

3325.0110 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given to them in this part.

Subp. 1a. **Activities of daily living.** "Activities of daily living" means the basic tasks necessary to maintain one's functional independence in the following areas:

- A. personal management;
- B. communicating; and
- C. traveling.

Subp. 2. **Adjustment to blindness services.** "Adjustment to blindness services" means vocational rehabilitation counseling, rehabilitation teaching services, and orientation and mobility services as defined in subparts 50, 66, and 86a.

Subp. 3. [Repealed, 36 SR 33]

Subp. 4. **Alternative techniques.** "Alternative techniques" means methods that enable persons to perform activities of daily living independently without sight or with limited sight. These methods include cane travel and braille reading and writing.

Subp. 5. **Appellant.** "Appellant" means an applicant or eligible individual who has made a written request for review and mediation under part 3325.0478. Appellant includes, as appropriate, an appellant's designated representative.

Subp. 6. **Applicant.** "Applicant" means a person who submits a request, consistent with Code of Federal Regulations, title 34, section 361.41 (b)(2), to SSB for vocational rehabilitation services or a person on whose behalf the person's designated representative submits such a request, has provided SSB information necessary to initiate an assessment to determine eligibility and priority for services, and is available to complete the assessment process.

Subp. 7. **Audiological examination and audiologist.** "Audiological examination" means an examination by an audiologist of a person's hearing, including puretone threshold testing (air and bone); speech discrimination testing; impedance audiometry; and other special tests. "Audiologist" means a person with a degree in audiology who measures and evaluates the hearing of people of all ages; provides information on a person's hearing loss; prescribes hearing aids; and plans or refers for necessary rehabilitation programs.

Subp. 8. [Repealed, 36 SR 33]

Subp. 9. [Repealed, 36 SR 33]

Subp. 10. **Client Assistance Program or CAP.** "Client Assistance Program" or "CAP" means the federal and state sponsored program through which persons are provided

with advocates to represent and assist them on matters related to rehabilitation. CAP is governed by Code of Federal Regulations, title 34, section 370.

Subp. 11. **Communication center services.** "Communication center services" means services provided through SSB's communication center. Through its communication center, SSB:

A. custom transcribes books and other materials onto cassette tape, digital media, or into braille;

B. researches the availability of textbooks on cassette tape, digital media, or in braille at sources other than SSB;

C. provides books that have been custom transcribed onto cassette tape, digital media, or into braille;

D. broadcasts closed circuit radio readings of recent newspapers, books, and magazines and lends the closed circuit radio receivers needed to receive the broadcasts;

E. lends playback machines needed to use cassette tapes or digital recordings obtained from SSB's communication center or the Library of Congress; and

F. repairs the playback machines and radio receivers it lends.

Subp. 12. **Communication skills training.** "Communication skills training" means instruction aimed at improving a blind, visually impaired, or deafblind person's ability to communicate with others. This training includes instruction in one or more of the following: braille; cursive writing; typing; sign language and other forms of manual communication; and the use of rehabilitation technology that aid communication.

Subp. 12a. **Community rehabilitation program.** "Community rehabilitation program" means a facility as defined in Code of Federal Regulations, title 34, section 361.5(b)(9), which is operated for the primary purpose of providing rehabilitation services to blind persons or other persons with disabilities. Except where specifically excluded, an individual providing services to an applicant or eligible individual under a written contract with SSB is considered a community rehabilitation program for the purposes of part 3325.0470.

Subp. 12b. **Comparable services and benefits.** "Comparable services and benefits," as applicable to the vocational rehabilitation program and defined by Code of Federal Regulations, title 34, section 361.5(b)(10), means services and benefits that are:

A. provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits;

B. available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's employment plan; and

C. commensurate with the services that the individual would otherwise receive from SSB.

For purposes of this definition, comparable benefits do not include awards and scholarships based on merit.

Subp. 12c. **Competitive employment.** "Competitive employment," consistent with Code of Federal Regulations, title 34, section 361.5(b)(11), means work:

A. in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and

B. for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same work performed by individuals who are not disabled.

Subp. 13. **Deafblind.** "Deafblind" refers to visually impaired or blind applicants or eligible individuals who have physiological, chronic hearing losses which prevent them from hearing and understanding most speech with optimum amplification.

Subp. 14. **Department.** "Department" means the Minnesota Department of Employment and Economic Development.

Subp. 15. **Designated representative.** "Designated representative" means a person designated by an applicant or eligible individual to represent the applicant or eligible individual in any matter pertaining to a request for or receipt of rehabilitation services. The designated representative:

A. for a person 18 years of age or older, must be a person designated by an applicant or eligible individual so long as the designation is made in writing and only one representative is designated at one time; or

B. for an applicant or eligible individual under 18 years of age, must be a parent, guardian, or other advocate.

Notwithstanding items A and B, in cases where a court-appointed guardian or conservator is appointed by the court for the applicant or eligible individual, then the guardian or conservator is the designated representative.

All signature requirements placed on an applicant or eligible individual by this chapter are satisfied by the signature of an applicant's or eligible individual's designated representative. All written notices which must be provided to an applicant or eligible individual under this chapter must be provided to the applicant's or eligible individual's

designated representative unless providing the information would violate the Minnesota Data Practices Act.

Subp. 16. **Diagnostic assessment services.** "Diagnostic assessment services" means medical examinations, optometric examinations, audiological evaluations, and other rehabilitation services provided to help an applicant or eligible individual and a vocational rehabilitation counselor assess the applicant's or eligible individual's skills, abilities, and aptitudes in order to determine eligibility, establish an employment outcome, and identify the specific rehabilitation services the eligible individual will need to achieve the eligible individual's employment outcome.

Subp. 16a. **Direct service staff.** "Direct service staff" means SSB employees in the independent living and vocational rehabilitation units of SSB designated by the director to interact with and assist applicants and eligible individuals in the rehabilitation process. Direct service staff in the vocational rehabilitation unit of SSB includes the state classifications of vocational rehabilitation technician, rehabilitation counselor, and supervisors. Direct service staff in the independent living unit of SSB includes the classifications of state program administrator, rehabilitation counselor, and supervisor.

Subp. 17. **Director.** "Director" means the director of SSB or the director's designated representative.

Subp. 18. [Repealed, 36 SR 33]

Subp. 18a. **Eligible individual.** "Eligible individual" means a person who has been determined eligible for rehabilitation services from SSB under the vocational rehabilitation program or independent living program.

Subp. 19. [Repealed, 36 SR 33]

Subp. 19a. **Employment outcome.** "Employment outcome" means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment, as defined in Code of Federal Regulations, title 34, section 361.5(b)(16), in the integrated labor market, supported employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Subp. 20. **Extended evaluation.** "Extended evaluation" means the process used in limited circumstances according to Code of Federal Regulations, title 34, section 361.42 (f), to determine the individual's ability to benefit from vocational rehabilitation services.

Subp. 21. **Family member.** "Family member" means, for purposes of receiving vocational rehabilitation services in accordance with Code of Federal Regulations, title 34, sections 361.5(b)(23) and 361.48 (i), an individual:

- A. who either:
 - (1) is a relative or guardian of an applicant or eligible individual; or
 - (2) lives in the same household as an applicant or eligible individual;
- B. who has a substantial interest in the well-being of that individual; and
- C. whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

For purposes of the independent living program, family member means an individual who meets the requirements of items A and B and whose receipt of independent living services is necessary to enable the eligible individual to achieve independent living goals.

Subp. 22. **Family income.** "Family income" means the income of an eligible individual and the following persons:

- A. the eligible individual's spouse; and
- B. the eligible individual's parent or parents if:
 - (1) the eligible individual is under 18 years of age and living with the eligible individual's parents;
 - (2) the eligible individual was claimed by a parent or parents as a dependent for federal income tax purposes in the most recent calendar year; or
 - (3) an application for grants at a postsecondary educational institution or an accredited institution of higher learning has determined that the eligible individual is a dependent student for purposes of determining financial aid for postsecondary training.

Subp. 23. [Repealed, 36 SR 33]

Subp. 24. [Repealed, 36 SR 33]

Subp. 25. [Repealed, 36 SR 33]

Subp. 26. **Income.** "Income" means cash payments or benefits, other than gifts or loans, received by or actually available to an eligible individual from public or private sources. These payments or benefits include:

- A. cash earnings from wage or salaried positions before payroll deductions;
- B. cash income receipts from one's own business, farm, or profession after deduction of operating expenses;

C. unearned payments from government assistance programs or other public sources such as unemployment benefits, workers' compensation, veteran's benefits, Social Security, and government pensions; and

D. unearned payments from private sources such as private pensions, annuities, net rental income, dividends, and interest.

Subp. 27. **Independence.** "Independence" means freedom from unwanted and unnecessary dependence upon other persons and things in all areas of life.

Subp. 27a. **Independent living counseling.** "Independent living counseling" means the process by which SSB direct service staff in the independent living program help an eligible individual:

A. understand the individual's abilities and potential;

B. realize that blindness and visual impairment are a natural part of the human experience, and that most of the physical limitations associated with blindness and visual impairment can be overcome by learning alternative techniques;

C. identify and establish feasible independent living goals; and

D. complete a program of services leading to the achievement of the individual's independent living goals.

Subp. 28. **Independent Living Program.** "Independent Living Program" means the state and federally funded SSB program that provides services to individuals whose severe visual impairment makes competitive employment extremely difficult to obtain, but for whom independent living goals are feasible.

Subp. 29. **Individualized plan for employment or IPE.** "Individualized plan for employment" or "IPE" means the individualized written document required for each eligible individual designed to achieve the specific employment outcome that is selected by the individual consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, and to the maximum extent appropriate, results in employment in an integrated setting, as defined in Code of Federal Regulations, title 34, sections 361.45 and 361.46.

Subp. 29a. **Informed choice.** "Informed choice" means a process by which individuals or, as appropriate, their designated representatives make decisions when applying for or receiving vocational rehabilitation services. The process consists of:

A. the identification of available options;

B. the identification of both favorable and unfavorable consequences of pursuing each option;

C. selecting an option after weighing and deliberating each one and its consequences; and

D. commitment and action to pursue the selected option.

SSB must assist applicants and eligible individuals or, as appropriate, their designated representatives by providing information and support services throughout the process consistent with Code of Federal Regulations, title 34, section 361.52.

Subp. 30. **Initial stocks and supplies.** "Initial stocks and supplies" are defined as follows.

A. "Initial stocks" means the inventory of goods for direct resale to consumers by an eligible individual entering into a self-employment enterprise.

B. "Supplies" means the expendable items that are necessary for the day to day operations of a business and that are consumed on the premises of the business.

Subp. 31. **Institutions of higher learning.** "Institutions of higher learning" means accredited universities, colleges, community colleges, junior colleges, business colleges, trade schools, and technical colleges.

Subp. 32. [Repealed, 36 SR 33]

Subp. 33. **Interpreter services.** "Interpreter services" means:

A. manual or tactile interpreting of oral or written communication to deafblind applicants and eligible individuals by an interpreter; or

B. foreign language interpreter.

Subp. 34. [Repealed, 36 SR 33]

Subp. 34a. **Job-related services.** "Job-related services" includes job search and placement assistance, job retention services, follow-up services, and follow-along services consistent with Code of Federal Regulations, title 34, section 361.48 (l).

Subp. 35. **Legal blindness or blind.** "Legal blindness" or "blind" means a central visual acuity of 20/200 or less in the better eye with best correction or a defect in the peripheral field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

Subp. 36. [Repealed, 39 SR 513]

Subp. 37. **Low vision aids.** "Low vision aids" means optical and nonoptical instruments and techniques that help blind persons and persons with visual impairments improve the use of their residual vision.

A. "Optical low vision aids" means lenses or lens systems that enlarge or clarify the retinal image of an object so that it can be better perceived without enlarging the object

itself. These aids include, but are not limited to, monocular and binocular hand-held magnifiers, head and stand supported magnifiers of both simple and telescopic types, color filter lenses, and electro-optical devices such as closed circuit televisions.

B. "Nonoptical low vision aids" means techniques and instruments other than lenses that enlarge or clarify the retinal image of an object so that it can be better perceived. These aids include, but are not limited to, wide lined paper, high intensity lamps, large print, colored paper, wide tipped pens, and large print telephone dials.

Subp. 38. **Low vision clinician.** "Low vision clinician" means an ophthalmologist or optometrist who provides low vision services.

Subp. 39. **Low vision services.** "Low vision services" means services that help an eligible individual use or improve the use of residual vision in performing specific tasks involved in achieving and maintaining rehabilitation goals. These services consist of low vision aids and the functional assessments, ophthalmologic or optometric examinations and training necessary for the provision and effective use of low vision aids.

Subp. 40. **Low vision specialist.** "Low vision specialist" means:

A. an SSB direct service staff person who has completed at least 80 hours of training in a low vision training program approved by the director; or

B. a person with experience in low vision rehabilitation who has completed at least 80 hours of training in a low vision training program approved by the director. The 80 hours of training referred to in this item and in item A must include instruction in:

(1) basic low vision concepts, including the anatomy of the eye, common low vision conditions, and functional and psycho social implications of low vision; and

(2) low vision assessment and training including the use of a portable low vision kit and provision of visual training with and without optical aids.

Subp. 41. **Maintenance.** "Maintenance" means the minimum monetary support provided to an individual for expenses such as food, shelter, and clothing that are in excess of the normal expenses of the individual and that are necessitated by the individual's assessment for or participation in a rehabilitation program.

Subp. 42. [Repealed, 36 SR 33]

Subp. 43. [Repealed, 36 SR 33]

Subp. 44. **Note taking services.** "Note taking services" means the recording of oral or written communication for later use by applicants or eligible individuals.

Subp. 45. **Occupational equipment.** "Occupational equipment" means occupational fixtures, vehicles, and machinery normally required for entry into employment or for efficient job performance.

Subp. 46. **Occupational licenses.** "Occupational licenses" means any license, permit, or other written authority required by a state, city, or other governmental unit as a precondition to entering an occupation or starting a small business.

Subp. 47. **Occupational tools.** "Occupational tools" means instruments normally required for entry into employment or for efficient job performance.

Subp. 48. [Repealed, 36 SR 33]

Subp. 49. **Ophthalmologist.** "Ophthalmologist" means a physician who specializes in diseases of the eye and who is certified by the American Board of Ophthalmology.

Subp. 50. **Orientation and mobility services.** "Orientation and mobility services" means the provision of aids and devices and instruction in their use, which enable an eligible individual to travel safely and independently without sight or with impaired sight. These services include the provision of white canes and instruction in cane travel.

Subp. 51. **Orientation and mobility specialist.** "Orientation and mobility specialist" means a person with a degree in orientation and mobility from a college or university accredited by a regional accrediting association or by an agency with standards equivalent to those of the regional accrediting association.

Subp. 52. [Repealed, 36 SR 33]

Subp. 53. **Optometrist.** "Optometrist" means a person who is currently licensed to practice optometry under Minnesota Statutes, section 148.57.

Subp. 53a. **Personal assistance services.** "Personal assistance services," consistent with Code of Federal Regulations, title 34, section 361.5(b)(39), means a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability. The services must be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. The services must be necessary to the achievement of an employment outcome and may be provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services.

Subp. 53b. **Physical and mental restoration services.** "Physical and mental restoration services" means the medical or medically related services provided to correct or substantially modify, within a reasonable time, a physical or mental condition which is stable or slowly progressive. These services consist of the services listed under the definition of physical and mental restoration services in Code of Federal Regulations, title 34, section 361.5(b)(40).

Subp. 54. **Physician.** "Physician" means a medical doctor who is currently licensed to practice medicine under Minnesota Statutes, chapter 147.

Subp. 55. **Postemployment services.** "Postemployment services" means, as defined in Code of Federal Regulations, title 34, section 361.5(b)(42), one or more vocational rehabilitation services that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, are limited in scope and duration. If more comprehensive services are required, then a new rehabilitation effort must be considered.

Subp. 56. [Repealed, 36 SR 33]

Subp. 57. [Repealed, 36 SR 33]

Subp. 58. **Reader services.** "Reader services" means the oral reading of written material for an applicant or eligible individual.

Subp. 59. **Referral.** "Referral" means a person who has contacted or been placed in contact with SSB to inquire into the possibility of obtaining services but who has not applied for rehabilitation services under part 3325.0120, subpart 2.

Subp. 60. **Referral services.** "Referral services" means counseling or research on behalf of a referral, applicant, or eligible individual for the purpose of directing the individual to other agencies and organizations that provide financial assistance, rehabilitation services, or other services needed.

Subp. 61. [Repealed, 36 SR 33]

Subp. 62. [Repealed, 36 SR 33]

Subp. 63. [Repealed, 36 SR 33]

Subp. 64. [Repealed, 36 SR 33]

Subp. 65. **Rehabilitation services.** "Rehabilitation services" means the services arranged for or provided to an eligible individual by SSB to achieve employment outcomes or independent living goals.

Subp. 66. **Rehabilitation teaching services.** "Rehabilitation teaching services" means instruction in the use of alternative techniques other than outdoor cane travel, and aids and devices.

Subp. 67. **Rehabilitation teacher.** "Rehabilitation teacher" means a person with a degree in rehabilitation teaching from a college or university accredited by a regional

accrediting association or by an agency with standards equivalent to those of the regional accrediting association.

Subp. 67a. **Rehabilitation technology.** "Rehabilitation technology," consistent with Code of Federal Regulations, title 34, sections 361.5(b)(45) and 361.48 (q), means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. Rehabilitation technology includes rehabilitation engineering, assistive technology and sensory aids and devices, telecommunications, and assistive technology services.

Subp. 68. [Repealed, 36 SR 33]

Subp. 69. [Repealed, 36 SR 33]

Subp. 70. [Repealed, 36 SR 33]

Subp. 71. [Repealed, 36 SR 33]

Subp. 72. **Services to family members.** "Services to family members," consistent with Code of Federal Regulations, title 34, sections 361.5(b)(23) and 361.48 (i), means one or more of the rehabilitation services provided by SSB programs to members of an eligible individual's family in order to help the individual achieve an employment outcome or independent living goal.

Subp. 73. [Repealed, 36 SR 33]

Subp. 74. [Repealed, 36 SR 33]

Subp. 75. [Repealed, 36 SR 33]

Subp. 75a. **Severe visual impairment.** "Severe visual impairment" means a visual impairment for an individual that makes competitive employment extremely difficult to obtain, but for whom independent living goals are feasible.

Subp. 76. **Similar benefits.** "Similar benefits" means services or financial assistance available to eligible individuals served in the independent living program from one or more sources other than SSB or an eligible individual to meet, in whole or part, the cost of rehabilitation services to be provided under an eligible individual's plan. Similar benefits include benefits available to eligible individuals from Medicare, Medicaid, the Veteran's Administration, individual and group insurance, community social service agencies, state agencies other than SSB, and public and private educational grants.

Subp. 77. **State Services for the Blind or SSB.** "State Services for the Blind" or "SSB" means the organizational unit of the Department of Employment and Economic Development responsible for providing and coordinating the provision of rehabilitation

services to blind persons and persons with visual impairments. For purposes of the vocational rehabilitation and independent living programs, State Services for the Blind or SSB is the state unit as defined in the Code of Federal Regulations, title 34, sections 361.5(b)(14) and 361.13 (b).

Subp. 78. **Substantial impediment to employment.** "Substantial impediment to employment," consistent with Code of Federal Regulations, title 34, section 361.5(b)(52), means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's abilities and capabilities.

Subp. 79. [Repealed, 36 SR 33]

Subp. 80. **Supervisory staff.** "Supervisory staff" means persons, other than the director employed by SSB, classified as supervisors or managers by the Minnesota Department of Management and Budget and employed by SSB.

Subp. 80a. **Supported employment.** "Supported employment," consistent with Code of Federal Regulations, title 34, section 361.5(b)(53), means:

A. competitive employment in an integrated setting, or employment in an integrated work setting in which an individual is working toward competitive employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual with ongoing support services for an individual with the most significant disabilities:

(1) for whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and

(2) who, because of the nature and severity of their disabilities, need intensive supported employment services from SSB and extended services after transition as described in Code of Federal Regulations, title 34, section 361.5(b)(20), to perform this work; or

B. transitional employment, as defined in Code of Federal Regulations, title 34, section 361.5(b)(56), for eligible individuals with the most significant disabilities due to mental illness.

Subp. 80b. **Supported employment services.** "Supported employment services," consistent with Code of Federal Regulations, title 34, section 361.5(b)(54), means ongoing supportive services and other appropriate services needed to support and maintain an

individual with the most significant disability in supported employment that are provided by SSB:

A. for a period of time not to exceed 18 months, unless under special circumstance the eligible individual and the vocational rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the employment plan; and

B. following transition, as postemployment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment.

Subp. 81. **Supportive services.** "Supportive services" means rehabilitation services that facilitate the determination of eligibility for rehabilitation services or the provision of other rehabilitation services but which do not, in themselves, provide a person with skills or capabilities that will enable the person to function more independently without continuation of the services for an unlimited period of time. These services include maintenance, transportation services, reader services, note taking services, and interpreter services. The services must be necessary to determine eligibility for rehabilitation services or to the achievement of an employment outcome or independent living goal and may be provided only while the individual is receiving other nonsupportive vocational or independent living rehabilitation services.

Subp. 81a. **Technical assistance and other consultation services.** "Technical assistance and other consultation services," consistent with Code of Federal Regulations, title 34, section 361.48 (s), means conducting market analyses, developing business plans, and otherwise providing resources, to the extent those resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome.

Subp. 82. [Repealed, 36 SR 33]

Subp. 82a. **Transition services.** "Transition services," consistent with Code of Federal Regulations, title 34, section 361.5(b)(55), means a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the individual student's needs, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other postschool adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

Transition services must promote or facilitate the achievement of the employment outcome identified in the student's employment plan.

Subp. 83. **Transportation services.** "Transportation services" means services defined by Code of Federal Regulations, title 34, section 361.5(b)(57), including travel and related expenses that are necessary to determine eligibility for or to enable an individual to participate in a vocational rehabilitation or an independent living program, including expenses for training in the use of public transportation vehicles and systems.

Subp. 84. **Visual impairment.** "Visual impairment" means:

- A. central visual acuity of 20/60 or less in the better eye with best correction;
- B. the absence of at least one full quadrant of binocular visual field; or
- C. a physical condition or progressive loss of visual ability that will more likely than not result in legal blindness.

Subp. 85. [Repealed, 36 SR 33]

Subp. 86. [Repealed, 36 SR 33]

Subp. 86a. **Vocational rehabilitation counseling.** "Vocational rehabilitation counseling" means the process by which a vocational rehabilitation counselor helps an eligible individual:

- A. understand the individual's abilities and potential;
- B. realize that blindness, visual impairment, and other impairments including combined vision and hearing loss are natural parts of the human experience, and that most of the physical limitations associated with blindness, visual impairment, and other impairments including combined vision and hearing loss can be overcome by learning and using alternative techniques;
- C. identify and establish an employment outcome, and the nature and scope of services to reach the employment outcome, consistent with the requirements in the Rehabilitation Act of 1973, as amended, under United States Code, title 29, section 701, et seq.;
- D. complete a program of services leading to the achievement of the employment outcome established in the eligible individual's individualized plan for employment; and
- E. obtain competitive employment consistent with the employment outcome established in the eligible individual's individualized plan for employment.

Subp. 86b. **Vocational rehabilitation counselor.** "Vocational rehabilitation counselor" means a person meeting the requirements of the classification of rehabilitation counselor and employed by SSB in the vocational rehabilitation program. An individual who meets the qualifications established by the Department of Management and Budget

for being a vocational rehabilitation counselor, but is not employed by SSB, shall be considered a vocational rehabilitation counselor for the purposes of part 3325.0165, subpart 2, item A, subitem (2), unit (b).

Subp. 87. **Vocational rehabilitation program.** "Vocational rehabilitation program" means the state and federally funded SSB program under which an eligible individual receives services leading to an employment outcome in accordance with Code of Federal Regulations, title 34, part 361.

Subp. 88. **Vocational training services.** "Vocational training services" means instruction and supplies provided to a vocational rehabilitation eligible individual to help the eligible individual acquire the knowledge, skills, attitudes, and educational qualifications necessary to achieve an employment outcome. Vocational training services consist of:

A. tuition, fees, and materials required for training at an institution of higher learning; and

B. fees and materials required for vocational skills training in settings other than institutions of higher learning.

Subp. 89. [Repealed, 36 SR 33]

Subp. 90. [Repealed, 36 SR 33]

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