

3325.0420 CONDITIONS OF SERVICE.**Subpart 1. Source of services.**

A. Services provided by SSB may be provided directly to applicants and eligible individuals by SSB staff or purchased for applicants and eligible individuals from third parties such as physicians, optometrists, private businesses, state agencies, and community rehabilitation programs that meet the standards identified in part 3325.0470.

B. Services provided to applicants and eligible individuals must be delivered by SSB staff and third parties who have been properly trained regarding the services provided.

Subp. 2. Conditions governing the provision of all rehabilitation services.

A. Rehabilitation services to determine eligibility for SSB services are subject to subparts 3 to 14 and informed choice.

B. Subject to subparts 3 to 14 and informed choice, SSB must ensure that each eligible individual receives only the available rehabilitation services necessary to enable the eligible individual to achieve the eligible individual's employment or independent living outcome except:

(1) SSB must not provide a rehabilitation service, other than a diagnostic assessment service, to an eligible individual unless the service is identified in the IPE or ILCSR; and

(2) SSB must not provide a rehabilitation service to an eligible individual if the eligible individual's school district is legally obligated to provide the service consistent with an interagency agreement with the Minnesota Department of Education that identifies each party's roles, responsibilities, and financial obligations.

C. Only in the most unusual of circumstances may a family member be a vendor or provider of services to the individual, and then only with prior supervisory approval.

Subp. 3. Communication center services. SSB must provide communication center services to a person, regardless of whether the person is an eligible individual, if the person provides SSB with written documentation signed by a physician, optometrist, or other "competent authority" as defined in the Code of Federal Regulations, title 36, section 701.6(b)(2), stating that the person has a physical disability that prevents the person from reading standard printed material.

Subp. 4. Interpreter services. Interpreter services may be provided only for communication needs necessary to conduct a diagnostic assessment or to implement the eligible individual's IPE or ILCSR.

Subp. 5. **Low vision services.** Items A to C govern the provision of low vision services.

A. Low vision aids requiring prescription must be prescribed by a low vision clinician. Low vision aids which do not require prescription may be provided directly by a low vision specialist or clinician.

B. The provision of vision aids must be followed by training in the use of such aids by a low vision specialist or low vision clinician.

C. SSB must not provide low vision services to an eligible individual who is or is likely to become legally blind in place of instruction in the use of alternative techniques necessary for achievement of the eligible individual's employment outcome or independent living goal.

Subp. 6. [Repealed, 36 SR 33]

Subp. 7. **Note-taking services.** Items A and B govern the provision of note taking services.

A. Note-taking services may be provided to an eligible individual only if the eligible individual has a medical condition other than blindness which renders the eligible individual unable to use braille or other means to record information for later use.

B. Note-taking services may only be provided for note-taking needs necessary to conduct a diagnostic assessment or to implement the eligible individual's employment plan.

Subp. 8. **Orientation and mobility services.** Items A to C govern the provision of orientation and mobility services.

A. SSB must provide outdoor cane travel instruction to an eligible individual who is legally blind unless:

(1) the eligible individual is not expected to travel alone outside the eligible individual's residence because of one or more severe nonvisual disabilities; or

(2) the eligible individual and an orientation and mobility specialist or a person described in item B determine that the eligible individual can travel safely and independently outside the eligible individual's residence without receiving outdoor cane travel instruction.

B. Travel techniques for purposes of outdoor travel must be taught by an orientation and mobility specialist or a person who has demonstrated a mastery of the travel techniques used by blind persons and the ability to safely and effectively teach these techniques to others. The provision of outdoor travel techniques to eligible individuals who are legally blind and have multiple impairments, such as legal blindness combined

with hearing loss, may require additional expertise. The director must determine whether a person is qualified in these areas by considering all of the following factors:

- (1) the person's education;
- (2) the person's prior experience in rehabilitation; and
- (3) any performance evaluations or written tests of the person's skills in these areas that the director may require.

C. Orientation and mobility training of an eligible individual must give the eligible individual an opportunity to travel without the instructor and on increasingly difficult routes to help the eligible individual develop confidence in the eligible individual's ability to travel independently. Orientation and mobility training of legally blind eligible individuals who have some remaining vision must include the use of sleepshades unless an orientation and mobility specialist or a person described in item B determines that because of age or one or more nonvisual disabilities the use of sleepshades would be unsafe.

Subp. 9. [Repealed, 36 SR 33]

Subp. 10. **Reader services.** Items A and B govern the provision of reader services.

A. SSB may provide reader services to an eligible individual only if:

- (1) the reading requirements result from implementation of the eligible individual's IPE; and
- (2) the material to be read is not available in braille or accessible electronic or audio recording formats in time to meet an immediate need in the rehabilitation process which, if not met, would impede the eligible individual's rehabilitation progress or if the available formats do not lend themselves to effectively or efficiently conveying information contained in the reading requirements.

B. An eligible individual receiving reader services must, each month, submit to SSB an invoice indicating the hours of reader services received.

Subp. 11. **Rehabilitation teaching services.** Items A to C govern the provision of rehabilitation teaching services.

A. SSB must provide an eligible individual with instruction leading to proficiency in braille unless the eligible individual can read print with enough proficiency to successfully complete the eligible individual's plan or unless the eligible individual has a medical condition which prevents the eligible individual from reading braille.

B. Braille instruction must be provided by a rehabilitation teacher or a person who has demonstrated a mastery of contracted braille and the ability to teach contracted

braille to blind persons. The director must determine whether a person is qualified in these areas by considering all of the following factors:

- (1) the person's education;
- (2) the person's prior experience in rehabilitation; and
- (3) any performance evaluations or written tests of the person's skills in these areas that the director may require.

C. Rehabilitation teaching services other than braille instruction must be provided by a rehabilitation teacher or a person who has demonstrated a mastery of alternative techniques other than braille or outdoor cane travel and the ability to teach alternative techniques to blind persons. The provision of rehabilitation teaching services other than braille instruction to eligible individuals who are legally blind and have multiple impairments, such as legal blindness combined with hearing loss, may require additional expertise. The director must determine whether a person is qualified in these areas by considering all of the following factors:

- (1) the person's education;
- (2) the person's prior experience in rehabilitation; and
- (3) any performance evaluations or written tests of the person's skills in these areas that the director may require.

Subp. 12. **Physical and mental restoration services.** Items A to D govern the provision of physical and mental restoration services.

A. SSB may provide a physical or mental restoration service to an eligible individual only if:

- (1) the eligible individual's condition for which the physical or mental restoration service is needed is stable or slowly progressive, or is an acute or chronic medical complication or emergency arising from or associated with the provision of restoration services;

- (2) the eligible individual's condition constitutes, contributes to, or, if not corrected, is likely to constitute or contribute to a substantial impediment to employment; and

- (3) the eligible individual's condition can be corrected or substantially modified within a reasonable period of time.

B. SSB may purchase physical and mental restoration services only from physicians, optometrists, or other health professionals licensed under Minnesota Statutes, chapter 147 or 148.

C. SSB must not pay for experimental medical supplies or procedures. Experimental supplies or procedures means:

(1) health services which have progressed to limited human application and trial but which lack wide recognition as proven and effective procedures in clinical medicine as determined by the National Blue Cross and Blue Shield Association Medical Advisory Panel; and

(2) drugs or devices that the United States Food and Drug Administration has not yet declared safe and effective for the use prescribed.

D. SSB must pay for restoration services in accordance with the rates established by the United States Department of Health and Human Services for Medicare.

Subp. 13. **Transportation services.** Items A to C govern the provision of transportation services.

A. SSB may provide transportation services only for transportation requirements that are necessary to enable an applicant or eligible individual to be determined eligible for or participate in the vocational rehabilitation or independent living program.

B. SSB must provide the least expensive mode of transportation that serves the eligible individual's rehabilitation needs and accommodates any nonvisual disability related limitations the eligible individual may have. When a private vehicle is the mode of transportation identified in the eligible individual's plan, SSB must pay parking fees and mileage at the rate established for state of Minnesota employees in the current managerial plan published by the Minnesota Department of Management and Budget. This document is incorporated by reference and is not subject to frequent change. It is available for inspection at SSB's headquarters office.

C. SSB must pay for the transportation of an escort to accompany the eligible individual while traveling only if the eligible individual cannot yet travel safely without the assistance of an escort.

Subp. 14. **Vocational training services.** SSB may provide tuition, supplies, maintenance, and transportation to an eligible individual for training at an institution of higher learning only if there is evidence that the eligible individual is capable of completing the required coursework or degree program. Tuition, supplies, maintenance, and transportation paid by SSB for training at a private or non-Minnesota institution of higher learning must not exceed those amounts charged by Minnesota public colleges, universities, or technical and community colleges offering the same program nearest the eligible individual's residence unless the necessary training is not available to the eligible individual at a public Minnesota institution.

Subp. 15. **Self-employment.** SSB may support an employment outcome of self-employment if:

A. the eligible individual has developed a written business plan;

B. the business plan has been reviewed for feasibility by a representative of the Small Business Administration (SBA), a Small Business Development Center (SBDC) authorized by the Department of Employment And Economic Development, or the Service Corps of Retired Executives (SCORE); and

C. the review determines the eligible individual's business plan to be feasible.

SSB does not require the eligible individual to take out an SBA-insured loan, or other loan, in conjunction with a self-employment outcome.

Statutory Authority: *MS s 248.07*

History: *11 SR 1784; L 1987 c 258 s 12; L 1989 c 246 s 2; L 2008 c 204 s 42; L 2009 c 101 art 2 s 109; 36 SR 33*

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