, consistent with the individual's unique strengths,
304 resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

305 **"Pre-employment transition services"** means the required activities and
306 authorized activities specified in 34 CFR 361.48(a)(2) and (3).

307 **"Prior approval"** refers to the receipt of approval from the granting authority prior to
308 issuing the authorization for the purchase of goods and services.

309 **"Record of Service"** means any item, collection, or grouping of information about
310 an individual that is maintained by an agency, including, but not limited to, the
311 individual's education, financial transactions, medical history, and criminal or
312 employment history and that contains his name, or the identifying number, symbol, or
313 other identifying particular assigned to the individual.

314 **"Rehabilitation Act"** means the Rehabilitation Act [29 USC 701 et seq.].

315 **"Rehabilitation engineering"** means the systematic application of engineering
316 sciences to design, develop, adapt, test, evaluate, apply, and distribute technological
317 solutions to problems confronted by individuals with disabilities in functional areas, such
318 as mobility, communications, hearing, vision, and cognition, and in activities associated
319 with employment, independent living, education, and integration into the community.

320 **"Rehabilitation technology"** means the systematic application of technologies,
321 engineering methodologies, or scientific principles to meet the needs of, and address
322 the barriers confronted by, individuals with disabilities in areas that include education,
323 rehabilitation, employment, transportation, independent living, and recreation. The term
324 includes rehabilitation engineering, assistive technology devices, and assistive
325 technology services.

326 **"SBVI"** means the Division of Services for the Blind and Visually Impaired,
327 depending upon the context.

328 **"Section 504 Plan"** is a plan designed as a protection for students with disabilities
329 who may not be considered eligible for special education under IDEA in compliance with
330 Section 504 of the Rehabilitation Act of 1973 as amended.

331 **"Small business enterprises"** means a small business operated by blind or other
332 individuals with severe disabilities under the management and supervision of the state
333 DRS. Such businesses include only those selling, manufacturing, processing, servicing,
334 agricultural, and other activities which are suitable and practical for the effective
335 utilization of the skills and aptitudes of individuals who are blind or individuals who have
336 severe disabilities. Small business enterprise provides substantial gainful employment
337 or self-employment commensurate with the time devoted by the operators to the
338 business, the cost of establishing the business and other factors of an economic nature.

339 **"Sole local agency"** means a unit or combination of units of general local
340 government or one or more Indian tribes that has the sole responsibility under an
341 agreement with, and the supervision of, the State agency to conduct a local or tribal
342 vocational rehabilitation program, in accordance with the vocational rehabilitation
343 services portion of the Unified or Combined State Plan.

344 **"Student with a disability"** means, in general, an individual with a disability in a
345 secondary, postsecondary, or other recognized education program who meets the
346 requirements set forth in 34 CFR 361.5(c)(51).

347 **"Substantial impediment to employment"** means that a physical or mental
348 impairment (in the light of attendant medical, psychological, vocational, educational,
349 communication, and other related factors) hinders an individual from preparing for,
350 entering into, engaging in, advancing in, or retaining employment consistent with the
351 individual's abilities and capabilities.

352 **"Supplemental Wage Record"** means wage information used to determine both
353 employment status and wages within a reporting period. This information is required
354 when wage information cannot be obtained through other means such as the Oklahoma
355 Employment Security Commission. The requirement to make the effort to obtain this
356 supplemental wage information is necessary to carry out the accountability
357 requirements under Section 116 of the Workforce Innovation and Opportunity Act.

358 **"Support Service Providers"** (SSP) means a Support Service Provider, commonly
359 referred to as an SSP, is a specially trained individual who provides access to the
360 community for people who are deaf-blind. The SSP is responsible for human guide
361 assistance and facilitation of communication for the deaf-blind person.

362 **"Supported employment"** (SE) means competitive integrated employment,
363 including customized employment, or employment in an integrated work settings in
364 which an individual with a most significant disability, including a youth with a most
365 significant disability, is working on a short-term basis toward competitive integrated
366 employment that is individualized, and customized, consistent with the unique strengths,
367 abilities, interests, and informed choice of the individual, including with ongoing support
368 services for individuals with the most significant disabilities who meet the requirements
369 set forth in 34 CFR 361.5(c)(53).

370 **"Supported employment services"** means ongoing support services, including
371 customized employment, and other appropriate services needed to support and
372 maintain an individual with a most significant disability, including a youth with a most
373 significant disability, in supported employment that are:

374 (A) Organized and made available, singly or in combination, in such a way as to
375 assist an eligible individual to achieve competitive integrated employment;

376 (B) Based on a determination of the needs of an eligible individual, as specified in
377 an individualized plan for employment;

378 (C) Provided by the designated State unit for a period of time not to exceed 24
379 months, unless under special circumstances the eligible individual and the
380 rehabilitation counselor jointly agree to extend the time to achieve the employment
381 outcome identified in the individualized plan for employment; and

382 ~~(D) Following transition, as postemployment services that are unavailable from an~~
383 ~~extended services provided and that are necessary to maintain or regain the job~~
384 ~~placement or advance in employment.~~

385 **"Transition services"** means, for a student or a youth with a disability, a
386 coordinated set of activities designed within an outcome-oriented process that promotes
387 movement from school to post-school activities, including postsecondary education,
388 vocational training, competitive integrated employment, supported employment,
389 continuing and adult education, adult services, independent living, or community
390 participation. Transition services (1) are based upon the individual student's or youth's
391 needs, preferences and interests; (2) include instruction, community experiences, the

392 development of employment and other post-school adult living objectives, and, if
393 appropriate, acquisition of daily living skills and functional vocational evaluation; (3)
394 promote or facilitate the achievement of the employment outcome identified in the
395 student's or youth's individualized plan for employment; and (4) include outreach to and
396 engagement of the parents, or, as appropriate, the representative of such a student or
397 youth with a disability.

398 **"Transportation"** means travel and related expenses that are necessary to enable
399 an applicant or eligible individual to participate in a vocational rehabilitation services,
400 including expenses for training in the use of public transportation vehicles and systems.

401 **"Vocational rehabilitation services"**, if provided to an individual, means those
402 services listed in 34 CFR 361.48; and if provided for the benefit of groups of individuals,
403 means those services listed in 34 CFR 361.49.

404 **"VR"** means the Division of Vocational Rehabilitation, or the more general term
405 vocational rehabilitation services, depending upon the context.

406 **"Youth with a disability"** means an individual with a disability who is not younger
407 than 14 years of age; or older than 24 years of age. Youth with disabilities means more
408 than one youth with a disability.

1 **612:10-1-7. Purchase of services and goods for individuals with disabilities**
2 **[AMENDED]**

3 (a) All Department authorizations are made in compliance with the state purchasing
4 policy under legal authority of the Director or by an employee to whom the Director has
5 delegated such authority. Services, other than diagnosis and pre-employment transition
6 services for students with disabilities regardless of whether the student has applied or
7 been determined eligible for vocational rehabilitation services, must be in an approved
8 Individualized Plan for Employment prior to authorization.

9 (1) All authorizations are to be issued prior to or simultaneously with the provision
10 of the services.

11 (2) Verbal authorizations may be made when needed to ensure effective delivery of
12 services. Verbal authorization must be followed immediately by the actual
13 authorization.

14 (3) Separate authorizations for each fiscal year are required when a planned
15 service extends beyond a single fiscal year. Rehabilitation professionals may not
16 authorize fees for services in excess of those established by the Department unless
17 approved by the Division Administrator.

18 (b) A prior vendor contract is required before authorizations can be made to any post-
19 secondary school.

20 (1) By state law, a vendor contract cannot be issued for more than 12 months. If
21 this written purchase agreement should lapse, vendor's claims will be denied by the
22 Department.

23 (A) Training facility agreements. Training services are purchased from a
24 specific vendor when a written agreement has been approved. Training facility
25 are any type of facility that provides training such as colleges, real estate
26 school, private trade schools, private vocational schools, and career techs. A
27 post-secondary school (private or public) must have a prior written vendor
28 contract with DRS before services can be authorized to that vendor, unless the
29 school is participating in a direct payment program.

30 (B) Out-of-state vendor contracts. Are required to have a prior written vendor
31 contract with DRS before services can be authorized to that vendor. The client
32 will be provided an opportunity to attend the training facility of choice provided
33 the facility has a written agreement with the Department.

34 (2) When a vendor has this prior written purchasing agreement with the
35 Department, and required approvals have been obtained, authorization may be
36 issued for vocational rehabilitation services directly to that vendor.

37 (c) Other nonmedical vendors will not require a prior written purchasing agreement
38 unless stated otherwise in the DRS administrative rule manual section(s) for that
39 service.

40 (d) All other vocational rehabilitation services will be purchased pursuant to the
41 administrative rules in (j) and (m) of this Section. However, a requisition may be
42 submitted to the DRS Purchasing Section if, in the judgment of the responsible
43 rehabilitation professional, the best interests of the individual and/or the agency would

44 be served by having the Purchasing Section handle the procurement. In either case,
45 once items have been received and checked against the authorization, the appropriate
46 DVR or DSBVI staff, in accordance with (j) and (m) of this Section, approves the claim,
47 then forwards it to the DRS Finance Services Division.

48 (1) When a vendor does not abide by the authorization or written purchasing
49 agreement or bills and accepts payment from the client in addition to those agreed
50 upon, the rehabilitation professional will bring this to the immediate attention of the
51 supervisor for action by the administration.

52 (2) The vendor will not be used for further rehabilitation services until agreement to
53 discontinue the objectionable practice is reached.

54 (e) Since the Department is a state-federal agency, it does not pay sales, excise, or
55 transportation taxes.

56 (f) All claims for medical and/or nonmedical client services must be filed on claim forms
57 approved by the Department. When the provision of an authorization is fulfilled,
58 payment for the authorized client services constitutes payment in full. The client will not
59 have any financial liability other than the amount required of clients who must participate
60 in the cost of the service provided.

61 (g) The individual is liable for services he/she arranged which were not planned and
62 initiated under the auspices of DRS.

63 (h) The Department retains right and title to any tools, equipment, durable medical
64 equipment, or other goods costing \$500 or more purchased with DVR and DSBVI funds,
65 until and unless such goods are released to the client. Upon delivery of any such goods
66 to the client, a Receipt for Equipment and Title Agreement must be completed and
67 approved.

68 (1) Completion of Program: Any tools, equipment or durable medical goods
69 purchased for training or occupational purposes remain with the client after
70 completion of the program of services if they can be used in the client's chosen
71 vocation. If the client fails to complete the program of service, the counselor will
72 make effort to reclaim the goods to transfer to another client.

73 (2) Disposition at closure: Case recording must reflect the disposition at the time of
74 closure of tools, equipment, and goods provided the client. All occupational tools,
75 equipment, and durable medical goods remain the property of the agency until
76 released. If the client is not using the items, the counselor will pick them up if an
77 economical savings to the agency will result, and if the transfer will not endanger
78 the health or safety of the client.

79 (3) Title Release: Title on any tools, equipment or durable medical equipment
80 purchased with DRS funds for training or occupational purposes will not be released
81 to the client until the counselor has determined the client is using the items as
82 planned.

83 (i) When the rehabilitation professional determines an authorization or portion of an
84 authorization will not be utilized, procedures to cancel the remaining services will be
85 completed. Before the case is closed, all unliquidated authorizations must be canceled
86 or accounted for to determine if a claim will be made against any outstanding
87 authorization.

88 (j) Purchasing vocational rehabilitation goods or services, other than direct client
89 payments, when there is no prior written purchasing agreement is basically a three-step
90 process. These steps include specifying the requirements for the goods or services,
91 authorizing for the purchase, and receiving delivery of the goods or services. For audit
92 purposes, no one person can perform more than one of these steps. A different person
93 is required for:

94 (1) identifying the requirement for the purchase;

95 (2) placing the order; and

96 (3) accepting the material or service.

97 (k) When a prior written purchasing agreement for vocational rehabilitation goods or
98 services, other than direct client payments, is not required, and the service or package
99 of services to be obtained will cost the amount of the OMES-DCAM authority order limit
100 or less, the rehabilitation professional and client will jointly choose an appropriate
101 vendor. The rehabilitation professional will then authorize for the planned services to the
102 chosen vendor. When a prior written purchasing agreement for vocational rehabilitation
103 services, other than direct client payments, is not required, and the service or package
104 of services will cost more than the OMES-DCAM authority order limit, the rehabilitation
105 professional will follow administrative rules in (1) through (7) of this Subsection.

106 (1) The rehabilitation professional will obtain specialist recommendations for
107 purchase requirements and approvals in accordance with agency administrative
108 rules.

109 (2) The participation of the client, or the client's authorized representative, will be
110 obtained in deciding upon at least three vendors to be contacted by the
111 rehabilitation professional to obtain bids for the goods or services. The rehabilitation
112 professional will review available vendor information with the client, or client's
113 authorized representative, to jointly determine which vendor(s) can best meet the
114 needs of the client in terms of product and service function, quality, and vendor
115 accessibility.

116 (3) At least three vendors offering the goods or services will be contacted to obtain
117 bids. To expedite planning and service delivery, bids may be obtained verbally.
118 Upon request, contacted vendors will be afforded at least 24 hours in which to
119 prepare and submit the verbal bid. The rehabilitation professional will ensure that all
120 bids are submitted in writing for the same or comparable items, and will document
121 the bids received by using the Vendor Bid Documentation Form.

122 (4) The rehabilitation professional will issue the appropriate authorization and claim
123 to the vendor submitting the lowest and best bid. If the rehabilitation professional
124 managing the case is also the recognized specialist who identified the purchase
125 requirements, then the supervisor will issue the appropriate authorization.
126 Authorization may be issued to a vendor not submitting the lowest bid only with
127 strong documentation that the selected vendor can best meet the needs of the
128 client. When the bid is in excess of \$5,000.00 the successful bidder will sign a non-
129 collusion statement (to be sent with the claim), which will be maintained in the case
130 service record.

131 (5) In the case of a vehicle modification or housing modification, upon completion of
132 the authorized services, the counselor will contact the AT Specialist to schedule

133 inspection of the work in accordance with ~~612:10-7-220~~ agency administrative rules.
134 The AT Specialist will complete the "Assistive Technology Inspection Report"
135 verifying the modification conforms to acceptable standards and the work is
136 satisfactory.

137 (6) Upon delivery of the goods or services in accordance with the IPE and
138 authorization, a rehabilitation staff person other than the specialist who specified the
139 purchase requirements and the rehabilitation professional who authorized the
140 purchase will accept delivery, verify that goods received match the vendor invoice,
141 sign the appropriate claim form, sign and attach the invoice and forward them to the
142 DRS Finance Services Division.

143 (7) Upon delivery of any goods costing \$500 or more to the client, a Receipt for
144 Equipment and Title Agreement must be completed and approved.

145 (8) Itemized documentation will be in the case record on all orders costing less than
146 \$500 and the client will acknowledge their receipt. (For example, signing and dating
147 the packaging slip, vendor's invoice, or typed list of goods.)

148 (9) Returned or repossessed items must be documented on for "Receipt for
149 Equipment and Title Agreement" and the final disposition noted in Case Narrative
150 entry.

151 (l) Program Managers will review record of services when submitted for approvals to
152 ensure that purchases are being awarded in a manner that ensures competition and
153 client participation within the scope of DRS and applicable fiscal rules. At least once
154 each fiscal year a random selection of record of services will be reviewed by the DRS
155 Central/Departmental Services Unit to monitor compliance with DRS and applicable
156 fiscal rules. If a Program Manager has reason to believe that a rehabilitation
157 professional is not making a good faith effort to award purchases in a competitive
158 manner and in accordance with agency administrative rules, a fiscal audit of the entire
159 caseload will be requested to determine the appropriate action to take. Prior to the
160 initiation of the Individualized Plan for Employment (IPE), the counselor must determine
161 if:

- 162 (1) a vendor agreement is needed;
- 163 (2) there is an established rate or fee schedule; and
- 164 (3) client's participation in cost of services is required.

165 (m) Pursuant to 74 O.S. 85.44A, any goods or services required under a court order
166 shall be purchased in accordance with DRS fiscal rules.

SUBCHAPTER 3. CLIENT PARTICIPATION IN COST OF SERVICES

1 **612:10-3-2. Consideration of comparable services and benefits [AMENDED]**

2 (a) **Determination of availability.** Prior to providing an accommodation or auxiliary aid
3 or service or any vocational rehabilitation services, except those services listed under
4 34 CFR 361.53 (b), to an eligible individual or to members of the individual's family, the
5 VR or SBVI counselor must determine whether comparable services and benefits, as
6 defined in 34 CFR 361.5 (c) (8) are available to the individual unless such a
7 determination would interrupt or delay services according to 34 CFR 361.53 (a-c).

8 (b) **Exempt services.** The vocational rehabilitation services described in 34 CFR
9 361.48 (b) are exempt from a determination of the availability of comparable services
10 and benefits under paragraph (a) of this section as identified in 34 CFR 361.53 (b) (1-6).
11 However, comparable services and benefits may be used for these VR services if the
12 comparable services and benefits are readily available at the time the VR services are
13 needed.

14 (c) **Provision of services.**

15 (1) If comparable services or benefits exist under any other program and are
16 available to the individual at the time needed to ensure the progress of the
17 individual toward achieving the employment outcome in the individual's
18 individualized plan for employment, DRS must use those comparable services or
19 benefits to meet, in whole or part, the costs of the vocational rehabilitation services.

20 (2) If comparable services or benefits exist under any other program, but are not
21 available to the individual at the time needed to ensure the progress of the
22 individual toward achieving the employment outcome specified in the individualized
23 plan for employment, DRS must provide vocational rehabilitation services until
24 those comparable services and benefits become available.

25 (3) Each eligible individual is required to apply for such benefits. DVR and DSBVI
26 will not participate in the cost of services for any client who fails to apply for and
27 accept available comparable benefits.

28 (4) Whether or not the client must participate in the cost of VR services has
29 absolutely no effect upon the required search for, or use of, available comparable
30 benefits. Available comparable benefits cannot be used in place of client resources
31 when the client is required to participate in the cost of VR services.

32 (5) A student loan is not a comparable benefit. Failure to apply for a student loan
33 which must be repaid will not be cause to withhold participation by DVR or DSBVI.
34 Clients who have defaulted on a student loan will not be assisted with post-
35 secondary training until the client has cleared the default or has made arrangement
36 with the lender on the terms of payment.

37 (6) Clients will be informed of and are expected to provide the counselor a copy of
38 the award letter(s) or other written notice of comparable benefits received from
39 other sources.

40 (d) **Interagency coordination.** The vocational rehabilitation services portion of the
41 Unified or Combined State Plan must assure that the Governor, in consultation with
42 DRS and other appropriate agencies, will ensure that an interagency agreement or
43 other mechanism for interagency coordination takes effect between DRS and any
44 appropriate public entity, including the State ~~entity~~ entity responsible for administering

45 the State Medicaid program, a public institution of higher education, and a component of
46 the statewide workforce development system, to ensure the provision of vocational
47 rehabilitation services, and if appropriate, accommodations or auxiliary aids and
48 services, (other than those services listed in paragraph (b) of this section) that are
49 included in the individualized plan for employment of an eligible individual, including the
50 provision of those vocational rehabilitation services (including, if appropriate,
51 accommodations or auxiliary aids and services) during the pendency of any
52 interagency, dispute in accordance with the provisions of paragraph (d) (3) (iii) of 34
53 CFR 361.53 (d) (1-3).

54 (e) ~~Resonsibilites~~ **Responsibilities under other law.** If a public entity other than DRS
55 is obligated under Federal law (such as the Americans with Disability Act, Section 504
56 of the Act, or section 188 of the Workforce Innovation and Opportunity Act) or State law,
57 or assigned responsibility under State administrative rules or an interagency agreement
58 established under this section, to provide or pay for any services considered to be
59 vocational rehabilitation services (e.g., interpreter services under 34 CFR 361.48 (j)),
60 and, if appropriate, accommodations or auxiliary aids and services other than those
61 services listed in paragraph (b) of this section, the public entity must fulfill that obligation
62 or responsibility according to the terms in 34 CFR 361.53 (e) (1-2).

1 **612:10-3-3. Participation of individuals in cost of services based on financial**
2 **need [AMENDED]**

3 (a) DRS has chosen to consider the financial need of eligible individuals or individuals
4 who are receiving services through the trial work experiences under 34 CFR 361.42 (e)
5 for purposes of determining the extent of their participation in the costs of vocational
6 rehabilitation services, other than those services identified in paragraph (c) in this
7 section according to the criteria set forth in 34 CFR 361.54 (b) (1-2).

8 (b) DVR and DSBVI requires the client to participate in the cost of some vocational
9 rehabilitation services if the client and/or client's family income exceeds the established
10 basic living requirement for the applicable family size. Any client whose available family
11 income exceeds the applicable basic living requirements is required to apply the
12 monthly surplus to the cost of services during each 30 day period services are provided.

13 (c) A basic living requirement has been established for different size family groups. A
14 family member is an individual who is a relative or guardian of an applicant or eligible
15 individual. Basis living requirements are based on 200% of the Federal poverty level
16 adjusted annually for family size. The standard is intended to cover only the necessities
17 of food, shelter, utilities, clothing, transportation, and incidentals to give the counselor
18 some criteria by which to measure the financial need of a client. To qualify as
19 independent from the family group, the client must meet on of the following criteria:

20 (1) Beneficiary of Titles II (federal old age, survivors, and disability insurance
21 benefits) or XVI (SSI);

22 (2) At least 24 years of age and single;

23 (3) A ward of the court and in custody of DHS;

24 (4) Married and maintaining a separate household;

25 (5) Meets the criteria for temporary housing as described (7) of this section or;

26 (6) The counselor has adequate documentation to verify the client has the financial
27 resources to demonstrate self-sufficiency and that no family contributions are
28 available.

29 (7) An eligible individual whose disability has resulted in the need to live with family
30 or friend, and as appropriate the individual's spouse and dependent children, will be
31 considered as a separate household regardless of living arrangements.

32 (A) Verification of family membership should be based upon whatever
33 available information most accurately documents family membership according
34 to the definition given in this administrative rule.

35 (B) Examples of acceptable verification include the latest Federal income tax
36 return, payroll information, insurance policies, client report, and/or counselor
37 observation.

38 (d) The client can be provided services not based on financial needs, the following
39 services do not require a determination of financial need status:

- 40 (1) services provided to assess eligibility and priority for services (services which
41 would require the individual's participation in cost under an IPE will also require the
42 individual's participation in cost during an evaluation of the individual's ability to
43 benefit from VR services);
- 44 (2) counseling and guidance including information and support services to assist
45 an individual in exercising informed choice;
- 46 (3) referral and other services to secure needed services from other agencies,
47 including other components of the statewide workforce development system;
- 48 (4) on-the-job training, work experience, internships and apprenticeships;
- 49 (5) personal or vocational adjustment training;
- 50 (6) personal assistance services;
- 51 (7) job-related services including job search and placement assistance, job
52 retention services, follow-up services and follow-along services; under 34 CFR
53 361.48 (b) (12);
- 54 (8) compensatory training;
- 55 (9) Supported employment, employment and retention; or
- 56 (10) any auxiliary aid or service (e.g., interpreter services, reader services) that an
57 individual with a disability require under Section 504 of the Act or the American with
58 Disabilities Act (42 U.S.C. 12101, et seq.) or regulations implementing those laws,
59 in order for the individual to participate in the VR program.
- 60 (e) Any client who does not have a surplus is not required to participate in the cost of
61 services. Financial need does not exempt the client from required use of comparable
62 benefits. If a payment is required of the client, it will be made to the vendor.
- 63 (f) The counselor will re-evaluate the client's financial situation at least annually and
64 any time there is a change in the financial situation of the client or family household.
65 The amount of client participation in cost is based upon the most recent determination
66 of client's financial needs at the time the IPE or amendment. If applicable, the extent of
67 the individual's participation in paying for the cost of services is identified on the IPE
68 service (e.g. Family Household monthly income surplus will be exhausted prior to
69 agency financial contribution).
- 70 (g) The client's financial needs must be verified when an IPE includes service which
71 require client participation in costs of services.
- 72 (h) Determination of income and liabilities will be verified and documented by the
73 counselor in the record of service when services in the IPE and amendments require
74 client participation in cost. If the individual refuses to provide the requested information,
75 DRS resources will not be used to purchase services which require client participation in
76 cost of the services.
- 77 (1) Income.

78 (A) Income generated from salaried wages will be calculated by gross earnings
79 minus federal taxes, state taxes and social security deductions.

80 (B) Income generated from business or profession will be calculated by
81 adjusted gross minus additional federal and state taxes divided by 12 to
82 determine a monthly amount.

83 (C) Income received from unearned sources, such as pensions, public
84 assistance, interest, dividends, royalties, trust fund, or money payments of any
85 kind will be counted. Educational grants, stipends, or loans will not be included
86 in the calculation. If a yearly income is available, it will be divided by 12 to
87 calculate a monthly amount.

88 (2) Liabilities. When the client is making payments on any areas of liability listed
89 below, payments will be itemized. If payments are not being made on a debt, an
90 expense cannot be shown for this item.

91 (A) Medical. Out-of-pocket medical payments not covered by insurance,
92 including medication and supplies, can be used as a medical expense. Monthly
93 premiums for health insurance can be included.

94 (B) Disability related expenses. Disability related expenses beyond the basic
95 living requirements may be considered, if not funded by DRS.

96 (C) Other. Court order commitments, including child support, can be counted
97 as a liability.

98 (D) Education expenses. Costs for any family member incurred only for tuition,
99 books, and fees, toward post-secondary educational expenses, not included in
100 the IPE or paid by grants, scholarships, fee waivers, etc., can be counted as a
101 liability. Only the amount of the payments can be counted as a liability.

102 (i) Case recording requirements. A statement regarding the re-evaluation of financial
103 needs must be included in the record of service. The financial review may be included in
104 the IPE review if they occur at the same time.

**SUBCHAPTER 7. VOCATIONAL REHABILITATION AND SERVICES FOR THE
BLIND AND VISUALLY IMPAIRED**

**PART 1. SCOPE OF VOCATIONAL REHABILITATION AND SERVICES FOR THE
BLIND AND VISUALLY IMPAIRED**

1 **612:10-7-1. Overview of Vocational Rehabilitation and Services for the Blind and**
2 **Visually Impaired [AMENDED]**

3 (a) Vocational rehabilitation services are provided by the Division of Vocational
4 Rehabilitation and the Division of Services for the Blind and Visually Impaired to help
5 eligible individuals achieve employment outcomes that are consistent with the unique
6 strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed
7 choice of each eligible individual. VR services for individuals are meant to result in
8 competitive employment in an integrated setting. Vocational rehabilitation services
9 include services for individuals and services to groups of individuals.

10 (b) Vocational rehabilitation services for an individual are prescribed in an
11 Individualized Plan for Employment (IPE) that is based on an assessment of the
12 individual's rehabilitation needs, guidance provided by a qualified vocational
13 rehabilitation professional and the individual's informed choice with regard to
14 employment goal, services and service providers. Services may include but are not
15 limited to:

16 (1) an assessment for determining eligibility and vocational rehabilitation needs by
17 qualified personnel, including, if appropriate, an assessment by personnel skilled in
18 rehabilitation technology;

19 (2) counseling and guidance, including information and support services to assist
20 an individual in exercising informed choice;

21 (3) referral and other services to secure needed services from other agencies
22 through cooperative agreements if such services are not available from DVR or
23 DSBVI;

24 (4) job-related services, including job search and placement assistance,
25 customized employment services, services leading to self-employment, job
26 retention services, ongoing services, and extended services;

27 (5) vocational and other training services, including the provision of personal and
28 vocational adjustment services, books, tools, and other training materials;

29 (6) to the extent that financial support is not readily available from a source (such as
30 health insurance or comparable services and benefits) other than DVR or DSBVI,
31 diagnosis and treatment of physical and mental impairments;

32 (7) maintenance for additional costs incurred while participating in an assessment
33 for determining eligibility and vocational rehabilitation needs or while receiving
34 services under an Individualized Plan for Employment;

35 (8) transportation, including training in the use of public transportation vehicles and
36 systems, that is provided in connection with the provision of any other service
37 described in this section and needed by the individual to participate in rehabilitation
38 services or to achieve an employment outcome;

39 (9) on-the-job or other related personal assistance services provided while an
40 individual is receiving other services described in this section;

- 41 (10) interpreter services provided by qualified personnel for individuals who are
42 deaf or hard of hearing, and reader services for individuals who are determined to
43 be blind;
- 44 (11) rehabilitation teaching services, and orientation and mobility services, for
45 individuals who are blind;
- 46 (12) occupational licenses, tools, equipment, and initial stocks and supplies;
- 47 (13) technical assistance and other consultation services to conduct market
48 analyses, develop business plans, and otherwise provide resources, to the extent
49 such resources are authorized to be provided through the statewide workforce
50 investment system, to eligible individuals who are pursuing self-employment or
51 telecommuting or establishing a small business operation as an employment
52 outcome;
- 53 (14) rehabilitation technology, including rehabilitation engineering, assistive
54 technology devices and assistive technology services;
- 55 (15) transition services for students with disabilities, that facilitate the achievement
56 of the employment outcome identified in the Individualized Plan for Employment,
57 and pre-employment transition services as described in 34 CFR 361.48(a) and 29
58 USC 733;
- 59 (16) supported employment services for individuals with the most significant
60 disabilities that need ongoing support services from a job coach to obtain and
61 maintain employment;
- 62 (17) employment and retention services for individuals with significant disabilities
63 who require short term job coach support to obtain and maintain a successful
64 employment outcome;
- 65 (18) transitional employment services for individuals with the most significant
66 disabilities due to mental illness who have little or no successful work history and
67 need work adjustment/trial work experience;
- 68 (19) work experiences, internships, and apprenticeships;
- 69 (20) services to the family of an individual with a disability necessary to assist the
70 individual to achieve an employment outcome; and
- 71 (21) specific post-employment services necessary to assist an individual with a
72 disability to maintain, ~~retain, regain, or advance in~~ employment.

73 (c) Vocational rehabilitation services for groups of individuals with disabilities are
74 described in 34 CFR 361.49 and include:

- 75 (1) In the case of any type of small business operated by individuals with significant
76 disabilities the operation of which can be improved by management services and
77 supervision provided by DVR or DSBVI, the provision of such services and
78 supervision, along or together with the acquisition by DVR or DSBVI of vending
79 facilities or other equipment and initial stocks and supplies.

- 80 (2) Equipment for clients who are going into self-employment requires prior
81 approval from RSA.
- 82 (3) Transition services to youth and students with disabilities who may not have
83 applied or been determined eligible for vocational rehabilitation services, that
84 involve collaboration of a vocational rehabilitation counselor with education
85 agencies, programs serving individuals with developmental disabilities, businesses,
86 workforce programs, independent living centers, housing and transportation
87 authorities and related entities. Such services are to benefit a group of youth or
88 students with disabilities and may not be individualized services related to an
89 individual plan for employment. Services may include group tours of training
90 programs and businesses, career fairs, interview practice, resume writing, and other
91 group activities that support future employability.
- 92 (4) High school students who have a disability and are not clients of the DRS, but
93 are going to a conference or camp to provide them with the necessary tools and
94 education for employment requires prior approval from RSA.
- 95 (5) The use of telecommunications systems (including telephone, television, video
96 description services, tactile-vibratory devices, satellite, radio, and other similar
97 systems) that have the potential for substantially improving delivery methods of
98 activities described in this section and developing appropriate programming to meet
99 the particular needs of individuals with disabilities;
- 100 (6) Special services to provide access to information for individuals who are blind,
101 visually impaired, deaf, hard of hearing or deaf-blind including:
- 102 (A) the use of telecommunications, Braille, sound recordings, or other
103 appropriate media;
- 104 (B) captioned television, films, or video cassettes for individuals who are deaf
105 or hard of hearing;
- 106 (C) tactile materials for individuals who are deaf-blind; and
- 107 (D) other special services that provide information through tactile, vibratory,
108 auditory, and visual media.
- 109 (7) Technical assistance to businesses that are seeking to employ individuals with
110 disabilities.
- 111 (8) Consultative and technical assistance services to assist educational agencies in
112 planning for the transition of students with disabilities from school to post-school
113 activities, including employment.
- 114 (9) The establishment, development or improvement of assistive technology
115 demonstration, loan, reutilization or financing programs in coordination with
116 activities authorized under the Assistive Technology Act of 1998.
- 117 (10) The establishment, development or improvement of a community rehabilitation
118 program that is used to provide vocational rehabilitation services that promote
119 integration into the community and prepare individuals with disabilities for
120 competitive integrated employment.

1 **612:10-7-3. Client responsibilities [AMENDED]**

2 To make the rehabilitation effort a success, the individual and agency's staff must
3 work together to reach chosen goals. This shared responsibility requires that the client
4 or applicant for services accept the basic responsibilities in (1) through (13) of this
5 Subsection. Other specific client responsibilities are stated in relevant manual sections.
6 It is the counselor's responsibility to fully and appropriately inform the client of client
7 responsibilities.

8 (1) Provide information and be available to complete the assessment process to
9 find out if you are eligible for services.

10 (2) Be on time and keep appointments with DVR/DSBVI staff, doctors and others.
11 Call in advance or as soon as possible, if you cannot come to an appointment.

12 (3) Follow the advice of doctors and other medical professionals to include
13 compliance with all prescribed medications.

14 (4) Participate with your DVR/DSBVI qualified vocational rehabilitation counselor in
15 developing the Individualized Plan for Employment, (IPE) including participating in
16 assessments needed to determine your needs and strengths.

17 (5) Provide enrollment documents to your counselor before the college or
18 university's designated "Drop and Add" deadline so an authorization can be issued,
19 if your IPE includes educational and training services.

20 (6) Attend education or training classes on a regular basis and maintain passing
21 grades, if your IPE includes these services.

22 (A) Payment of training services based on client's financial need will not be
23 provided if the client's grades fall below 1.8 overall GPA.

24 (B) Training services may be paid for a client having an overall GPA
25 between 1.8 and 1.9 for the first semester that grades fall below 2.0 overall
26 GPA. Subsequent enrollments can only be paid if the student's overall GPA
27 shows progress.

28 (7) Review your IPE with your qualified vocational rehabilitation counselor at least
29 once a year and participate in making revisions to the plan when needed.

30 (8) Maintain satisfactory progress toward completing the IPE.

31 (9) Abstain from abuse of drugs and/or alcohol. Individuals who abuse drugs and/or
32 alcohol while receiving services will be referred to the Oklahoma Department of
33 Mental Health and Substance Abuse Services (ODMHSAS) and/or other
34 appropriate agencies for purposes of seeking treatment. All case services will be
35 suspended. If the client refuses or fails to cooperate with seeking treatment, or is
36 not available to pursue a DRS program, this will be considered as reasonable cause
37 for case closure.

38 (10) Keep the appropriate professional informed of changes in the individual's
39 address, financial need, or other program-related changes.

40 (11) Apply for and make appropriate use of any comparable benefits and services
41 for which the client is eligible to defray in whole or in part the cost of services in the
42 individual's IPE and provide verification of financial aid award status to counselor.

43 (12) Work with the counselor to obtain or keep suitable competitive integrated
44 employment outcomes as services are being completed.

45 (13) Following the achievement of a suitable employment outcome, if contacted,
46 assist your counselor by providing any requested employment earnings information
47 to verify that you are still working. These follow up requests, when necessary, may
48 occur up to one year after your case is closed.

PART 3. CASE PROCESSING REQUIREMENTS

1 **612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services**
2 **[AMENDED]**

3 (a) An individual is eligible for vocational rehabilitation services under the Rehabilitation
4 Act through the State Department of Rehabilitation Services if the individual:

5 (1) has a physical or mental impairment which for such individual constitutes or
6 results in a substantial impediment to employment;

7 (2) is determined by a qualified vocational rehabilitation counselor to require
8 vocational rehabilitation services to prepare for, secure, retain, advance in, or regain
9 employment; and

10 (3) can benefit in terms of an employment outcome from vocational rehabilitation
11 services.

12 (b) The agency presumes that an applicant with a physical or mental impairment that
13 constitutes or results in a substantial impediment to employment can benefit from
14 vocational rehabilitation services in terms of an employment outcome, unless the
15 agency demonstrates, based on clear and convincing evidence, that the individual is
16 incapable of benefiting from rehabilitation services due to the severity of the individual's
17 disability.

18 (c) An individual who has a disability or is blind as determined pursuant to Titles II
19 (federal old age, survivors, and disability insurance benefits) or XVI (SSI) shall be:

20 (1) considered to have a significant disability under the order of selection; and

21 (2) presumed to be eligible for vocational rehabilitation services, (provided that the
22 individual intends to achieve an employment outcome consistent with the unique
23 strengths, resources, priorities, concerns, abilities, capabilities, interests, and
24 informed choice of the individual) unless clear and convincing evidence
25 demonstrates that the individual is incapable of benefiting in terms of an
26 employment outcome from vocational rehabilitation services due to the severity of
27 the individual's disability.

28 (d) Eligibility requirements shall be applied without regard to:

29 (1) duration of residence in the state,

30 (2) type of disability,

31 (3) age, except that in serving eligible individuals below working age, the client
32 must be expected to reach working age by the time the IPE is completed, and DRS
33 will not provide services that are the responsibility of the public school system.

34 (4) gender, race, color or national origin,

35 (5) type of expected employment outcome,

36 (6) source of referral, or

37 (7) the particular service needs or anticipated cost of services required by an
38 applicant or applicant's family.

39 (e) **Disabled veterans.** Disabled veterans are eligible for vocational rehabilitation
40 services on the same basis as other individuals with disabilities subject to the following
41 restrictions:

42 (1) Disabled veterans are not provided services which can be secured from the
43 Veterans Administration (VA), unless use of VA services will cause a substantial
44 delay of services.

45 (2) Veterans receiving additional benefits under the G. I. Bill or the War Orphan Act
46 may be provided services if such services do not duplicate those being received
47 from the VA.

48 (f) **Applicants who are employed.** Employed persons who meet basic eligibility
49 requirements may be provided vocational rehabilitation services to advance in or retain
50 employment, or when the employment is not consistent with the individual's strengths,
51 resources, priorities, concerns, abilities, interests and capabilities.

52 (g) **Citizenship.** Participation in the VR program is available to citizens and nationals
53 of the United States, lawfully admitted permanent resident aliens, refugees, asylees and
54 parolees, and other immigrants authorized to work in the United States.

55 (h) **Criteria.** Some conditions have unique criteria that must be considered when
56 determining eligibility.

57 (1) **Alcoholism/Drugs.** Individuals may be eligible for vocational rehabilitation
58 services based on a substance abuse diagnosis that may be made by a qualified
59 professional. Clients must be willing to undergo random alcohol/drug screening.
60 DRS does not pay for detoxification or replacement drug treatment. Documentation
61 from qualified Drug and Alcohol treatment professionals indicating that the client is
62 presently substance-free, maintaining sobriety, and actively participating in a
63 treatment or maintenance program if recommended by the treating professional
64 must be filed in the case record upon IPE development.

65 (2) **Allergies/Asthma.** Allergies/asthmatic conditions that require continuous or
66 intermittent medical intervention and result in a substantial impediment to
67 employment will be considered eligible for services.

68 (3) **Deafness and Hearing Loss.** ~~The rehabilitation professional will base~~
69 ~~eligibility determination upon one of the measurement methods listed below, as~~
70 ~~performed by a licensed audiologist as determined by the Department. The case~~
71 ~~record must document the method chosen provides the most accurate evaluation of~~
72 ~~functional hearing level for the individual. The licensed audiologist will do a~~
73 ~~Comprehensive Hearing Evaluation (CHE) with written recommendations for~~
74 ~~treatment. The CHE will include the type of hearing aids needed with a treatment~~
75 ~~plan to maintain the maximum rehabilitation for the hearing loss In most cases, for~~
76 ~~the purpose of vocational rehabilitation, the majority of cases served will be in the~~
77 ~~moderate range to profound range, barring any other significant functional~~
78 ~~limitations as determined by a rehabilitation counselor for the Deaf (RCD). Degree~~
79 ~~of hearing loss from normal to profound are based on the hearing loss ranges as~~
80 ~~follows:~~

81 (i) Normal (-10-15)

- 82 (ii) Slight (6-25)
- 83 (iii) Mild (26-40)
- 84 (iv) Moderate (41-55)
- 85 (v) Moderately severe (56-70)
- 86 (vi) Severe (71-90)
- 87 (vii) Profound (91+)

88 The rehabilitation professional will base eligibility determination upon one of the
89 measurement methods listed below, as performed by a licensed audiologist as
90 determined by the Department. The case record must document the method
91 chosen provides the most accurate evaluation of functional hearing level for the
92 individual. The licensed audiologist will do a Comprehensive Hearing Evaluation
93 (CHE) with written recommendations for treatment. The CHE will include the type of
94 hearing aids needed with a treatment plan to maintain the maximum rehabilitation
95 for the hearing loss.

96 (4) A CHE or recommendation for hearing aids and treatment from a Hearing
97 Instrument Specialist (HIS) is not acceptable and should not be considered by the
98 rehabilitation professional in addressing the rehabilitation needs.

99 (A) **Eligibility criteria.** Eligibility criteria for each method of measurement are
100 listed in (i) through (iv) of this Subsection. An individual will also be considered
101 to have a qualifying disability when documentation indicates the hearing loss is
102 progressive and the progression is substantial enough to result in an
103 impediment to employment.

104 (i) **Average hearing loss.** Average hearing loss, which is determined by
105 computing average of the pure tone thresholds for each ear at 1000Hz,
106 2000Hz, 3000Hz and 4000Hz. An individual is considered to have a
107 qualifying disability based upon average hearing loss when:

108 (I) The hearing loss in one ear is profound (91 dB or greater) and the
109 hearing loss in the better ear is at least 15 dB; or

110 (II) The hearing loss in the better ear is 30 dB or greater.

111 (ii) **Speech recognition threshold (SRT).** An individual is considered to
112 have a qualifying disability when:

113 (I) ~~the speech reception threshold in one ear is 91 dB or greater and is~~
114 ~~at least 15 dB in the better ear; or~~ Consultation with a Qualified
115 Rehabilitation Counselor for the Deaf (RCD) and upon Review of the
116 RCD based on the Speech reception threshold.

117 (II) ~~the speech reception threshold in the better ear is 30 dB or greater.~~

118 (iii) **Speech discrimination or word recognition score.** An individual is
119 considered to have a qualifying disability when the speech discrimination or
120 word recognition score is 70% or less, upon review by a RCD.

121 (iv) **Articulation index.** An individual is considered to have a qualifying
122 disability when the articulation index is 70% or less upon review by RCD.

123 (v) **Only a licensed audiologist can determine the speech**
124 **discrimination or word recognition and articulation index score.** The
125 Vocational Rehabilitation Counselor will utilize these scores in determining
126 eligibility and identification of the functional barriers to employment.

127 (I) A Consultation by the Rehabilitation Counselor for the Deaf (RCD)
128 that the applicant has hearing loss that constitutes a physical or mental
129 impairment and the physical or mental impairment constitutes or
130 results in a substantial impediment to employment; and

131 (II) A Consultation by a Rehabilitation Counselor for the Deaf (RCD)
132 that the applicant requires vocational rehabilitation services to prepare
133 for, secure, retain, advance in, or regain employment that is consistent
134 with the individuals unique strengths, resources, priorities, concerns,
135 abilities, capabilities, interest and informed choice.

136 (B) **Severity of Hearing Loss.** All individuals who qualify as having a severe
137 hearing loss or, who are culturally Deaf and/or use Manual Communication, will
138 be referred to a Rehabilitation Counselor for the Deaf and Hard of Hearing
139 (RCD for a consultation on severity of loss and functional limitations) The RCD
140 then will determine whether the case needs to be assigned to an RCD.
141 Relevant information provided will include copies of the initial interview narrative
142 recording, medical information, eligibility data entry form, Individualized Plan for
143 Employment, pertinent copies of case narratives and DRS application form.

144 (i) **Severe Hearing Loss.** Average hearing loss, as calculated above, is
145 considered severe when:

146 (I) The hearing loss in one ear is profound (91 dB or greater) and the
147 hearing loss in the better ear is at least 31 dB; or

148 (II) The hearing loss in each ear is 55 dB or greater.

149 (ii) **Severe Speech Recognition Threshold (SRT).** An individual is
150 considered to have severe disability when;

151 (I) The SRT in one ear is 91 dB or greater and the SRT in the better
152 ear is at least 31 dB; or

153 (II) The SRT in each ear is 55 dB or greater.

154 (iii) **Severe Speech Discrimination or word recognition score.** An
155 individual is considered to have a severe disability when the speech
156 discrimination or word recognition score is 59% or less.

157 (4) **Diabetes:** The individual must require prescribed medication to control the
158 condition. Those persons whose diabetes is controlled by diet and exercise alone or
159 whose condition does not result in a substantial impediment to employment will not
160 be considered eligible. Eligible clients will be required to undergo a visual exam by a
161 licensed ophthalmologist at least once a year. Diabetes management training will be
162 incorporated into the IPE unless the client shows that he/she has previously

163 completed diabetes management training. When recommended by a physician,
164 diabetes management training will be incorporated into the IPE regardless of past
165 diabetes education received by the individual.

166 (5) **Facial and Disfigurement Conditions.** When these conditions result in an
167 impediment to employment an individual may be eligible for VR services.

168 (6) **Learning Disabilities.** Learning disabilities is a general term that refers to a
169 group of disorders manifested by significant difficulties in the attainment and use of
170 listening, speaking, reading, writing, reasoning, or mathematical abilities. Learning
171 disabilities are identified when there are difficulties learning and using academic
172 skills, as indicated by at least one of the following occurring even with interventions:
173 Inaccurate or slow reading, difficulty understanding the meaning of what is read,
174 difficulties with spelling, difficulties with written expression, difficulties mastering
175 numbers sense, facts or calculation, and difficulties with mathematical reasoning.
176 Also, academic skills are significantly below those expected for the student's
177 chronological age and causes issues with academic and occupational performance.
178 Academic areas include, impairment in reading, impairment in written expression,
179 and impairment in mathematics.

180 (7) **Mental Disorders.** Individuals may be eligible for vocational rehabilitation
181 services based on a mental health diagnosis made by a qualified professional
182 (612:10-7-98 (17)(A)(1-5)). Documentation must be filed from a qualified
183 professional indicating the client is participating in a treatment plan and in
184 compliance with all medication as prescribed. Treatment must be incorporated as a
185 service in the IPE for individuals with a mental disorder.

186 (8) **Intellectual Disability.** To be eligible, individuals having an I.Q. of 69 or below
187 and substantially limited adaptive functioning, as measured by an individual
188 intelligence test, will be considered to have a substantial disability. Individuals
189 eligible under IDEA with an I.Q. level higher than 69 may be considered to have a
190 substantial impairment provided the documentation used by the school in
191 determining eligibility under IDEA, in the counselor's judgment, confirms the
192 individual is functioning in the intellectual disability range of ability. Individuals not
193 enrolled in public school special education classes with an I.Q. higher than 69 may
194 be considered to have a substantial impairment provided appropriate
195 documentation confirms the individual is functioning in the intellectual disability
196 range of ability.

197 (9) **Height.** To be eligible, a person's stature must constitute or result in a
198 substantial impediment to employment.

199 (10) **Obesity.** To be eligible, a person must be considered obese according to a
200 recognized medical classification protocol and the impairment must constitute or
201 result in a substantial impediment to employment. Some type of weight loss plan or
202 treatment for obesity must be included as a service in the IPE.

203 (11) **Visual.** Any of the following conditions may provide a basis for eligibility due
204 to visual disability:

205 (A) **Blindness.** A central visual acuity of 20/200 or less in the better eye with
206 best correction, or a limitation in the field of vision in the better eye so that the
207 widest diameter of the visual field subtends an angle of 20 degrees or less.
208 "Best correction" refers to the use of standard eyeglasses or contact lenses,

209 and does not include use of bioptic telescopic systems or any specialized
210 lenses which cannot be worn by the individual on a sustained basis.

211 (B) **Visual impairment.** A central visual acuity of 20/60 or less in the better eye
212 with best correction, or other visual condition which, for the individual, results in
213 functional limitations and constitutes a barrier to employment. Other visual
214 conditions which may result in functional limitations include, but are not limited
215 to, limited peripheral vision, extreme light sensitivity, loss of depth perception,
216 loss of stereopsis, diplopia (double vision), aphakia, total absence of color
217 discrimination or red-green deficiency, blurred vision, eye muscle and
218 movement conditions, and cortical visual impairment.

219 (C) **Progressive eye disease.** Diagnosis of a progressive sight threatening
220 disease or condition that has resulted in functional limitations for the individual
221 or is expected to progress rapidly. Progressive eye diseases which may result
222 in significant vision loss include, but are not limited to, retinitis pigmentosa,
223 diabetic retinopathy, glaucoma and macular degeneration.

224 (12) **Re-evaluation.** Individuals with chronic disabilities that can be removed with
225 little or no residual limitations will not be eligible for purchase of services other than
226 those related to the required treatment.

PART 5. CASE STATUS AND CLASSIFICATION SYSTEM

1 **612:10-7-45. Electronic Case Management System Progression [AMENDED]**

2 (a) The electronic case management system is comprised of a logical flow an individual
3 progresses through the vocational rehabilitation process. This electronic case
4 management system covers the life cycle of a case from referral and application
5 through eligibility, plan, employment, post-employment services, and closure,~~and post-~~
6 ~~employment services.~~

7 (b) No case action is effective until all required approvals have been obtained in
8 accordance with administrative rules. The effective date of any case action, including
9 closures, is the date the last required approval is obtained in accordance with
10 administrative rules.

1 **612:10-7-58. Closed Rehabilitated [AMENDED]**

2 (a) **Use of Closed Rehabilitated status.** A case is closed as rehabilitated because the
3 client has achieved an employment outcome as a result of vocational rehabilitation
4 services. Cases closed as rehabilitated must as a minimum meet the requirements in
5 (1) through (5) of this Subsection:

6 (1) the provision of services under the individual's IPE has contributed to the
7 achievement of the employment outcome;

8 (2) the employment outcome is consistent with the individual's strengths,
9 resources, priorities, concerns, abilities, capabilities, interests, and informed choice;

10 (3) the employment outcome is in an integrated setting, consistent with the
11 individual's informed choice;

12 (4) the individual has maintained the employment outcome for a period of at least
13 90 days; and

14 (5) at the end of the appropriate period under Paragraph (4) of this Section, the
15 individual and the VR Counselor consider the employment outcome to be
16 satisfactory and agree that the individual is performing well on the job.

17 (b) **Out of state.** Clients who move out of state after services have been completed are
18 closed in rehabilitated status if the requirements in Subsection (a) of this Section can be
19 met. If those requirements cannot be met the case will be closed, not rehabilitated.

20 (c) **Successful closure prior to completion of IPE.** If employment is secured before
21 completion of the IPE, a counselor must document the conditions of substantial services
22 and suitable employment were met. If planned services are interrupted prior to
23 achieving the originally planned vocational goal, and services provided have directly
24 contributed to the employment outcome for the individual or to job retention, an IPE
25 amendment is not needed to revise the vocational goal prior to closure. A plan
26 amendment is required when there is a substantial deviation from the original
27 employment goal.

28 (d) **Cases closed from supported employment.** An individual with the most
29 significant disabilities who is receiving supported employment services is considered to
30 be successfully rehabilitated if the individual maintains a supported employment
31 placement for a minimum of 90 days beyond stabilization. In addition to the criteria for
32 "suitably employed", the counselor must document that the individual has met or has
33 made substantial progress toward meeting the weekly work goal defined in the IPE, the
34 client is satisfied with the job, the employer is satisfied with the client's job performance,
35 extended services are in place, all supported employment requirements have been met,
36 and the case is ready for closure. The closure documentation will address any
37 significant differences in the ultimate work week achieved as compared with the
38 predicted goal.

39 (e) **Cases closed from employment and retention.** An individual with severe
40 disabilities who is receiving employment and retention services is considered to be
41 successfully rehabilitated when the client maintains employment for a minimum of 90
42 days after placement, or for a minimum of 4 weeks plus 90 days if the individual
43 required the "4 Weeks Job Support" Milestone.

44 (f) **Case recording requirements.** The client, or the client's authorized representative
45 as appropriate, will be a full participant in the decision to close the case. The last
46 discussion of the closure decision with the client, or the client's authorized
47 representative, will be held at the end of the required 90 days of the closure, and will be
48 documented in a case narrative. The client will be notified in writing their preferred
49 format of the case closure and ~~advised of the availability of Post-Employment Services.~~

50 (g) **Documentation at Successful Closure.** Prior to closure, a copy of the current pay
51 stub identifying the individual's competitive hourly wage and hours to determine weekly
52 earnings. If the current pay stub is not available, then the following is acceptable:

53 (1) An individual's written report of employment information and required wage
54 information documented on an authorized DRS form (DRS-C-065) with their dated
55 signature; or

56 (2) A detailed case note identifying the individual's employment information
57 including the current competitive hourly wage and work hours in a typical week that
58 is based on the counselor's conversation with the actual employer. Prior to calling
59 an employer, the individual shall be informed that information provided and
60 gathered is limited to what is necessary to document and verify employment. This
61 provides the individual the opportunity to discuss preferences and options for
62 obtaining required documentation. A signed Release of Information should be in the
63 case file.

64 (3) If verification as stated above is not forthcoming and all efforts to obtain
65 acceptable verification are documented, then the following is acceptable: a detailed
66 case note identifying the individual's employment information including the current
67 competitive hourly wage and work hours in a typical week, the date the final
68 employment verification was received with justification for the individual not
69 providing formal documentation.

70 (4) Individuals who are self-employed are required to provide wage documentation
71 of competitive integrated self-employment.

1 **612:10-7-62. Post-Employment services [AMENDED]**

2 (a) **Use of Post-Employment services.** Post-employment services may be provided to
3 assist ~~rehabilitated~~ employed clients to maintain ~~retain, regain, or advance in~~
4 employment, consistent with the individual's strengths, resources, priorities, concerns,
5 abilities, capabilities, interests and informed choice.

6 (1) The need for post-employment services will be assessed at initiation of the IPE.
7 Ongoing assessment continues during case services, is documented as needed,
8 and is reassessed just prior to case closure.

9 (2) Post-employment services may also be provided for needs that were not
10 anticipated in the original IPE or prior to case closure. Post-employment services
11 can be provided to individuals who receive Supported Employment Services if such
12 services are needed to maintain the supported employment placement and those
13 services are not available from an extended services provider, and those services
14 are provided prior to case closure.

15 (3) Post-employment services are not to be used in instances of underemployment
16 when extensive retraining is needed.

17 (4) ~~Cases reopened on a post-employment basis do not require re-establishment~~
18 ~~of eligibility. Post-employment services are to be provided under an amended~~
19 ~~individualized plan for employment; thus, a re-determination of eligibility is not~~
20 ~~required. New diagnosis is needed only if there has been a change in the client's~~
21 ~~physical or mental condition. Any vocational rehabilitation service or combination of~~
22 ~~services necessary to assist the individual to maintain ~~retain, regain, or advance in~~~~
23 ~~employment may be provided if the service(s) does not involve a complex or~~
24 ~~comprehensive effort. ~~If comprehensive services are indicated, a new application is~~~~
25 ~~taken.~~

26 (5) Federal regulations forbid the setting of arbitrary time limits on the provision of
27 post-employment services. If the client has been employed for a long period of time,
28 the counselor must carefully review the client's situation before making the decision
29 to provide post-employment services as opposed to opening a new case.

30 (b) **Other considerations.** Other considerations in determining a client's eligibility for
31 post-employment services are:

32 (1) **Financial Needs.** A new financial need determination must be made if services
33 requiring consideration of client participation in the cost of services are to be
34 provided.

35 (2) **Emergency conditions.** Treatment of an emergency condition will not be
36 considered as a post-employment service.

37 (3) ~~**Upgrading.** Post-employment services are provided to help the individual~~
38 ~~advance in employment only when the nature of the individual's impediment to~~
39 ~~employment makes advancement the most appropriate post-employment outcome~~
40 ~~consistent with the individual's unique strengths, resources, priorities, concerns,~~
41 ~~abilities, capabilities, interests, and informed choice.~~

42 (c) ~~**Transfer of cases.** Clients needing post-employment services who have moved to~~
43 ~~another area of the state will have their cases transferred. When a rehabilitant who has~~

44 ~~moved out of state requests post-employment services, the counselor will refer the~~
45 ~~individual to the rehabilitation program in the state where the individual resides. Upon~~
46 ~~receipt of a release signed by the client, copies of the requested information from the~~
47 ~~closed record of service will be forwarded to the receiving state agency. If an individual~~
48 ~~who was a rehabilitant in another state requests post-employment services from our~~
49 ~~state, information must be requested from the state where services were previously~~
50 ~~provided. All requests must include a specific release of confidential information signed~~
51 ~~by the applicant. The case will be processed as a new referral, but will be served and~~
52 ~~documented as a post-employment case.~~

53 **(d c) Criteria for terminating post-employment services.** Decisions to terminate
54 post-employment services must be made on an individual basis in consultation with the
55 client.

56 **(e d) Case recording requirements.** The same principles of client involvement are
57 required in the IPE for Post-Employment Services as are required under any other IPE.
58 Case recording will be made at significant times during the process, including
59 assessment of progress, the decision to conclude services and the results achieved at
60 the completion or termination of services.

1 **612:10-7-63. Post-Employment services completed [AMENDED]**

2 (a) ~~Use of Post-Employment services completed.~~ The case can be closed as soon
3 as the services in the Post-Employment Services amendment have been completed
4 insofar as possible and the client has been consulted regarding the closure decision.

5 (b) **Case recording requirements.** Closure from post-employment ~~status~~ services is
6 documented in the case record and in a closure letter given to the client.

PART 15. TRAINING

1 **612:10-7-142. General guidelines for training services [AMENDED]**

2 (a) **Types of training.** Training provided by DVR and DSBVI may include:

3 (1) **Vocational.** Vocational training provides the knowledge and skills necessary
4 for performing the tasks involved in an occupation. Such knowledge and skills may
5 be acquired through training from an institution, on-the-job, by tutors or through a
6 combination of these methods. Vocational training may be provided for any
7 occupation.

8 (2) **Prevocational.** Prevocational training includes any form of academic or basic
9 training provided for the preparatory skills needed for entrance into a vocational
10 training program or employment. Prevocational training is initiated to enhance
11 occupational knowledge or skills or to remove an educational deficiency interfering
12 with employment.

13 (3) **Personal or work adjustment.** Personal or work adjustment training includes
14 any training given for one or a combination of the reasons given in (A) - (D) of this
15 paragraph.

16 (A) To assist the individual in developing personal habits, attitudes, and skills
17 enabling the individual to function effectively in spite of disability.

18 (B) To develop or increase work tolerance prior to engaging in prevocational or
19 vocational training or in employment.

20 (C) To develop work habits and to orient the individual to the world of work.

21 (D) To provide skills or techniques enabling the individual to compensate for a
22 disability such as the loss of a body part or the loss of a sensory function.

23 (b) Training may be provided for clients who:

24 (1) are mentally, physically and/or emotionally capable of pursuing a course of
25 training to completion;

26 (2) require training to achieve an employment outcome or other goals established
27 in the Individual Plan for Employment (IPE); and

28 (3) are determined to have a reasonable opportunity for obtaining employment in
29 the chosen vocation.

30 (c) Decisions related to training are based on the individual needs and informed
31 choices of the client as identified in the IPE.

32 (d) DVR and DSBVI will only pay tuition and fees for courses which count toward
33 requirements consistent with the vocational goal of the IPE. Training of DVR and
34 DSBVI clients is provided by colleges, universities, private business and trade schools,
35 state supported vocational schools, employers in the form of on-the-job training,
36 sheltered workshops, and other approved training facilities with valid contracts.

37 (e) Federal regulations require a search for comparable services and benefits with the
38 results documented before payment can be made for training in the following
39 institutions: colleges, universities, community/junior colleges, public or private

40 vocational/technical schools, or hospital schools of nursing. PELL grants and other
41 available Federal/State student aid (excluding merit awards) must be applied to tuition,
42 fees and all other educational expenses as a first dollar source prior to consideration of
43 the expenditure of DRS funds.

44 (f) Training costs will not be authorized ~~beyond the first~~ by DVR and DSBVI sponsored
45 ~~enrollment~~ until proof of the availability of comparable benefits is received by the
46 counselor.

47 (g) Once training has begun, the client is expected to progress toward the vocational
48 objective at a steady rate. This requires the client to attend training on a regular basis,
49 and maintain a full-time load unless an exception is granted by the counselor due to
50 severity of disability, scheduling problems or other valid reasons. Training progress
51 reports or other methods of reporting (i.e., grade reports, transcripts) are utilized to
52 document training progress. Sporadic attendance and reduced training loads causing a
53 delay in the completion of training must be reviewed by the counselor. The client is
54 responsible for advising the counselor of problems encountered during the training
55 program.

56 (h) All types of institutional, technical, personal adjustment or employment training are
57 purchased by an authorization issued by the counselor.

PART 17. SUPPORTED EMPLOYMENT SERVICES

1 **612:10-7-185. Provision of supported employment services [AMENDED]**

2 (a) Supported employment (SE) services are provided by DRS for a period of time not
3 to exceed the period specified in federal law, unless under special circumstances the
4 eligible individual and the rehabilitation counselor jointly agree to extend the time in
5 order to achieve the rehabilitation objective identified in the IPE.

6 (b) Supported employment services are not subject to financial status determination.
7 Services are purchased from a qualified vendor under contract with the Department.
8 Payment rates are established by the Commission for Rehabilitation Services and are
9 based on a system of service milestones.

10 (c) Supported employment services may include:

11 (1) Situational assessments to help develop, finalize or reassess a supported
12 employment plan of services;

13 (2) Job development and job placement;

14 (3) Time-limited job coach services to provide intensive on-the-job skills training and
15 additional training and support services needed to achieve and maintain job
16 stability, including follow-up services with employers and others for the purpose of
17 supporting and stabilizing the job placement; and

18 ~~(4) Post-employment services following an individual's transition to extended~~
19 ~~services, when such services are not available from an extended service provider~~
20 ~~and are necessary to maintain or regain the job placement or advance in~~
21 ~~employment. Services may include job coaching, job station redesign, repair and~~
22 ~~maintenance of assistive technology and repair and replacement of orthotic and~~
23 ~~prosthetic devices.~~

24 (d) DRS must utilize re-placement services for individuals who lose a job within two
25 years of achieving a successful rehabilitation outcome if the counselor determines
26 extended services are not adequate to cover re-placement and DRS assistance is
27 necessary. Re-placement services include Vocational Preparation/Job Club, Four (4)
28 Weeks Job Support, Job Stabilization and Successful Rehabilitation.

29 (e) Transitional employment services are available for individuals with serious mental
30 illness. Transitional employment is designed to assist individuals who have not had
31 significant, successful or recent work experience to build work adjustment skills and ego
32 strength/self-esteem, develop a positive work history, learn adjustment skills in a real
33 work environment or clarify their strengths and interests. Transitional employment
34 prepares individuals to make future employment and career decisions.

1 **612:10-7-185.1. Customized Employment [NEW]**

2 (a) Customized employment means competitive integrated employment, for an
3 individual with a significant disability, that is based on an individualized determination of
4 the unique strengths, needs and interests of the individual; designed to meet the
5 specific abilities of the individual and the business needs of the employer, and carried
6 out using flexible strategies such as those detailed in 34 CFR 361.5(c)(11).

7 **(b) Provision of customized employment services.**

8 (1) Customized Employment (CE) services are provided by DRS for a time not to
9 exceed the period specified in federal law unless under special circumstances the
10 eligible individual and the rehabilitation counselor jointly agree to extend the time to
11 achieve the rehabilitation objective identified in the IPE.

12 (2) Customized employment services are not subject to financial status
13 determination. Services are purchased from a qualified vendor under contract with
14 the Department.

15 (3) Customized Employment (CE) is for individuals in Priority Group 1 with the most
16 significant disabilities who need intensive support to prepare for, obtain and
17 maintain successful, competitive integrated employment. Those who may benefit
18 from CE services include but are not limited to:

19 (A) Individuals with little or no work experience in a competitive integrated
20 setting;

21 (B) Individuals who require multiple services over an extended period of time;

22 (C) Individuals who may benefit from specialized job development, job
23 negotiations, and nontraditional jobs that meet an employer's needs;

24 (D) Individuals who are not able to perform all the essential functions of
25 existing job descriptions;

26 (E) Individuals who require substantial assistance with preparing for
27 employment and completing the job search process;

28 (F) Individuals who require significant job site support to learn job tasks, gain
29 work adjustment skills and stabilize in employment; and

30 (G) Individuals who require long-term support to retain employment.

31 (4) Customized Employment referrals to contractors must include copies of the
32 following documents:

33 (A) DRS-C-301 Employment Services Referral,

34 (B) DRS-C-21 Eligibility Determination Form,

35 (C) DRS-C-29 Individualized Plan for Employment (IPE),

36 (D) DRS Personal Information report (printed from AWARE).

37 (5) Customized employment services may include:

38 (A) **CE Discovery** includes activities that utilize a person-centered approach
39 to describe who the individual is, and their vocational themes, and guides the
40 planning process to develop a customized job.

41 (B) **Team Meeting** will be conducted with the individual, DRS Counselor,
42 Contractor, and all other team members identified by the individual and DRS
43 Counselor. The individual, or with the support of a designee identified by the
44 individual, will lead the meeting to review the results of the discovery findings
45 and develop a plan for job development.

46 (C) **Visual Resume** is a print and/or digital tool to aid in highlighting the
47 individual's skills and interests to be used in job development with employers.

48 (D) **Job Development** involves negotiating a successful job match that meets
49 the individual's interests, abilities, resources, priorities, and the employer's
50 unmet needs. The job must meet the definition of competitive integrated
51 employment.

52 (E) **Job Coaching** is provided by an Employment Consultant who uses
53 structured intervention techniques to help the individual learn job tasks,
54 interpersonal and other skills necessary to maintain successful employment.

55 (F) **CE Maintenance** is achieved when the individual is satisfied with the job
56 and the supervisor/employer is satisfied with the worker's performance, work
57 behaviors, and socialization. Extended Services, if needed, have been
58 identified and initiated.

59 (G) **CE Employment Outcome** results in the individual being employed in a
60 permanent competitive integrated job, all appropriate training and support
61 services were provided, the weekly work goal has been met, the individual is
62 satisfied with the job and the employer is satisfied with the individual's job
63 performance for the required ninety (90) calendar days.

**PART 21. PURCHASE OF EQUIPMENT, OCCUPATIONAL LICENSES AND
CERTIFICATIONS**

1 **612:10-7-220. Vehicle modification services [AMENDED]**

2 (a) Vehicle modification services may be provided as needed to enable a Vocational
3 Rehabilitation client to prepare for, enter or retain employment. Vehicle modifications
4 include the range of modifications and special equipment needed by a person with an
5 impairment to drive or be a passenger in a vehicle. Vehicle modifications above the
6 State Capitalization rate are subject to the Prior Approval from RSA in accordance with
7 2 CFR 200.439.

8 (b) Vehicle modification services provided to an individual in the Vocational
9 Rehabilitation program may include:

10 (1) purchase and installation of adaptations or devices in a vehicle;

11 (2) assistance with payment of the portion of the cost attributable to modifications
12 pre-installed in a new or used vehicle purchased from a dealer;

13 (3) evaluation of an individual's ability to operate a motor vehicle;

14 (4) required devices recommended by AT Specialist specific to both the individual
15 needs and the vehicle. The AT report must not be older than six months at a time of
16 purchase of recommended devices.

17 (5) training in the operation of the vehicle.

18 (c) Vehicle modifications which are projected to cost the amount of the ~~OMES~~ OMES-
19 DCAM authority order limit or less will be made in accordance with ~~612:10-1-7~~ agency
20 administrative rules. Vehicle modifications projected to cost more than the ~~OMES~~
21 OMES-DCAM authority order limit will require additional processing by DRS
22 Central/Departmental Services after the process is completed by the counselor as
23 outlined in Categories A through C below. Clients purchasing new vehicles shall apply
24 for any mobility equipment rebate available from the vehicle manufacturer and the
25 amount of any such rebate shall be assigned to DRS.

26 (1) Category A: New or used vehicle with structural modifications: In this process,
27 the vehicle will be purchased by client choice and not obtained through a bid
28 process. The client will be responsible for the purchase of the vehicle and DRS will
29 be responsible for the costs attributable to the structural modifications.

30 (2) Category B: New or used vehicle with structural modifications and accessibility
31 modifications additions: In this process, the vehicle will be purchased by client
32 choice and not obtained through a bid process. The client will be responsible for the
33 purchase of the vehicle and DRS will be responsible for the costs attributable to the
34 structural modifications and the accessibility modification additions. DRS will
35 participate in this method only if the client obtains warranty from the mobility aids
36 vendor. A copy of the warranty agreement will be obtained by the counselor and
37 maintained in the case file.

38 (3) Category C: Any modifications to a new or used vehicle not purchased as part
39 of the vehicle package with a cost greater than the ~~OMES~~ OMES-DCAM authority
40 order limit will require additional processing by C/DS after the bid process is
41 completed by the counselor in accordance with ~~612:10-1-7~~ agency administrative
42 rules.

- 43 (d) The qualifications in (1) – (9) of this Subsection apply to all vehicle modifications.
- 44 (1) The client or individual providing the transportation must have a current, valid
45 driver's license. If the client will be driving the vehicle and does not yet have a
46 driver's license, he/she must be legally permitted to drive or participate as a driving
47 student.
- 48 (2) The name of the client must appear on the title to the vehicle and current
49 vehicle registration. The client may be listed as a co-owner on these documents.
- 50 (3) The client must agree to maintain the vehicle for the predictable life of the
51 equipment and is responsible for maintaining special equipment in good working
52 order. DRS may pay for repairs to such equipment during the life of the case unless
53 there is clear evidence that the special equipment has been damaged due to client
54 abuse or neglect as determined by the dealer, vendor, or Assistive Technology
55 Specialist.
- 56 (4) The client must maintain full vehicle coverage (both collision and
57 comprehensive) to include special equipment and any other vehicle modifications.
58 All potential and/or additional drivers permitted to drive the vehicle must be insured
59 and the appropriate insurance documentation provided to OKRS.
- 60 (5) The vehicle must be evaluated by an Assistive Technology Specialist or person
61 with equivalent qualifications (Driver Rehabilitation Instructor, Occupational
62 Therapist, Rehab Engineer, etc.) for identification of the appropriate adaptive
63 equipment and assessment of the compatibility of the vehicle with recommended
64 adaptive equipment.
- 65 (6) A used vehicle must be inspected by an ASE or manufacturer certified
66 mechanic to assure it is mechanically and structurally sound before equipment can
67 be installed. This inspection may be authorized by the counselor if necessary. If the
68 ASE or manufacturer certified mechanic recommends it, a separate inspection
69 related to structural soundness will be completed. This inspection may be
70 authorized by the counselor.
- 71 (7) Existing modifications on a new or used vehicle shall be inspected for the
72 appropriateness of the adaptive equipment for the client's needs by the Assistive
73 Technology Specialist or other qualified person. DRS also requires documentation
74 that existing modifications on a used vehicle have been inspected by the mobility
75 equipment dealer/vendor to determine efficiency, quality and fair market value of the
76 modification or adaptive equipment. This documentation may be obtained directly
77 from the mobility equipment dealer/vendor or from the lender when such
78 documentation has been required for loan approval.
- 79 (8) DRS will not pay the expense of replacing the equipment unless the equipment
80 no longer meets the needs of the client as determined through review of current
81 medical reports and assistive technology evaluation indicating replacement is
82 required to meet the IPE goals.
- 83 (9) DRS will not provide comprehensive structural modifications to include vertical,
84 butterfly, or gull-wing doors for any vehicle types.
- 85 (10) Certain types of vehicle modification equipment are considered "transferable"
86 by design: i.e., hand controls, left foot accelerator, and hitch lift systems for

87 wheelchairs/scooters. DRS may assist with the cost of transferring this type of
88 equipment to meet the IPE goals. These modifications are categorized as non-
89 structural modifications.

90 (11) When vehicle modifications are completed, installation is to be inspected by an
91 Assistive Technology Specialist or person with equivalent qualifications, to
92 determine if the authorized equipment conforms to prescribed standards, is properly
93 installed and meets the functional needs of the client. The counselor must obtain a
94 statement of satisfaction from the client.

95 (12) Once a vehicle modification is complete, an Assistive Technology Specialist
96 will conduct the inspection, and if required, a Driving Rehabilitation Instructor (DRI)
97 to determine if the authorized equipment conforms to prescribed standards, is
98 properly installed, and meets the functional needs of the client. The modified vehicle
99 is not to be released to the client until after the inspection process is complete. This
100 includes the Assistive Technology Specialist obtaining the following: valid driver's
101 license, vehicle title, insurance verification, client's signed statement of satisfaction,
102 and vehicle modification pictures. Counselor will not release final payment until are
103 all items are received and reviewed.

1 **612:10-7-221. Housing Modification [AMENDED]**

2 (a) Modification of a residence may include installation of ramps, widening of doors,
3 installation of grab bars and other accessibility modifications when such modifications
4 are necessary to support the client in achievement of an employment outcome. DRS will
5 not provide major structural modifications such as elevators, room additions or major
6 wall removal. Housing modifications that will cost more than the ~~OMES~~ OMES-DCAM
7 authority order limit require supervisor approval. All housing modifications are subject to
8 the Prior Approval from RSA in accordance with 2 CFR 200.439.

9 (b) In all situations where housing modification is to be done, the owner of the house
10 must provide proof of ownership, sign a written release form, and be current on
11 mortgage payments. DRS will not provide permanent modification to rental properties
12 but may assist with portable/removable modifications. The renter/client is responsible
13 for obtaining prior written permission from the owner for any portable/removable
14 modifications. The counselor must make a referral to the Assistive Technology (AT)
15 Specialist who will then evaluate the residence recommending modifications needed to
16 make the residence accessible for the client. After modifications have been completed
17 the counselor will contact the AT Specialist for inspection of the home, to ensure the
18 modifications conform to prescribed standards and meet the client's accessibility needs.
19 The AT Specialist will provide a report to the counselor that will contain pictures of the
20 completed work and a signed statement of satisfaction from the client.

SUBCHAPTER 13. SPECIAL SERVICES FOR THE DEAF AND HARD OF HEARING

PART 3. CERTIFICATION OF INTERPRETERS

1 **612:10-13-16. Evaluation [AMENDED]**

2 (a) **Evaluation components and conditions.** To be certified as an interpreter, an
3 individual must pass a skill based performance evaluation. The process for certification
4 consists of a written examination and a performance evaluation. The written
5 examination and performance interview may include items from the ~~Oklahoma QAST~~
6 ~~Ethical Standards~~ NAD-RID Code of Professional Conduct and the ~~Limitations of Levels~~
7 Certification Levels limitations. Interpreters who hold Level III certification in either
8 Interpreting or Transliterating are required to take the IV/V performance evaluation,
9 which is in compliance with the Ethical Standards.

10 (b) **Written examination.** The written examination consists of questions designed to
11 measure knowledge of interpreting and situational ethics. Applicants must make a
12 passing score, as established by the program, before being allowed to take the
13 performance evaluation. If the written test is failed, retesting may be taken again in 30
14 calendar days.

15 (c) **Performance Evaluation.** The Interpreter Certification and Resource Center
16 (ICRC) administers two performance evaluations, certification levels for category I-III
17 and certification levels for category IV/V. The performance evaluation consists of ethical
18 situational questions, which is called an interview, and a skill based proficiency test,
19 which will test the candidate's ability to interpret and transliterate interactive settings.
20 Individuals may request testing for category levels I-III or category levels IV/V. A
21 candidate is eligible to apply in the same performance category, I-III or IV-V, in four
22 months from prior testing date. A performance application can be submitted before four
23 months and will be placed on the next available evaluation date after the four months
24 waiting period. If an interpreter obtains a level III in either transliterating or interpreting,
25 he/she is immediately eligible to apply for the IV/V performance. Certification will be
26 granted to an individual whose total score falls within the acceptable range for that level.

27 (d) **Conflict of interest.** Interpreter certification program staff who select, manage or
28 coordinate the certification process or select evaluators are not eligible to test for
29 Oklahoma interpreter certification through this process.

1 **612:10-13-18. Fees [AMENDED]**

2 A fee will be charged to each applicant who applies for the written test and
3 performance evaluation for state certification of an interpreter for the deaf. A yearly
4 certification ~~maintenance~~ renewal fee will also be charged. Individuals failing to timely
5 pay the ~~maintenance~~ renewal fee must submit a reinstatement fee and the annual
6 certification ~~maintenance~~ renewal fee along with the application for reinstatement. The
7 fee structure will be based on the cost of the evaluations, materials and certificate
8 maintenance program.

9 The fee for the written test is \$50.00. The fee for performance evaluation is \$125.00.
10 The yearly certification ~~maintenance~~ renewal fee is \$50.00. The certification
11 reinstatement fee is \$100. Out of state residents may take the written/performance test
12 for double the fee.

1 **612:10-13-20. Certification maintenance [AMENDED]**

2 (a) **General provisions for certification maintenance.** QAST certification in
3 Interpreting and Transliterating, for levels I-V, are valid for a term of two years at which
4 time the certification will expire unless the interpreter ~~re-test~~ retests. The exception for
5 re-testing applies to those that achieve a certification level in Transliterating: V and
6 Interpreting: V; those are the only levels that will not ~~expire~~ be required to retest
7 providing the annual CEUs and the ~~maintenance~~ annual renewal fee is satisfied.

8 (1) Level V certification: An interpreter holding a certification level V in either
9 Transliterating or Interpreting, but not both, will be required to ~~re-test~~ retests.
10 Testing will include the ethical situation interview and the performance section the
11 interpreter does not hold a level V in. The interpreter must pass the ethical situation
12 interview with 80% before a level is granted. If a level V is not obtained, the
13 interpreter will be required to ~~re-test~~ test until a V/V is achieved.

14 (2) Level I-IV certification: An interpreter with levels I, II, III, IV are required to take
15 the ethical situation interview, Interpreting and Transliterating. The interpreter must
16 pass the ethical situation interview with at least an 80% before a level is granted.

17 ~~(3) Any combination of levels other than a V/V obtained during testing will expire 2~~
18 ~~years from the test date. Interpreters are required and permitted to re-test before~~
19 ~~their certification expires.~~

20 (4 ~~3~~) Certification will remain valid for an interpreter who has applied for ~~re-~~
21 ~~evaluation~~ evaluation and cannot be scheduled for testing prior to his/her
22 certificate's expiration date, provided the application is received no later than 90
23 calendar days before the expiration date. However, any certification will lapse if the
24 ~~maintenance~~ annual renewal fee is not paid and/or continuing education
25 requirements are not met by stipulated due dates, and/or if the ~~performance~~
26 application is not submitted 90 days before levels expire. Individuals who have
27 allowed certification to lapse due to non-compliance with requirements must take
28 and pass the ICRC/QAST written portion before they are eligible for the
29 performance evaluation.

30 (4) An interpreter that holds only one QAST level V in either Interpreting or
31 Transliterating, and holds a nationally recognized certification in good standing, CI
32 and CT or NIC, can be exempted from the requirement of retesting for the mode
33 they do not have a level V in. The exemption is only valid providing the interpreter
34 satisfies the annual ICRC CEUs by due date, the annual renewal fee by due date,
35 and provides a current copy of their national certification card. If any of the stated
36 requirements are not satisfied, the exemption is voided, and the interpreter will be
37 required to take QAST to meet the V/V certification requirements.

38 (b) **Continuing education requirements.** QAST certified interpreters are required to
39 satisfy one (10 hours) Continuing Education Unit (CEU) annually, with .1 (1 hour) of this
40 in the category of Ethics. It is the interpreter's responsibility to ensure all supportive
41 CEU documentation is submitted to the Interpreter Certification Resource Center
42 (ICRC) staff before or on December 31st, to avoid certification becoming invalid. If
43 certification becomes invalid, the individual must ~~re-test~~ apply to test, and will be
44 required to take and pass the written ICRC/QAST test before becoming eligible for the
45 performance portion.

46 (c) **Certification maintenance renewal fee.** A certification ~~maintenance renewal~~ fee
47 and ~~maintenance fee~~ renewal form ~~is~~ are due by January 31st each year. The renewal
48 form must be postmarked on or before January 31st to avoid certification becoming
49 suspended.

50 (d) **Certification suspension and reinstatement.** If the certification ~~maintenance~~
51 renewal fee and renewal form are submitted after January 31st, the interpreter will
52 become suspended, but has an option to make application for reinstatement. The
53 reinstatement application, a \$100 reinstatement fee and payment of the annual
54 certification ~~maintenance renewal~~ fee will be required for reinstatement. The
55 reinstatement fee and certification ~~maintenance renewal~~ fee are due before or on
56 February 28th to avoid certification becoming invalid. If certification becomes invalid, the
57 individual must ~~re-test~~ apply to test, and ~~will be required to~~ must take and pass the
58 written ICRC/QAST test before becoming eligible for the performance portion.

59 (e) **Expiration of certification.** If an interpreter does not submit an application for ~~re-~~
60 ~~testing~~ testing 90 days prior to the level(s) expiration date, the interpreter's level(s) will
61 be considered invalid on the expiration date. If level(s) become invalid, the individual
62 must ~~re-test~~ apply to test, and ~~will be required to~~ must take and pass the ICRC/QAST
63 written test before becoming eligible for the performance portion. If an interpreter's
64 certification becomes invalid twice in a four (4) year period due to non-compliance with
65 either, the CEU or ~~maintenance~~ annual renewal fee requirements, the interpreter will not
66 be allowed to take the written portion or the performance portion of the ICRC/QAST test
67 until one (1) year from the date of the second documented non-compliance.

68 (f) **Modification of requirements.** Requirements for certification renewal of any level
69 may be changed or modified by future amendments to this section or the rules of this
70 subchapter.

1 **612:10-13-22. Grievance procedures [AMENDED]**

2 (a) Individuals who are dissatisfied with certification testing procedures or performance
3 of a certified interpreter may file a written complaint with the designated Oklahoma
4 interpreter certification program official, Department of Rehabilitation Services, within
5 thirty (30) days of the grieved incident.

6 (b) The Department will accept jurisdiction only for those incidents directly related to the
7 evaluation and certification of interpreters for the deaf in Oklahoma and those incidents
8 involving the performance of State Certified Interpreters that allege a specific violation of
9 interpreting standards or ethical behavior.

10 (c) ~~Each~~ A complaint must be in writing and must ~~set forth~~ provide:

11 (1) The date of the incident;

12 (2) ~~The names~~ names(s) of the person(s) involved;

13 (3) The location of the incident;

14 (4) A description of the specific action or actions in question; and

15 (5) The specific policy or procedure in question or the NAD-RID Code of
16 Professional Conduct ethical tenet(s) and/or the ICRC Certification of Levels, and/or
17 governing State or Federal law in possible violation.

18 (d) Upon receipt of a properly executed complaint, the Department will review the
19 complaint and within thirty (30) days notify the respondent that a complaint has been
20 filed. The respondent will have thirty (30) days from the date ~~he or she~~ they receives
21 receive the grievance notification to respond in written form.

22 (e) Upon the receipt of a written response, the designated Oklahoma interpreter
23 certification program official and Department, will review the information presented and
24 make an initial decision regarding the merit of the complaint based on facts presented.
25 The designated Oklahoma interpreter certification program official has thirty (30) days
26 from the ~~submittal~~ submission of the grievance to ~~make the~~ provide a decision. All
27 parties concerned will be notified of the decision in writing.

28 (1) If there has not been sufficient information provided, from either party, the
29 Oklahoma Interpreter Certification program official can request more information, in
30 writing, to make a determination.

31 (f) ~~If it is determined that a violation of either rules governing interpreter evaluations or~~
32 ~~standards and ethical behavior for interpreters may have occurred, the complaint will be~~
33 ~~referred to the grievance board~~ The Department can seek the assistance from a merit
34 panel to determine if there is a direct violation against (c) 5.

35 (1) The function of the merit panel is to assist the Department in determining if there
36 is founded merit to the claimed violation(s) set forth in (c) 5. The names of the
37 parties will be anonymous when presented to the merit panel. The panel can
38 recommend a course of action.

39 (A) Possible course of action(s) are set forth as defined in 612:10-13-23 in
40 (1) through (8) of that subsection.

41 (g) If it is determined that no violation of rules related to evaluation and certification of
42 ~~interpreters for the deaf~~ or violation of interpreting standards and ethical behavior has
43 occurred, the involved parties will be notified and the complaint will be dismissed. If the
44 complaint is dismissed, the complainant or respondent may appeal and request a formal
45 hearing. The appeal must be in written form and submitted within thirty (30) days of
46 receiving the notification. The request for formal hearing must be in writing and
47 addressed to the designated Oklahoma interpreter certification program official at the
48 Department of Rehabilitation Services.

1 **612:10-13-23. Formal hearing [AMENDED]**

2 (a) A formal hearing may be requested by the complainant or respondent by contacting
3 the designated Oklahoma interpreter certification program official by written form. The
4 hearing will be scheduled at a time and place convenient to all parties concerned. All
5 parties will receive two weeks notice of the hearing date.

6 (b) The complainant and/or respondent may invite a representative (including legal) to
7 assist attend during the proceedings. Either party may present witnesses, affidavits or
8 other written documentation related to any relevant aspect of the charge or defense.
9 Parties must provide name of witnesses and other written documentation two weeks
10 prior to the scheduled hearing date to the designated Oklahoma interpreter certification
11 program official.

12 (c) The hearing will be conducted by a grievance board panel selected by the
13 Oklahoma interpreter certification program Advisory Committee and the Department.
14 With effort, at least one member must be deaf or hard of hearing and must be either
15 a former or current Oklahoma interpreter certification test evaluator and/or
16 acknowledgeable and adhering to a form of Code of Ethics; with effort one member
17 must be an interpreter holding national or Oklahoma State Level V/V certification; with
18 effort, one member will be selected at the discretion of DRS Department and may be
19 from a profession other than interpreting for the deaf, but must be knowledgeable of
20 interpreter skills Code adhering to a form of Ethics. The board panel will review
21 information presented and make a determination of the based on facts. Based upon this
22 determination, the grievance board panel will can make recommend recommendations
23 the for a course of appropriate action to the Oklahoma interpreter certification program
24 should take official. Possible actions are set forth in (1) through (8) of this Subsection.

25 (1) The complaint be dismissed;

26 (2) A written warning be issued;

27 (3) A written reprimand be issued indicating unsatisfactory performance;

28 (4) Probation a trial period for a specific length of time during which the interpreter
29 is required to fulfill a set of conditions to improve work performance or work
30 behavior;

31 (5) ~~Supervision~~ Suspension - removal of the individual from the list of certified
32 interpreters for a specified period of time, not to exceed six (6) months;

33 (6) Revocation - removal of the individual from the list of certified interpreters for an
34 extended period or permanently;

35 (a) It must be determined and proven there was a severe violation against
36 Code of Professional Conduct tenets, and/or ICRC Certification Levels of
37 Limitations, and/or a malicious intent of harm, and/or disregarding or violation of
38 any governing State or Federal Laws before a certification can be revoked.

39 (7) The complainant may be retested using a different evaluation team at no cost to
40 the individual; and

41 (8) A recommended change in policy or procedures in the interpreter evaluation
42 process.

43 ~~(d) The decision of the Oklahoma interpreter certification recommended course of~~
44 ~~action submitted by the selected program grievance board panel will be reviewed by the~~
45 ~~designated interpreter certification program official. The Oklahoma interpreter~~
46 ~~certification program official who will notify all parties involved in writing written form of~~
47 ~~the decision within thirty (30) days. If a party is dissatisfied with the outcome of a formal~~
48 ~~hearing, an appeal may be made to the Director of the Department of Rehabilitation~~
49 ~~Services. The Director shall have forty five (45) days to render a decision. The~~
50 ~~Director's decision shall be final.~~

51 ~~(e) The recommended course of action submitted by the selected panel will be~~
52 ~~reviewed by the designated interpreter certification program official will notify parties~~
53 ~~involved in writing of the decision within thirty (30) days.~~

54 (f) If a party is dissatisfied with the outcome of a formal hearing, an appeal may be
55 made to the Director of the Department of Rehabilitation Services, within fifteen (15)
56 days of receiving the recommended decision. The Director shall have forty-five (45)
57 days to render a decision. The Director's decision shall be final.

CHAPTER 25. BUSINESS ENTERPRISE PROGRAM

SUBCHAPTER 2. GENERAL PROVISIONS

1 **612:25-2-5. Definitions [AMENDED]**

2 The following words or terms, when used in this Manual, shall have the following
3 meaning unless the context clearly indicates otherwise:

4 **"Act"** means the Randolph-Sheppard Vending Facility Act (Public Law 74-732), as
5 Amended by Public Law 83-565 and Pub Law 93-516, 20 U.S.C., Ch. 6A, Sec. 107.

6 **"Active participation"** means a process of good faith negotiations involving the
7 Elected Committee of Licensed Managers and the State Licensing Agency. The
8 Committee must be given the opportunity to have meaningful input into the decision-
9 making process in the formulation of program policies which govern the duties,
10 supervision, transfer, promotion and financial participation of licensed managers. The
11 SLA is charged with the ultimate responsibility for the administration and operation of all
12 aspects of the Business Enterprise Program.

13 **"Annual Evaluation"** means an evaluation conducted on a yearly basis of a
14 manager. This evaluation will be performed at the end of each calendar year.

15 **"BEP"** means the Business Enterprise Program of the State Licensing Agency
16 which provides self-employment opportunities for qualified persons who are blind.

17 **"BEP Operations Coordinator"** means the person who has responsibility for the
18 operation of the Business Enterprise Program in the State.

19 **"Blind person"** means a person who, after examination by a physician skilled in
20 the diseases of the eye or by an optometrist, whichever the person shall select, has
21 been determined to have (1) not more than 20/200 central visual acuity in the better eye
22 with correcting lenses, or (2) an equally disabling loss of the visual field as evidenced by
23 a limitation to the field of vision in the better eye to such a degree that its widest
24 diameter subtends an angle of no greater than 20 degrees.

25 **"Board" or "Commission"** means the governing body for the State Licensing
26 Agency.

27 **"Business Consultant (BC)"** means an individual who provides consultative and
28 management services to those business enterprises and licensed managers of the
29 State to which the consultant is assigned.

30 **"Business Enterprise"** means an approved business administered by the State
31 Licensing Agency. See definition of "Vending Facility."

32 **"Business Enterprise Program (BEP)"** means the Business Enterprise Program
33 services available to establish business enterprises for persons who are blind.

34 **"Cafeteria facility"** means a food dispensing business enterprise capable of
35 providing a broad variety of prepared foods and beverages (including hot meals)
36 primarily through the use of a line where customers serve themselves from displayed
37 selections. A cafeteria may be fully automatic or provide limited waiter or waitress
38 service. Table and/or booth seating facilities are always provided.

39 **"Client or Consumer"** means any person who has made application for the State
40 Licensing Agency's services and has been determined by the State Licensing Agency to
41 be eligible for services.

42 **"Commissioner"** means the Commissioner of the Rehabilitation Services
43 Administration (RSA) who exercises approval authority for the Federal government
44 under the Randolph-Sheppard Act.

45 **"Committee"** means the Elected Committee of Licensed Managers.

46 **"Contract"** means a written agreement between the State Licensing Agency and
47 officials in control of Federal or other property to establish a business enterprise.

48 **"Contract labor"** means a person or company that performs duties or services not
49 a part of the regular duties of the business enterprise.

50 **"Counselor"** means Division of Vocational Rehabilitation or Division of Visual
51 Services for the Blind and Visually Impaired counselors assigned to the State Licensing
52 Agency's program of vocational rehabilitation.

53 **"Director"** or **"Executive Director"** means the chief administrator of the State
54 Licensing Agency.

55 **"Displaced licensed manager"** means a licensed manager who has been
56 displaced from his or her business enterprise through no fault of his or her own.

57 **"Dry/Wet facility"** means any business enterprises providing manual dispensing of
58 prepackaged articles, refreshments, and services.

59 **"Elected Committee of Licensed Managers (ECM)"** means the committee
60 elected biennially by licensed managers in accordance with 34 CFR 395.14.

61 **"Emergency"** means an unforeseen circumstance that calls for immediate action.
62 When a piece of equipment is out of order it is not normally considered an emergency
63 unless it will harm/destroy lives, other equipment or property.

64 **"Employee"** means an individual who receives compensation for services rendered
65 to a licensed manager.

66 **"Equipment, expendable"** means items having a relatively small cost per item and
67 having a relatively short life expectancy.

68 **"Equipment, non-expendable"** means all necessary equipment which requires a
69 relatively high capital outlay and has a normal life expectancy of several years.

70 **"Federal property"** means any building, land or other real property owned, leased,
71 or occupied by any department, agency, or instrumentality of the United States
72 (including the Department of Defense and the United States Postal Service), or any
73 other instrumentality wholly owned by the United States.

74 **"Federal regulations"** means the regulations issued pursuant to the Randolph-
75 Sheppard Act.

76 **"Grantor"** means a Federal, State, County, Parish, city government, private
77 corporation, company, partnership or individual, who grants a permit or enters into an
78 agreement with the State Licensing Agency to operate a business enterprise on its/their
79 property.

80 **"Grantor's agreement"** means a written document between a Grantor and the
81 State Licensing Agency which sets forth the terms, conditions and responsibilities of all
82 parties to the agreement for the operation of a business enterprise on private and/or
83 public property.

84 **"Gross receipts"** means all revenue from a business enterprise, including sales
85 tax.

86 **"Inactive Licensee"** means a licensed individual who is not currently working in the
87 Business Enterprise Program.

88 **"Initial stock and supplies"** means those resalable items or supplies necessary
89 for the opening and operation of a specific type of business enterprise.

90 **"Interim manager"** means a licensed manager appointed to manage a business
91 enterprise on a temporary basis.

92 **"License"** means a written instrument issued by the State Licensing Agency to a
93 person who is blind, authorizing such person to manage a business enterprise.

94 **"Licensed employee"** means a licensed individual who is currently working for a
95 licensed manager.

96 **"Licensed Manager (LM)"** means a licensed individual who has signed an
97 agreement with the State Licensing Agency to manage a Randolph-Sheppard business
98 enterprise under the supervision of the State Licensing Agency.

99 **"Licensee"** means a person who is blind and holds a valid BEP license.

100 **"Licensing agency"** means the State Licensing Agency (SLA), which has been
101 designated by the Commissioner, pursuant to the Act, to issue licenses to persons who
102 are blind for the management of business enterprises.

103 **"Management services"** means inspection, quality control, consultation,
104 accounting, regulating, in-service training, and other related services provided on a
105 systematic basis to support and improve business enterprises operated by licensed
106 managers.

107 **"Manager's agreement"** means an agreement between a licensed manager and
108 the State Licensing Agency, establishing basic terms and conditions for management of
109 a business enterprise.

110 **"Mail"** is a method of distributing information that includes, but is not limited to, the
111 U.S. Postal System, email, fax, or Federal Express.

112 **"Net earnings" or "Net profits"** means gross profit after deducting operating
113 expenses and set-aside collected.

114 **"Net proceeds"** means the amount remaining from the sale of articles or services
115 of business enterprises and any vending machine income or other income accruing to
116 licensed managers after deducting the cost of such sales and other authorized
117 expenses excluding set-aside charges required to be paid by the licensed managers.

118 **"Net sales"** means the sum total of sales, excluding sales tax.

119 **"Nominee"** means a nonprofit agency or organization designated by the State
120 Licensing Agency through a written agreement to act as its agent in the provision of
121 services to licensed managers under the State's Business Enterprise Program.

122 **"Other income"** means money received by a licensed manager from sources other
123 than over the counter and machine sales.

124 **"Other property"** means property which is not Federal property and on which
125 business enterprises are established or operated by the use of any funds derived in
126 whole or in part, directly or indirectly, from the operation of vending facilities on any
127 Federal property.

128 **"Performance Evaluation"** means an evaluation conducted to determine if a
129 manager is eligible to apply for a facility or to be awarded a permanent BEP license.

130 **"Permanent BEP License"** means a license issued on a permanent basis to a
131 BEP manager who has successfully completed all probationary requirements.

132 **"Permit"** means the official approval given a State Licensing Agency by a
133 department, agency, or instrumentality in control of the maintenance, operation and
134 protection of Federal property or person in control of other property where the State
135 Licensing Agency is authorized to establish a business enterprise.

136 **"Probationary BEP License"** means a license issued to an individual on their first
137 day as manager of an Oklahoma BEP facility.

138 **"Probationary Licensee"** means a person who has received a certificate of
139 completion of the Business Enterprise Program training and has not completed their six
140 (6) month probationary period.

141 **"Purveyor"** means an approved source of supply for food, beverages, supplies, or
142 services.

143 **"Randolph-Sheppard Act"** means Public Law 74-732 as amended by Public Law
144 83-565, Public Law 93-516, and Public Law 95-602, 20 U.S.C. Chapter 6A, Section 107.

145 **"Retained vending machine income"** means vending machine income disbursed
146 by a property managing department, agency or instrumentality of the United States, or
147 received from vending machines on State or other property in excess of the amounts
148 eligible to accrue to licensed managers.

149 **"Routine preventive maintenance"** means the regular care, upkeep, and cleaning
150 of equipment used in a business enterprise.

151 **"Rules and regulations"** means the instrument written by the State Licensing
152 Agency and approved by the Secretary of Education setting forth the conduct and
153 operation of the Business Enterprise Program. A copy of the document granting
154 approval of the rules and regulations from RSA, will be mailed to each licensed
155 manager.

156 **"Saleable stock/merchandise"** means products comprising the merchandise
157 available for sale to the public and determined by the SLA to be from an approved
158 source in the original container, in date, consistent with the needs of the customers for a
159 particular business enterprise.

160 **"Satellite business enterprise"** means a business enterprise assigned to a
161 licensed manager on a temporary basis.

162 **"Satisfactory site"** means an area determined by the BEP Operations Coordinator
163 to have sufficient space, electrical and plumbing outlets, and other such
164 accommodations as prescribed by the Act, for the location and operation of a business
165 enterprise in accordance with applicable health laws and building codes.

166 **"Secretary"** means the United States Secretary of Education.

167 **"Set-aside funds"** means funds which accrue to a State Licensing Agency from an
168 assessment against the net proceeds of each business enterprise in the State's
169 business enterprise Program and any income from vending machines on Federal
170 property which accrues to the SLA.

171 **"Snack bar business enterprise"** means a business enterprise engaged in selling
172 limited lines of refreshment and prepared food items necessary for a light meal service.

173 **"State Licensing Agency (SLA)"** means the State agency that issues licenses to
174 persons who are blind for the operation of business enterprises on public and/or private
175 property.

176 **"State property"** means lands, buildings, and/or equipment owned, leased, or
177 otherwise controlled by the State.

178 **"Statewide average manager earnings"** means the average annual manager
179 earnings (after set-aside) as calculated each year for the RSA-15 Report.

180 **"Trainee"** means a qualified client of the Division of Visual Services, who when
181 referred to the Business Enterprise Program, is placed in training to prepare for
182 licensing under the rules and regulations of the State Licensing Agency.

183 **"Training program"** means the program of study and/or on-the-job training
184 provided to prospective and/or experienced licensed managers.

185 **"Vending facility"** means automatic vending machines, cafeterias, snack bars, cart
186 service, shelters, counters, and such other appropriate auxiliary equipment which may
187 be operated by licensed managers and which is necessary for the sale of newspapers,
188 periodicals, confections, tobacco products, foods, beverages, and other articles or
189 services dispensed automatically or manually and prepared on or off the premises in
190 accordance with all applicable health laws and including the vending or exchange of
191 chances for any lottery authorized by State Law and conducted by an agency of a State
192 within such State. [CFR 34, Part 395.1(X)]

193 **"Vending machine"** means any machine, operated using currency or other
194 medium of exchange, which dispenses articles or services, except any machine
195 operated by the United States Postal Service for the sale of postage stamps or other
196 postal products and services. Machines providing services of a recreational nature and
197 telephones shall not be considered to be vending machines.

198 **"Vending machine facility"** means an automated business enterprise which
199 dispenses a variety of food and refreshment items and services from vending machines.
200 Included in this category would be interstate highway locations and vending machine
201 routes.

202 **"Vocational Rehabilitation Services"** means those services as defined in the
203 Rehabilitation Act. [29 USC 701 et seq.]

204 **"Volunteer"** means an individual who works in a business enterprise and receives
205 no compensation.

SUBCHAPTER 4. THE STATE LICENSING AGENCY

PART 1. ORGANIZATION AND GENERAL OPERATION STANDARDS

1 **612:25-4-1. Organization of the State Licensing Agency [AMENDED]**

2 (a) **Governing board.** The Oklahoma Department of Rehabilitation Services (DRS) is
3 the designated State Licensing Agency (SLA) for administration of Oklahoma's vending
4 facility program for the blind under the Randolph-Sheppard Act. The governing board of
5 the SLA is the Oklahoma Commission for Rehabilitation Services. The Director of DRS
6 reports directly to the Commission.

7 (b) **Business Enterprise Program administration.** The Business Enterprise Program
8 (BEP) is located in the Division of Visual Services for the Blind and Visually Impaired of
9 DRS, and is administered by the Business Enterprise Program Operations Coordinator
10 who reports to the Visual Services for the Blind and Visually Impaired Division
11 Administrator.

12 (c) **BEP staff.** The SLA, with consultation from the Elected Committee of Licensed
13 Managers, determines staffing requirements for administration of the BEP and provision
14 of services to achieve the mission, goals and objectives of the Program.

15 (d) **Licensed managers.** The individual enterprises established by the Business
16 Enterprise Program are managed by licensed managers. Licensed managers are
17 subject to the policies and procedures of the Business Enterprise Program, but are not
18 employees of the program, the SLA, or the State of Oklahoma. They do, however, have
19 a contractual relationship with the SLA and are required to manage the business
20 enterprise in accordance with established rules and regulations.

PART 3. BUSINESS ENTERPRISE PROGRAM TRAINING

1 **612:25-4-14. Training for new or potential licensed managers [AMENDED]**

2 (a) **Overview of Licensed Manager Training.** The Business Enterprise Program
3 (BEP) provides individuals who are blind with training that leads to potential
4 employment as a Licensed Manager of a vending facility or related business in the
5 Business Enterprise Program. The training program includes but is not limited to training
6 in laws and regulations affecting the Business Enterprise Program, state and federal tax
7 reporting, food service operations, sanitation, inventory control, money management,
8 staffing of personnel, safety procedures, business management principles and
9 techniques, and preparation of reports required by the State Licensing Agency. The
10 licensed manager training program will be based on a curriculum developed and
11 periodically reviewed through consultation with appropriate business representatives,
12 trainers, BEP experts, and the Elected Committee of Licensed Managers. Additional
13 training required by the licensed manager trainee to adjust to blindness, learn assistive
14 technology skills or improve the trainee's opportunity to succeed as a licensed manager
15 may be arranged through coordination with the DRS Division of Visual Services and
16 DRS Division of Vocational Rehabilitation.

17 (b) **Application process.** Applications for BEP training shall include the following
18 information which shall be obtained from the individual's counselor:

- 19 (1) current eye examination, documenting blindness;
- 20 (2) documentation for United States citizenship;
- 21 (3) documentation the client is at least 18 years of age; and
- 22 (4) completion of any rehabilitation training prerequisites established by the BEP in
23 consultation with the ECM to better optimize the successful employment outcome;

24 (c) **Acceptance for training.** Applicant qualifications will be reviewed by BEP staff who
25 will report any training-related recommendations to the individual's ~~DVS/DVR~~
26 DVR/DSBVI counselor and BEP operations coordinator. An individual's application
27 must be approved by the BEP operations coordinator prior to acceptance into the
28 training program.

29 (d) **Notice regarding criminal background record and Oklahoma sales tax**
30 **background check.** Before entering training, BEP applicants will be informed that a
31 criminal background investigation and an Oklahoma sales tax background check will be
32 performed and may prevent their being licensed to manage some BEP facilities.

33 (e) **Duration of training.** To be eligible for licensure as a BEP facility manager an
34 individual must complete the full BEP manager training program, unless the BEP
35 operations coordinator, in consultation with the Chair of the Elected Committee of
36 Licensed Managers, determines an exception is justifiable.

37 (f) **Completion of training.** Each trainee who completes the BEP manager training
38 program is issued a certificate certifying that the trainee has met all the training criteria
39 to be a licensed manager in the Business Enterprise Program. Upon assuming
40 management of their first facility, a certified graduate shall be issued a BEP license.

41 (g) **Failure to complete training.** If it appears that a trainee will not be able to
42 successfully complete training, the BEP operations coordinator, in consultation with the
43 ECM Chair, will review the individual's training record before making a decision to

44 terminate training. The BEP operations coordinator will notify the trainee and their ~~DVS~~
45 DSBVI or DVR counselor of any BEP decision to terminate training.

46 (h) **Post-training interview.** Upon completion of a new manager's training, they will be
47 interviewed by a representative of the Elected Committee of Licensed Managers,
48 normally the chairperson, to evaluate the effectiveness of the training program. The
49 interviewer formulates recommendations and comments regarding the training program
50 and provides them to the BEP Operations Coordinator.

51 (i) **Acceptance of out-of-state licenses.** The BEP Operations Coordinator will
52 evaluate the skills and knowledge of BEP applicants who were licensed managers in
53 other states. Training will be provided to correct any noted deficiencies and acquaint the
54 applicant with Oklahoma's program. After qualifications are met, the applicant is issued
55 a training completion certificate.

56 (j) **Seniority.** Seniority in the Oklahoma Business Enterprise Program will only accrue
57 when managing an Oklahoma BEP facility.

58 (k) **Licensed Manager Benefits.** Benefits such as insurance will begin the same date
59 the Licensed Manager signed the manager's agreement.

**PROPOSED
CHANGES TO COSTS AT
TRADE SCHOOLS**

Executive Summary

Request to Abolish Fixed Rates for Private Trade, Barber, and Cosmetology Schools.

On behalf of the VR and SBVI Divisions, we request approval to abolish the current fixed rates for private trade, barber, and cosmetology school contracts for DRS clients. These rates were set and approved by the DRS Commission and the State Purchasing Director on May 8, 2000. There has not been an increase in these tuition rates for 23 years.

DRS has an exemption from the Central Purchasing Act for client services, and we are not required to have these rates approved by the State Purchasing Director. DRS will only need to request approval from the DRS Commission to set new rates. The DRS administrative rule in place for setting and approving rates for private school contracts is 612:10-7-161, which states that tuition at a privately owned vocational schools will be paid at the rates approved by the Oklahoma Commission for Rehabilitation Services sitting as the Rates and Standards Committee.

There will be identified rates for each type of training that the Commission would approve, along with future increases. Eliminating the process for requesting approval by the State Purchasing Director will be more effective and efficient.

Until new rates are established and approved by the DRS Commission, we will continue to pay the current rates. The current rates are as follows:

- Private Trade Schools - \$6.50 per clock hour
- Barber Schools - \$3688 for 1500 hours instruction
- Cosmetology Schools - \$3315 for 1500 hours instruction

Upon the DRS Commission's approval, we will submit a request to the State Purchasing Director to abolish the current fixed rates.