

1 Department of Jobs and Training

2

3 Adopted Permanent Rules Relating to Vocational Rehabilitation

4 Services: Order of Selection, Consumer Financial Participation,
5 and Purchase of Services

6

7 Rules as Adopted

8

VOCATIONAL REHABILITATION SERVICES

9 3300.5000 PURPOSE AND SCOPE.

10 Subpart 1. Purpose. The purpose of parts 3300.5000 to
11 3300.5060 is to establish procedures and standards for the
12 provision of vocational rehabilitation services to persons with
13 disabilities in Minnesota.

14 Subp. 2. Scope. Parts 3300.5000 to 3300.5060 apply to the
15 division, vendors of services under agreement with the division,
16 and all persons applying for or receiving vocational
17 rehabilitation services from the division. Parts 3300.5000 to
18 3300.5060 do not require expenditures for a person if funds are
19 not available to the division from federal and state
20 appropriations for the provision of vocational rehabilitation
21 services.

22 Subp. 3. Exclusion. Parts 3300.5000 to 3300.5060 do not
23 apply to the provision of vocational rehabilitation services to
24 persons who are blind by State Services for Blind and Visually
25 Impaired Persons under parts 3325.0100 to 3325.0490.

26 3300.5010 DEFINITIONS.

27 Subpart 1. Scope. As used in parts 3300.5000 to
28 3300.5060, the following terms have the meanings given them.

29 Subp. 2. Applicant. "Applicant" means a person who has
30 submitted an application for vocational rehabilitation services
31 to the division, or whose parent, guardian, or legal
32 representative has submitted an application.

33 Subp. 3. Assessment for determining eligibility and
34 vocational rehabilitation needs. "Assessment for determining
35 eligibility and vocational rehabilitation needs" means the

1 acquisition and use of information from applicants or eligible
2 consumers and their families, medical and psychological service
3 providers, programs serving persons with disabilities, and other
4 sources in order to determine eligibility, establish an
5 employment goal, and identify the specific vocational
6 rehabilitation services an eligible consumer will need to
7 achieve the eligible consumer's employment goal.

8 Subp. 4. **Books and supplies for postsecondary training.**

9 "Books and supplies for postsecondary training" means required
10 textbooks, paper, pencils, pens, small calculators, and similar
11 items that are usually required for participation in a training
12 program at a postsecondary training institution.

13 Subp. 5. **Commissioner.** "Commissioner" means the

14 commissioner of the Department of Jobs and Training or an
15 individual designated by the commissioner to act on the
16 commissioner's behalf.

17 Subp. 6. **Comparable benefits.** "Comparable benefits" means

18 services or financial assistance available to an eligible
19 consumer, from sources other than the division or the eligible
20 consumer, to meet, in whole or in part, the cost of vocational
21 rehabilitation services. Examples of comparable benefits are:
22 Medicare, Medicaid, individual and group insurance, workers'
23 compensation benefits, community social service agencies, state
24 agencies other than the division, and public or private
25 educational and training grants and scholarships.

26 Subp. 7. **Division.** "Division" means the Division of

27 Rehabilitation Services in the Department of Jobs and Training.

28 Subp. 8. **Durable medical equipment.** "Durable medical

29 equipment" means wheelchairs; three-wheel self-propelled
30 devices; canes, crutches, and other mobility aids; and other
31 commercially available nonconsumable equipment whose primary
32 purpose is to enable an individual to perform life functions
33 that, due to the individual's physical or mental impairment, the
34 individual cannot adequately perform without the equipment.

35 Subp. 9. **Eligible consumer.** "Eligible consumer" means a

36 person who is eligible for vocational rehabilitation services as

1 provided by the Rehabilitation Act of 1973, United States Code,
2 title 29, section 722, subsection (a), as amended.

3 Subp. 10. **Employment goal.** "Employment goal" means
4 full-time or part-time gainful employment that:

5 A. is consistent with the strengths, resources,
6 priorities, concerns, abilities, and capabilities of an eligible
7 consumer;

8 B. provides the eligible consumer with access to an
9 appropriate occupational field in which there is opportunity for
10 the eligible consumer to develop and be productive, consistent
11 with the eligible consumer's abilities and informed choice;

12 C. is available in the labor market area where the
13 eligible consumer is willing to seek and accept employment; and

14 D. is in the competitive labor market, including
15 supported employment, or any other vocational outcome determined
16 by the secretary of the federal Department of Education to be
17 consistent with the Rehabilitation Act of 1973, as provided by
18 United States Code, title 29, chapter 16, as amended.

19 Subp. 11. **Extreme medical risk.** "Extreme medical risk"
20 means a determination, based on medical evidence provided by a
21 licensed medical professional, that there is a risk of
22 increasing functional impairment or risk of death if medical
23 services are not provided expeditiously.

24 Subp. 12. **Family.** "Family" means:

25 A. the spouse of the eligible consumer;

26 B. the child or children of the eligible consumer if:

27 (1) the child or children are under 18 years of
28 age and living with the eligible consumer; or

29 (2) the eligible consumer claimed the child or
30 children as dependents for federal income tax purposes in the
31 most recent calendar year; and

32 C. the parent or parents of the eligible consumer if:

33 (1) the eligible consumer is under 18 years of
34 age and living with the parent or parents; or

35 (2) the parent or parents claimed the eligible
36 consumer as a dependent for federal income tax purposes in the

1 most recent calendar year.

2 Subp. 13. Functional area. "Functional area" means
3 mobility, communication, self-care, self-direction,
4 interpersonal skills, work tolerance, or work skills. For the
5 purposes of this subpart:

6 A. "communication" means the ability to effectively
7 give and receive information through spoken words or concepts,
8 such as writing, speaking, listening, sign language, or other
9 adaptive methods;

10 B. "interpersonal skills" means the ability to
11 establish and maintain personal, family, and community
12 relationships as it affects, or is likely to affect, job
13 performance and security;

14 C. "mobility" means the physical and psychological
15 ability to move about from place to place inside and outside the
16 home, including travel to and from usual destinations in the
17 community for activities of daily living, training, or work;

18 D. "self-care" means the skills needed to manage self
19 or living environment, such as eating, toileting, grooming,
20 dressng, money management, and management of special health or
21 safety needs, including medication management, as they affect an
22 individual's ability to participate in training or work-related
23 activities;

24 E. "self-direction" means the ability to plan,
25 initiate, organize, or carry out goal-directed activities or
26 solve problems related to self-care, socialization, recreation,
27 and working independently;

28 F. "work skills" means:

29 (1) the ability to do specific tasks required to
30 carry out job functions; and

31 (2) the capacity to benefit from training in how
32 to perform tasks required to carry out job functions; and

33 G. "work tolerance" means the capacity to effectively
34 and efficiently perform jobs requiring various levels of
35 physical demands, psychological demands, or both.

36 Subp. 14. Gift aid. "Gift aid" means grants,

1 scholarships, and other financial assistance from federal,
2 state, or other sources that are used to pay for the costs of
3 postsecondary training and that do not have to be repaid.

4 Subp. 15. **Gross family income.** "Gross family income"
5 means cash payments or benefits, other than gifts or loans,
6 received by or actually available to an eligible consumer or an
7 eligible consumer's family from public or private sources.

8 These payments or benefits include:

9 A. cash earnings from wage or salaried positions
10 before payroll deductions;

11 B. cash income receipts from a business, farm, or
12 profession after deduction of operating expenses;

13 C. unearned payments from government assistance
14 programs or other public sources such as unemployment insurance,
15 workers' compensation, veteran's benefits, social security, and
16 government pensions; and

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

20 Subp. 16. **Independent living skills training.**

21 "Independent living skills training" means training services
22 that improve the ability of an individual with a severe
23 disability to live and function more independently.

24 Subp. 17. **Individual with a most severe disability.**

25 "Individual with a most severe disability" means an eligible
26 consumer:

27 A. who has a severe physical or mental impairment
28 that results in a serious functional limitation in terms of
29 employment in three or more functional areas;

30 B. whose vocational rehabilitation can be expected to
31 require multiple vocational rehabilitation services over an
32 extended period of time; and

33 C. who has one or more physical or mental
34 disabilities resulting from amputation, arthritis, autism,
35 blindness, burn injury, cancer, cerebral palsy, cystic fibrosis,
36 deafness, head injury, heart disease, hemiplegia, hemophilia,

1 respiratory or pulmonary dysfunction, mental retardation, mental
2 illness, multiple sclerosis, muscular dystrophy, musculoskeletal
3 disorders, neurological disorders including stroke and epilepsy,
4 paraplegia, quadriplegia, and other spinal cord conditions,
5 sickle cell anemia, specific learning disability, and end-stage
6 renal disease, or another disability or combination of
7 disabilities determined on the basis of an assessment for
8 determining eligibility and vocational rehabilitation needs to
9 cause comparable serious functional limitation.

10 **Subp. 18. Individual with a severe disability.**

11 "Individual with a severe disability" means an eligible consumer:

12 A. who has a severe physical or mental impairment
13 that results in a serious functional limitation in terms of
14 employment in one or two functional areas;

15 B. whose vocational rehabilitation can be expected to
16 require multiple vocational rehabilitation services over an
17 extended period of time; and

18 C. who has one or more physical or mental
19 disabilities resulting from amputation, arthritis, autism,
20 blindness, burn injury, cancer, cerebral palsy, cystic fibrosis,
21 deafness, head injury, heart disease, hemiplegia, hemophilia,
22 respiratory or pulmonary dysfunction, mental retardation, mental
23 illness, multiple sclerosis, muscular dystrophy, musculoskeletal
24 disorders, neurological disorders including stroke and epilepsy,
25 paraplegia, quadriplegia, and other spinal cord conditions,
26 sickle cell anemia, specific learning disability, and end-stage
27 renal disease, or another disability or combination of
28 disabilities determined on the basis of an assessment for
29 determining eligibility and vocational rehabilitation needs to
30 cause comparable serious functional limitation.

31 **Subp. 19. Individualized written rehabilitation program.**

32 "Individualized written rehabilitation program" means a written
33 document specifying the eligible consumer's employment goal and
34 the services and objectives by which barriers to employment
35 resulting from the eligible consumer's disability will be
36 reduced. An individualized written rehabilitation program is

1 developed for each eligible consumer by the eligible consumer
 2 and the eligible consumer's rehabilitation counselor and amended
 3 as necessary, as provided by United States Code, title 29,
 4 section 722, subsection (b), as amended.

5 Subp. 20. **Initial stocks, supplies, and equipment.**

6 "Initial stocks, supplies, and equipment" means the initial
 7 inventory of goods for direct resale to customers by an eligible
 8 consumer entering into a self-employment enterprise, a start-up
 9 supply of expendable items that are necessary for the day-to-day
 10 operation of a business, and nonexpendable goods and tools that
 11 are necessary for the operation of a business, excluding the
 12 ongoing replacement of inventory and supplies and repair and
 13 replacement of equipment.

14 Subp. 21. **Interpreter services.** "Interpreter services"

15 means interpreting of oral, manual, or written communication for
 16 persons who are deaf or hard of hearing.

17 Subp. 22. **Job coaching.** "Job coaching" means services

18 provided to assist an eligible consumer to perform work duties
 19 and retain employment in a competitive employment setting, such
 20 as:

21 A. job skills training;

22 B. training and assistance with work behaviors; and

23 C. assistance to employers and coworkers when

24 necessary to assist the eligible consumer to retain employment.

25 Subp. 23. **Job placement.** "Job placement" means services

26 that assist eligible consumers in seeking and obtaining gainful
 27 employment. These services include one or more of the following:

28 A. ~~providing-eligible-consumers-with-information-on~~

29 ~~employment-opportunities-and-trends~~ contacting employers to
 30 develop or identify job opportunities and assisting eligible
 31 consumers in securing employment;

32 B. ~~communicating-and-negotiating-with-community~~

33 ~~resources-and-employers-to-increase-employment-opportunities-for~~
 34 ~~eligible-consumers~~ assessing the characteristics and tasks of an
 35 eligible consumer's job choice to determine the skills,

36 knowledge, and abilities needed to perform the tasks involved in

1 the job;

2 C. ~~assessing-the-characteristics-and-tasks-of-an~~
3 ~~eligible-consumer's-job-choice-to-determine-the-skills,~~
4 ~~knowledge,-and-abilities-needed-to-perform-the-tasks-involved-in~~
5 ~~the-job~~ assisting the eligible consumer to become knowledgeable
6 about job duties, personnel benefits, rates of pay, employment
7 policies and practices, and the job location prior to job
8 acceptance;

9 D. ~~assisting-employers-in-restructuring-job-tasks-and~~
10 ~~removing-architectural-and-transportation-barriers-to~~
11 ~~accommodate-eligible-consumers~~ providing group or individual
12 counseling or training or both regarding the techniques for
13 obtaining and maintaining employment, including assisting
14 eligible consumers in preparing resumes and job applications and
15 in developing job interviewing skills;

16 E. ~~counseling-eligible-consumers-on-job-seeking~~
17 ~~skills-and-assisting-consumers-with-the-development-of-job~~
18 ~~seeking-plans~~ enhancing disability awareness through educating
19 eligible consumers and employers about various disabilities and
20 resulting vocational implications, rehabilitation technology,
21 job accommodations, services provided by the division,
22 incentives to the employer, and current disability-related
23 legislation;

24 F. ~~counseling-eligible-consumers-on-job-retention~~
25 ~~skills~~ providing on-site job analysis, consultation, and
26 recommendations for work site and job modification, when
27 appropriate;

28 G. ~~assisting-eligible-consumers-in-preparing-resumes~~
29 ~~and-job-applications-and-in-developing-job-interviewing~~
30 ~~skills~~ maintaining contact for a reasonable period of time to
31 promote adequate job adjustment and retention;

32 H. ~~advising-eligible-consumers-and-employers-of~~
33 ~~alternative-means-of-carrying-out-essential-work-tasks,-and~~
34 ~~assisting-in-the-resolution-of-consumer-employer~~
35 ~~conflicts,~~ assisting employers to identify, modify, or eliminate
36 architectural, procedural, instructional, attitudinal, or

1 communication barriers to the employment and advancement of
 2 persons with disabilities; and

3 ~~I. assisting-employers-with-affirmative-action~~
 4 ~~programs-and-projects-on-behalf-of-eligible-consumers;~~

5 ~~J.--collaborating-with-organizations-involved-in~~
 6 ~~employment-assistance-on-behalf-of-eligible-consumers;~~

7 ~~K.--assisting-employers-in-determining-appropriate~~
 8 ~~equipment-and-systems-needs-on-behalf-of-eligible-consumers;-and~~

9 ~~L.--informing-eligible-consumers-and-employers-of~~
 10 ~~federal-and-state-antidiscrimination-laws~~ maintaining
 11 communication and coordination with other community agencies and
 12 resources concerning job openings, coordination of services to
 13 assist eligible consumers to obtain and retain employment, and
 14 joint efforts to increase employment opportunities for people
 15 with disabilities.

16 Subp. 24. Maintenance. "Maintenance" means the financial
 17 assistance provided to an eligible consumer to pay for added
 18 costs incurred by the eligible consumer as a result of
 19 participation in other planned vocational rehabilitation
 20 services.

21 Subp. 25. Notetaker services. "Notetaker services" means
 22 the recording in writing of oral or written communication for
 23 later use by an eligible consumer.

24 Subp. 26. Order of selection. "Order of selection" means
 25 the priority system under which the division provides vocational
 26 rehabilitation services to eligible consumers when all eligible
 27 consumers cannot be served.

28 Subp. 27. Paratransit. "Paratransit" means door-to-door
 29 or demand-responsive transportation for persons who are unable
 30 to use conventional public transportation. Paratransit may be
 31 provided by a public transit agency or contracted out to a
 32 private company.

33 Subp. 28. Personal assistance services. "Personal
 34 assistance services" means a range of services, provided by one
 35 or more persons, to assist an eligible consumer to perform daily
 36 living activities, on or off the job, that the eligible consumer

1 would typically perform if the eligible consumer did not have a
2 disability.

3 Subp. 29. Postemployment services. "Postemployment
4 services" means vocational rehabilitation services provided to
5 assist an eligible consumer to maintain, regain, or advance in
6 employment after the consumer has been determined to be
7 rehabilitated according to Code of Federal Regulations, title
8 34, section 361.43, as amended. Postemployment services are
9 provided only to the extent necessary to overcome barriers to
10 maintaining, regaining, or advancing in employment that result
11 from the consumer's disability.

12 Subp. 30. Postsecondary training. "Postsecondary training"
13 means training provided by a postsecondary training institution.

14 Subp. 31. Postsecondary training institution.
15 "Postsecondary training institution" means a public or private
16 university, college, community college, junior college,
17 vocational school, business school, technical college, technical
18 institute, or hospital school of nursing.

19 Subp. 32. Public safety officer. "Public safety officer"
20 means a person serving the United States or a state or unit of
21 local government, with or without compensation, in any activity
22 involving:

23 A. the enforcement of criminal laws, or maintenance
24 of civil peace by the National Guard or armed forces;

25 B. a correctional program, facility, or institution
26 where the activity is potentially dangerous because of contact
27 with criminal suspects, defendants, prisoners, probationers, or
28 parolees;

29 C. a court having criminal or juvenile jurisdiction
30 where the activity is potentially dangerous because of contact
31 with criminal suspects, defendants, prisoners, probationers, or
32 parolees; or

33 D. firefighting, fire prevention, or emergency rescue
34 missions.

35 Subp. 33. Reader services. "Reader services" means the
36 oral reading of written material for an eligible consumer.

1 Subp. 34. **Referral.** "Referral" means counseling or
2 research on behalf of an applicant or eligible consumer for the
3 purpose of directing the applicant or eligible consumer to other
4 agencies and organizations that provide financial assistance,
5 rehabilitation services, or other services needed by the
6 applicant or eligible consumer.

7 Subp. 35. **Rehabilitation counseling and guidance.**

8 "Rehabilitation counseling and guidance" means the process by
9 which a rehabilitation counselor assists an eligible consumer to:

10 A. understand the eligible consumer's abilities and
11 potential and develop self-confidence;

12 B. identify and establish an employment goal and
13 intermediate objectives to reach that goal; and

14 C. complete a program of services leading to the
15 achievement of the intermediate objectives and employment goal
16 established in the eligible consumer's individualized written
17 rehabilitation program.

18 Subp. 36. **Rehabilitation counselor.** "Rehabilitation
19 counselor" means a person classified by the Minnesota Department
20 of Employee Relations as a rehabilitation counselor and employed
21 by the division to determine eligibility for and provide and
22 coordinate the provision of vocational rehabilitation services.

23 Subp. 37. **Rehabilitation technology.** "Rehabilitation
24 technology" means services that apply technologies, engineering
25 methodologies, or scientific principles to meet the needs of and
26 address the barriers confronted by an eligible consumer. These
27 services include:

28 A. any piece of equipment, or product system,
29 including taped books and text, and alternative format books
30 accessible by computer, whether acquired commercially off the
31 shelf, modified, or customized, that is used to increase,
32 maintain, or improve functional capabilities of individuals with
33 disabilities; and

34 B. any service that directly assists an eligible
35 consumer in the selection, acquisition, or use of a piece of
36 equipment or product system described in item A.

1 Subp. 38. **Restoration services.** "Restoration services"
2 means the medical or medically related services provided to
3 correct or modify, within a reasonable period of time, a
4 physical or mental condition that is stable or slowly
5 progressive. These services consist of durable medical
6 equipment and the services listed under the definition of
7 physical and mental restoration services in Code of Federal
8 Regulations, title 34, subtitle B, chapter III, section 361.1,
9 subsection (c), paragraph (2), as amended.

10 Subp. 39. **Self-help aid.** "Self-help aid" means forms of
11 student financial assistance, such as loans and work-study,
12 offered to a student by a postsecondary institution and that the
13 student must repay or work to earn.

14 Subp. 40. **Serious functional limitation.** "Serious
15 functional limitation" means ~~a reduction~~ that, due to a severe
16 physical or mental impairment, ~~in~~ one or more of an individual's
17 functional capacities, including mobility, communication,
18 self-care, self-direction, interpersonal skills, work tolerance,
19 or work skills, is restricted to the degree that the individual
20 requires services or accommodations not ~~typically~~ routinely made
21 for other individuals in order to prepare for, enter, engage in,
22 or retain employment.

23 Subp. 41. **State Rehabilitation Advisory Council.** "State
24 Rehabilitation Advisory Council" means the council established
25 under United States Code, title 29, section 725, as amended, to
26 advise the division on the services and outcomes of the
27 vocational rehabilitation program.

28 Subp. 42. **Tools and equipment.** "Tools and equipment"
29 means hammers, clamps, cutlery, screwdrivers, tool belts,
30 brushes, safety goggles, ladders, scissors, and similar
31 implements required for participation in an individualized
32 written rehabilitation program.

33 Subp. 43. **Transportation services.** "Transportation
34 services" means payments for gasoline and parking, public
35 transportation, paratransit, the purchase of vehicle
36 adaptations, or the purchase of vehicle repairs.

1 Subp. 44. Tuition cap. "Tuition cap" means:

2 A. for postsecondary training programs leading to a
3 bachelor's or higher degree, the dollar amount equal to the
4 average annual cost of tuition and mandatory fees needed for a
5 student to complete 45 credits in three quarters at the
6 University of Minnesota, Morris. This amount is available
7 annually from the financial aid office at the University of
8 Minnesota, Morris; or

9 B. for all other undergraduate programs, the dollar
10 amount equal to the average annual cost of tuition and mandatory
11 fees needed for a student to complete 45 credits in three
12 quarters at a state community college. This amount is available
13 annually from the financial aid office at any state community
14 college.

15 Subp. 45. Vehicle adaptations. "Vehicle adaptations"
16 means changes made to the structure or control devices of a
17 motor vehicle for a person with a disability to enter, exit, or
18 operate the vehicle safely and legally.

19 Subp. 46. Vocational evaluation. "Vocational evaluation"
20 means an assessment of a person's performance in a simulated or
21 real work situation to determine the person's abilities, skills,
22 attitudes toward work, and work behaviors.

23 Subp. 47. Vocational rehabilitation program. "Vocational
24 rehabilitation program" means the organizational unit in the
25 division that determines eligibility for, and provides
26 vocational rehabilitation services to, individuals.

27 Subp. 48. Vocational rehabilitation services. "Vocational
28 rehabilitation services" means the services provided or arranged
29 for individuals by the division's vocational rehabilitation
30 program to determine and achieve an employment goal.

31 Subp. 49. Vocational training services. "Vocational
32 training services" means instruction and supplies provided to an
33 eligible consumer to assist the eligible consumer in acquiring
34 the knowledge, skills, attitudes, and educational qualifications
35 necessary to obtain and retain gainful employment. These
36 services include:

1 A. tuition and materials usually required for
2 training in an educational program at a postsecondary training
3 institution; and

4 B. fees and materials usually required for vocational
5 skills training in settings other than postsecondary training
6 institutions, such as competitive employment settings and
7 community rehabilitation programs.

8 Subp. 50. **Work adjustment training.** "Work adjustment
9 training" means using real or simulated work situations to
10 assist persons to:

11 A. understand the meaning, value, and demands of
12 work;

13 B. learn or reestablish skills, attitudes, and work
14 behaviors; and

15 C. develop physical or mental capacities necessary
16 for work.

17 3300.5020 CONDITIONS FOR IMPLEMENTING AN ORDER OF SELECTION.

18 Subpart 1. **Determination of open priority categories.** At
19 ~~least-annually,~~ The commissioner shall determine the need for an
20 order of selection annually. The commissioner's determination
21 shall be made after consulting with and obtaining advice from
22 the State Rehabilitation Advisory Council. The commissioner's
23 determination shall be based on the anticipated need number of
24 individuals eligible for services from the vocational
25 rehabilitation program and the resources anticipated to be
26 available to the vocational rehabilitation program. The
27 commissioner shall open as many priority categories as it is
28 projected that the division can serve, starting with the first
29 priority category listed in part 3300.5030. The division
30 retains the discretion to open and close established priority
31 categories based on an assessment of need and resources, but the
32 division must not change the established order of
33 categories. The open priority categories for order of selection
34 must be identified in the division's state plan for vocational
35 rehabilitation submitted annually to the federal Rehabilitation

1 Services Administration. The division must conduct public
2 meetings on the plan prior to its adoption, as provided by Code
3 of Federal Regulations, title 34, section 361.18, paragraph
4 (a)(1).

5 ~~Subp. 2. Discontinuation-of-order-of-selection:--The~~
6 ~~division-shall-discontinue-an-order-of-selection-when-it~~
7 ~~determines-that-it-can-provide-vocational-rehabilitation~~
8 ~~services-to-all-eligible-individuals-who-have-applied-for~~
9 ~~services-from-the-vocational-rehabilitation-program.~~

10 ~~Subp.-3-~~ Continuation of services. When there is a change
11 in the priority categories open under an order of selection, the
12 division must continue to provide vocational rehabilitation
13 services in accordance with an individualized written
14 rehabilitation program developed before the change occurred.

15 3300.5030 PRIORITY CATEGORIES FOR ORDER OF SELECTION.

16 Subpart 1. First priority category. The first priority
17 category includes all individuals with a most severe disability.

18 Subp. 2. Second priority category. The second priority
19 category includes all individuals with a severe disability that
20 results in serious functional limitations in two functional
21 areas.

22 Subp. 3. Third priority category. The third priority
23 category includes all individuals with a severe disability that
24 results in a serious functional limitation in one functional
25 area.

26 Subp. 4. Fourth priority category. The fourth priority
27 category includes all other eligible consumers.

28 Subp. 5. Priority for public safety officers. If all
29 eligible consumers in a priority category cannot be served, the
30 division shall first serve those eligible consumers whose
31 disability was sustained in the line of duty while performing as
32 a public safety officer, and whose disability was caused by a
33 criminal act, apparent criminal act, or hazardous condition
34 resulting directly from the public safety officer's performance
35 of duties in direct connection with the enforcement, execution,

1 and administration of law, fire prevention, firefighting, or
2 related public safety activities.

3 3300.5040 CONSUMER FINANCIAL PARTICIPATION IN COST OF VOCATIONAL
4 REHABILITATION SERVICES.

5 Subpart 1. **Financial participation required.** An eligible
6 consumer whose gross family income is more than the state median
7 income as adjusted for family size shall pay for vocational
8 rehabilitation services an amount equal to the percentage by
9 which the eligible consumer's gross family income exceeds the
10 adjusted median income. For example, if an eligible consumer's
11 gross family income exceeds the state median income adjusted for
12 the eligible consumer's family size by ten percent, the eligible
13 consumer shall pay ten percent of the cost of vocational
14 rehabilitation services provided and the division would pay 90
15 percent.

16 Subp. 2. **No required financial participation.** An eligible
17 consumer whose gross family income is equal to or less than the
18 state median income as adjusted for family size is not required
19 to pay any portion of the cost of the vocational rehabilitation
20 services that the eligible consumer receives. However,
21 regardless of consumer financial participation requirements
22 under this part, all eligible consumers are required to
23 participate in the search for and utilization of comparable
24 benefits as provided in part 3300.5050, and the division's
25 payments for any vocational rehabilitation services will not
26 exceed the amounts described in part 3300.5060.

27 Subp. 3. **Basis for determining degree of financial**
28 **participation required.** The division shall determine the degree
29 of financial participation required for eligible consumers who
30 are not exempt from determination of the degree of financial
31 participation under subpart 4. The degree of financial
32 participation required is determined on the basis of the
33 eligible consumer's gross family income in relation to the most
34 recent estimate of Minnesota median income levels as adjusted
35 for family size using the adjustment methodology specified in

1 Code of Federal Regulations, title 45, section 96.85, as amended.

2 Subp. 4. Exemption from determination of degree of
3 financial participation. An eligible consumer is not required
4 to pay any portion of the cost of the vocational rehabilitation
5 services that the eligible consumer receives if:

6 A. the eligible consumer receives payments from Aid
7 to Families with Dependent Children, general assistance, or
8 Supplemental Security Income; or

9 B. the eligible consumer has been determined eligible
10 for medical assistance.

11 Subp. 5. Services subject to financial participation. An
12 eligible consumer may be required to participate in paying the
13 cost of all vocational rehabilitation services not exempted from
14 financial participation under subpart 6.

15 Subp. 6. Services exempted from financial participation.
16 The division must not require eligible consumer financial
17 participation for the following services:

18 A. assessment for determining eligibility and
19 vocational rehabilitation needs, except those services provided
20 under an extended evaluation that are not diagnostic in nature;

21 B. vocational evaluation;

22 C. work adjustment training;

23 D. rehabilitation counseling and guidance;

24 E. job placement services;

25 F. referral services;

26 G. ~~interpreter-services;~~

27 H. ~~notetaker-services;~~

28 I. ~~reader-services;~~

29 J. job coaching;

30 K. H. on-the-job training;

31 L. I. independent living skills training that
32 supports an employment goal;

33 M. J. single-time nonrecurring purchases of goods and
34 services costing \$300 or less; and

35 N. K. postemployment services consisting of the
36 services identified in this subpart.

1 Subp. 7. Income verification. If an eligible consumer's
2 individualized written rehabilitation program includes or is
3 expected to include vocational rehabilitation services other
4 than those identified in subpart 6, the eligible consumer shall
5 provide the division with written verification of the eligible
6 consumer's gross family income and sources of income, unless the
7 eligible consumer provides the division with written
8 verification that the eligible consumer is exempt from the
9 determination of the degree of financial participation under
10 subpart 4. The eligible consumer shall provide the division
11 with a copy of the first page of the most recent federal income
12 tax return documenting the eligible consumer's gross family
13 income. If there has been a substantial change in the eligible
14 consumer's or family's income, either an increase or a decrease,
15 to the degree that it would change the eligible consumer's
16 financial participation, the eligible consumer shall provide the
17 division with written verification of the eligible consumer's
18 present gross family income.

19 Subp. 8. Consumer financial participation. The amount of
20 consumer financial participation in the costs of services and
21 the amount of division payments for services must be determined
22 as follows:

23 A. determine the actual cost of the service;

24 B. subtract the amount of available comparable
25 benefits from the amount determined in item A;

26 C. if the result obtained under item B is greater
27 than zero, determine the dollar amount of consumer financial
28 participation based on the lesser of:

29 (1) the amount determined in item B; or

30 (2) the maximum amount the division is permitted
31 to pay for the service under part 3300.5060;

32 D. subtract the amount of consumer financial
33 participation determined under item C from the amount determined
34 under item B;

35 E. if the result obtained under item D is greater
36 than zero, division payments must be the lesser of:

- 1 (1) the amount determined under item D; or
2 (2) the maximum amount the division is permitted
3 to pay for the service under part 3300.5060, minus the amount of
4 consumer financial participation determined under item C.

5 Subp. 9. Variance. An eligible consumer who cannot pay
6 for vocational rehabilitation services to the extent required in
7 subpart 1 may apply to the commissioner for a variance in the
8 determination of financial need as follows:

9 A. A request for a variance must be submitted in
10 writing by the eligible consumer or the eligible consumer's
11 legal representative. The request must provide the commissioner
12 with evidence describing the unusual financial situation. If
13 the commissioner requires additional information to determine
14 eligibility for a variance, the division must, within 15 days
15 after receiving the written request, inform the eligible
16 consumer in writing of the specific additional information
17 required.

18 B. The commissioner must determine whether the
19 eligible consumer is eligible for a variance and notify the
20 eligible consumer of the determination in writing 30 days after
21 the commissioner receives all the information required under
22 item A. The written notification must:

- 23 (1) specify whether the eligible consumer is
24 eligible for a variance;
25 (2) indicate the reasons for the determination;
26 (3) specify the amount of the variance, if any;
27 (4) inform the eligible consumer of review and
28 appeal rights under Code of Federal Regulations, title 34,
29 subtitle B, chapter III, section 361.48, as amended; and
30 (5) be signed and dated by the commissioner.

31 C. The commissioner shall grant a variance only if
32 the eligible consumer demonstrates that it is impossible for the
33 eligible consumer to make the cost contributions required under
34 subpart 1 because of extraordinary costs resulting from illness
35 or disability in areas such as mobility, communication, self
36 care, medical care, shelter, food, and clothing.

1 D. The commissioner shall determine the amount of a
2 variance by:

3 (1) calculating the sum of the eligible
4 consumer's extraordinary expenditures identified under item C
5 that make it impossible for the eligible consumer to make the
6 cost contributions required under subpart 1; and

7 (2) subtracting the sum in subitem (1) from the
8 financial participation amount the eligible consumer would have
9 to pay without the variance.

10 E. An eligible consumer who receives a variance must
11 immediately notify the commissioner in writing if the eligible
12 consumer's ~~financial-situation~~ gross family income improves.

13 F. The commissioner may review the financial
14 situation of an eligible consumer who receives a variance at any
15 time to determine whether the individual's financial situation
16 continues to justify the variance.

17 3300.5050 COMPARABLE BENEFITS AND SERVICES.

18 Subpart 1. Use of comparable benefits. Comparable
19 benefits must be used if available to an eligible consumer or a
20 member of an eligible consumer's family for all vocational
21 rehabilitation services identified in the eligible consumer's
22 individualized written rehabilitation program except:

23 A. assessment for determining eligibility and
24 vocational rehabilitation needs;

25 B. rehabilitation counseling and guidance;

26 C. job placement services;

27 D. referral services;

28 E. vocational and other training services, such as
29 personal and vocational adjustment training, that are not
30 provided as part of a postsecondary training program;

31 F. rehabilitation technology services;

32 G. medical services for an individual at extreme
33 medical risk;

34 H. the services listed in items A to G when provided
35 as postemployment services necessary to assist consumers to

1 maintain, regain, or advance in employment; or

2 I. when a search for comparable benefits would cause
3 an immediate job placement to be lost.

4 Subp. 2. Consumer responsibilities. Except in the
5 circumstances described in subpart 1, an eligible consumer must,
6 with the assistance of the division, participate in the search
7 for and use of comparable benefits as follows:

8 A. Before receiving training services in a
9 postsecondary institution, an eligible consumer must apply for
10 educational grants and scholarships to pay all or part of the
11 costs of tuition, fees, books, supplies, tools and equipment,
12 and living expenses; and

13 (1) provide evidence to the rehabilitation
14 counselor of the amount of the educational grants and
15 scholarships that are available to the eligible consumer; or

16 (2) provide evidence to the rehabilitation
17 counselor that the eligible consumer is not eligible for
18 educational grants and scholarships.

19 B. If grants or scholarships are not available to the
20 eligible consumer because the eligible consumer is in default on
21 repayment of a student loan, the division must not participate
22 financially in the purchase of postsecondary training services
23 until the division determines that a responsible repayment
24 effort has been made. This determination shall be made by the
25 rehabilitation counselor in consultation with the eligible
26 consumer and the ~~lending-institution~~ holder of the loan, after
27 considering such factors as the financial resources available to
28 the eligible consumer and the attempts that have been made to
29 work out a satisfactory repayment agreement with the ~~lending~~
30 institution holder of the loan. The requirement of a
31 responsible repayment effort will be deemed to be satisfied if
32 the consumer has made six consecutive payments.

33 C. Before receiving restoration services, an eligible
34 consumer must file a claim or application with the consumer's
35 health insurer, if any. If the eligible consumer has no health
36 insurance, or if the restoration services provided are not

1 covered by the eligible consumer's health insurance, the
2 eligible consumer must apply to a local human services agency
3 for medical assistance under Minnesota Statutes, chapter 256B.

4 D. Before receiving any vocational rehabilitation
5 service other than those listed in subpart 1, an eligible
6 consumer shall apply or provide evidence of having already
7 applied for any comparable benefit that the division determines
8 may be available to the eligible consumer. The division must
9 not purchase a service when the eligible consumer refuses to
10 make formal application for a comparable benefit to pay all or
11 part of the cost of the service, or when the eligible consumer
12 refuses to accept a comparable benefit that is available to the
13 eligible consumer.

14 3300.5060 TERMS AND CONDITIONS FOR PROVISION OF VOCATIONAL
15 REHABILITATION SERVICES.

16 Subpart 1. General conditions for provision of vocational
17 rehabilitation services.

18 A. The division must provide vocational
19 rehabilitation services only for the following purposes:

20 (1) to determine whether an individual is
21 eligible for vocational rehabilitation services and the nature
22 and scope of vocational rehabilitation services needed by the
23 individual, as provided by Code of Federal Regulations, title
24 34, subtitle B, chapter III, sections 361.31, 361.32, 361.33,
25 and 361.34; and

26 (2) to assist an eligible consumer to achieve an
27 employment goal in accordance with the consumer's individualized
28 written rehabilitation program.

29 B. The division must follow applicable state,
30 Department of Jobs and Training, and division purchasing
31 policies and procedures when purchasing goods or services for
32 consumers.

33 C. The division must not make payments to reduce
34 legal financial obligations incurred by the consumer.

35 Subp. 2. Child care.

1 A. Before the division provides child care, the
2 amount of consumer financial participation in the cost of child
3 care must be determined under part 3300.5040.

4 B. The eligible consumer must, with the assistance of
5 the division, participate in the search for and use of
6 comparable benefits under part 3300.5050, subpart 2, item D,
7 except that a search for comparable benefits is not required if
8 the search would cause the eligible consumer to lose an
9 immediate job placement.

10 C. The division must not provide child care unless
11 ~~there-is-an-emergency-where~~ an eligible consumer's
12 individualized written rehabilitation program would be
13 interrupted if child care is not provided. The division must:

14 (1) purchase child care services only from
15 providers who are licensed by the Department of Human Services,
16 under chapter 9502 or 9503, or who are exempt from the licensure
17 requirements under part 9502.0325, subpart 3; and

18 (2) pay for no more than one period of child care
19 of up to three months in duration in any 12-month period.

20 D. Division payments for child care must not exceed
21 the rate established by the Department of Human Services under
22 part 9565.5100.

23 Subp. 3. **Computer hardware and software.**

24 A. Before the division purchases computer hardware,
25 software, or modems, printers, and other peripherals, the amount
26 of consumer financial participation in the cost of the items
27 must be determined under part 3300.5040.

28 B. The eligible consumer must, with the assistance of
29 the division, participate in the search for and use of
30 comparable benefits under part 3300.5050, subpart 2, item D,
31 except that a search for comparable benefits is not required if
32 the search would cause the eligible consumer to lose an
33 immediate job placement.

34 C. The division must purchase computer hardware,
35 software, or modems, printers, and other peripherals, only for
36 disability-related reasons, except for computers purchased as

1 equipment necessary for an eligible consumer to achieve an
2 employment goal of self-employment or operation of a small
3 business.

4 D. The division must not purchase computer hardware,
5 software, or modems, printers, and other peripherals, if an
6 eligible consumer's needs can be met through alternative means
7 of accessing computers, such as the use of computer laboratories
8 at postsecondary institutions.

9 E. Before the division purchases computer hardware,
10 software, or modems, printers, and other peripherals, if either
11 the counselor or the eligible consumer is uncertain regarding
12 the eligible consumer's needs, an assessment to determine the
13 eligible consumer's needs for computer hardware, software, or
14 modems, printers, and other peripherals must be conducted by a
15 knowledgeable person who is not a vendor of computer equipment.

16 F. Any division purchases of computer hardware,
17 software, or modems, printers, and other peripherals, must be
18 made using the information obtained from the assessment under
19 item E.

20 G. The division expenditures for the purchase of
21 computer hardware, software, or modems, printers, and other
22 peripherals for an eligible consumer must not exceed \$3,000,
23 excluding costs for adaptations to hardware or for specialized
24 software required because of the eligible consumer's disability.

25 Subp. 4. Interpreter services for postsecondary training.

26 A. Before the division purchases interpreter services
27 for postsecondary training, the amount of consumer financial
28 participation in the cost of interpreters must be determined
29 under part 3300.5040.

30 B. Before interpreter services are provided, the
31 eligible consumer must, with the assistance of the division,
32 participate in the search for and use of comparable benefits
33 under part 3300.5050, subpart 2, item D.

34 B- C. Division payments for interpreter services must
35 be made to the postsecondary training institution based on the
36 number of credits for which the eligible consumer is registered.

1 E- D. The division must not pay for interpreter
2 services to assist an eligible consumer to participate in
3 extracurricular activities. Interpreters must be provided only
4 for actual class attendance, tutoring requiring interpreter
5 services, or out-of-class assignments requiring interpreter
6 services.

7 Subp. 5. **Maintenance.**

8 A. Before the division provides maintenance, the
9 amount of consumer financial participation must be determined
10 under part 3300.5040.

11 B. The eligible consumer must, with the assistance of
12 the division, participate in the search for and use of
13 comparable benefits under part 3300.5050, subpart 2, item D,
14 except that a search for comparable benefits is not required if
15 the search would cause the eligible consumer to lose an
16 immediate job placement.

17 C. The division must not provide maintenance to pay
18 for expenses that the eligible consumer would incur whether or
19 not the eligible consumer was receiving vocational
20 rehabilitation services.

21 D. The division must not pay for maintenance if the
22 provision of maintenance would result in a reduction of payments
23 to the eligible consumer by other government assistance programs.

24 E. Eligible consumers must meet the following
25 criteria before receiving maintenance:

26 (1) participation in one or more other vocational
27 rehabilitation services being provided results in added costs;
28 and

29 (2) when added costs are the result of relocation:

30 (a) the eligible consumer cannot receive
31 vocational rehabilitation services without relocation;

32 (b) a primary residence must be maintained
33 by the eligible consumer or the eligible consumer's family; and

34 (c) when the relocation is necessary to
35 participate in postsecondary training, the eligible consumer
36 must be unable to work while participating in postsecondary

1 training because of the eligible consumer's disability, and the
2 eligible consumer's inability to work must be determined by a
3 rehabilitation counselor, in consultation with the eligible
4 consumer, based on available medical, psychological, and other
5 diagnostic information; or

6 (d) when the relocation is necessary to
7 participate in job placement services, the need to relocate must
8 be determined by a rehabilitation counselor, in consultation
9 with the eligible consumer, based on available employment and
10 labor market information.

11 F. Except as provided in item G, division maintenance
12 payments must not exceed the lesser of:

13 (1) the amount necessary to pay for the added
14 costs resulting from the provision of one or more other
15 vocational rehabilitation services; or

16 (2) a monthly amount equal to the average,
17 rounded to the nearest \$10, of the monthly payment for the
18 Minnesota general assistance program as provided by Minnesota
19 Statutes, chapter 256D, and the monthly federal benefit amount
20 for the Social Security Supplemental Security Income program as
21 provided by Code of Federal Regulations, title 20, chapter III,
22 subpart D, section 416.410.

23 G. For eligible consumers receiving maintenance under
24 item E, subitem (2), unit (d), division maintenance payments in
25 any 12-month period must not exceed the lesser of:

26 (1) the amount necessary to pay for the added
27 costs resulting from the provision of one or more other
28 vocational rehabilitation services; or

29 (2) 12 times the amount determined under item F,
30 subitem (2).

31 Subp. 6. Notetaker services for postsecondary training.

32 A. Before the division purchases notetaker services
33 for postsecondary training, the amount of consumer financial
34 participation in the cost of notetaker services must be
35 determined under part 3300.5040.

36 B. Before notetaker services are provided, the

1 eligible consumer must, with the assistance of the division,
2 participate in the search for and use of comparable benefits
3 under part 3300.5050, subpart 2, item D.

4 B. C. Any division payments for notetaker services
5 must be based on the number of credits for which the eligible
6 consumer is registered.

7 E. D. The division must not pay for notetaker
8 services to assist an eligible consumer to participate in
9 extracurricular activities. Notetaker services must be provided
10 only for actual class attendance, tutoring requiring notetaker
11 services, and out-of-class assignment requiring notetaker
12 services.

13 Subp. 7. Personal assistance services.

14 A. The division must not provide personal assistance
15 services unless an eligible consumer is receiving one or more
16 other vocational rehabilitation services.

17 B. Before the division provides personal assistance
18 services, the amount of consumer financial participation in the
19 cost of personal assistance services must be determined under
20 part 3300.5040.

21 C. The eligible consumer must, with the assistance of
22 the division, participate in the search for and use of
23 comparable benefits under part 3300.5050, subpart 2, item D,
24 except that a search for comparable benefits is not required for
25 personal assistance services that are necessary for job
26 placement.

27 D. The division must purchase personal assistance
28 services only from:

29 (1) a personal care attendant who is employed by
30 or under contract to a personal care provider organization; or

31 (2) a personal care attendant who is authorized
32 by the Department of Human Services Personal Care Services
33 Division to be independently enrolled for the purpose of
34 providing personal care.

35 E. After an eligible consumer is hired for a job that
36 meets the eligible consumer's employment goal, the division must

1 not provide personal assistance services for a period exceeding
2 90 consecutive calendar days from the eligible consumer's first
3 day of employment.

4 F. Division payments for personal assistance services
5 must be made at the lesser of the provider's submitted charges
6 or the maximum rate established by part 9505.0335, subpart 11,
7 as adjusted by the consumer price index for urban consumers as
8 published by the Bureau of Labor Statistics, United States
9 Department of Labor and is incorporated by reference. It is
10 subject to frequent change and is available from the Minitex
11 interlibrary loan system.

12 G. The division must not provide personal assistance
13 services if the provision of the services would result in a
14 reduction in benefits or services from other government or
15 private programs.

16 H. The division must provide eligible consumers with
17 training in the management of personal care attendants when the
18 eligible consumer and a rehabilitation counselor jointly
19 determine that the training is necessary.

20 (1) Before the division provides training in the
21 management of personal care attendants, the amount of consumer
22 financial participation in the cost of training in the
23 management of personal care attendants must be determined under
24 part 3300.5040.

25 (2) A search for comparable benefits for training
26 in the management of personal care attendants is not required.

27 Subp. 8. Reader services for postsecondary training.

28 A. Before the division purchases reader services for
29 postsecondary training, the amount of consumer financial
30 participation in the cost of reader services must be determined
31 under part 3300.5040.

32 B. Before reader services are provided, the eligible
33 consumer must, with the assistance of the division, participate
34 in the search for and use of comparable benefits under part
35 3300.5050, subpart 2, item D.

36 B. C. Any division payments for reader services must

1 be based on the number of credits for which the eligible
2 consumer is registered.

3 ~~E~~ D. The division must not pay for reader services
4 to assist an eligible consumer to participate in extracurricular
5 activities. Reader services must be provided only for actual
6 class attendance, tutoring requiring reader services, and
7 out-of-class assignments requiring reader services.

8 **Subp. 9. Rehabilitation technology.**

9 A. Before the division provides rehabilitation
10 technology, the amount of consumer financial participation in
11 the cost of rehabilitation technology must be determined under
12 part 3300.5040.

13 B. Before the division purchases rehabilitation
14 technology, if either a rehabilitation counselor or the eligible
15 consumer is uncertain regarding the eligible consumer's needs,
16 an assessment to determine the eligible consumer's needs for
17 rehabilitation technology must be conducted by a knowledgeable
18 person.

19 **Subp. 10. Restoration services.**

20 A. Before the division provides restoration services,
21 the amount of consumer financial participation in the cost of
22 restoration services must be determined under part 3300.5040.

23 B. The eligible consumer must, with the assistance of
24 the division, participate in the search for and use of
25 comparable benefits under part 3300.5050, subpart 2, items C and
26 D, except that a search for comparable benefits is not required
27 if the search would delay the provision of medical services to
28 an eligible consumer at extreme medical risk, or if the search
29 would cause the eligible consumer to lose an immediate job
30 placement.

31 C. The division must not pay for recurring, ongoing
32 restoration services that an eligible consumer would require
33 regardless of participation in an individualized written
34 rehabilitation program, such as group or individual
35 psychotherapy, prescription drugs, or physical therapy.

36 D. Eligible consumers may select:

1 (1) any licensed physician to perform medical
2 restoration services;

3 (2) any licensed dentist to perform dental
4 restoration services; and

5 (3) any vendor to provide braces or artificial
6 limbs.

7 Subp. 11. **Small business enterprises.**

8 A. Before the division purchases goods and services
9 to establish a small business enterprise, the amount of consumer
10 financial participation in the cost of the goods or services
11 must be determined under part 3300.5040.

12 B. The eligible consumer must, with the assistance of
13 the division, participate in the search for and use of
14 comparable benefits under part 3300.5050, subpart 2, item D.

15 C. Before the division provides goods and services
16 for the establishment of a small business enterprise, the
17 eligible consumer must:

18 (1) develop and submit to the eligible consumer's
19 rehabilitation counselor a business plan that includes a market
20 analysis, an estimation of the viability of the business, and an
21 evaluation of the business plan and recommendation by the Small
22 Business Administration, a business development center, or a
23 comparable program; and

24 (2) comply with the loan application procedures
25 of the Small Business Administration in order to obtain advice
26 and consultation on possible sources of funding for the proposed
27 business and whether the proposed business is likely to be
28 successful.

29 D. The division must not require an eligible consumer
30 to accept a loan, but an eligible consumer may choose to accept
31 a loan to supplement the division's purchases of goods or
32 services to establish a small business.

33 E. The division's purchases of goods and services for
34 the establishment of a small business enterprise must be made
35 only after the eligible consumer and the rehabilitation
36 counselor take into consideration the information obtained in

1 item C.

2 F. Total division expenditures for an eligible
3 consumer's self-employment enterprise must not exceed \$5,000 for
4 the life of the business, excluding costs for rehabilitation
5 technology.

6 G. The division must not purchase stocks, supplies,
7 or equipment for the ongoing operation of a business after
8 initial stocks, supplies, and equipment are provided.

9 H. The division must not pay any costs of bankruptcy
10 proceedings or costs due to the bankruptcy of an eligible
11 consumer's small business.

12 Subp. 12. **Transportation services.**

13 A. Before the division provides transportation
14 services, the amount of consumer financial participation in the
15 cost of transportation services must be determined under part
16 3300.5040.

17 B. The eligible consumer must, with the assistance of
18 the division, participate in the search for and use of
19 comparable benefits under part 3300.5050, subpart 2, item D,
20 except that:

21 (1) a search for comparable benefits is not
22 required if the search would cause the eligible consumer to lose
23 an immediate job placement; and

24 (2) a search for comparable benefits is not
25 required for vehicle adaptations under item H.

26 C. The division must not provide transportation
27 services unless an eligible consumer is receiving one or more
28 other vocational rehabilitation services.

29 D. The division must not purchase vehicles for
30 applicants or eligible consumers.

31 E. If public transportation or paratransit is
32 available and used by the eligible consumer, division payments
33 for transportation must not exceed the actual cost of public
34 transportation or paratransit.

35 F. If public transportation or paratransit is
36 available, but the eligible consumer chooses transportation by

1 private vehicle, division payments for transportation must not
2 exceed the equivalent cost of public transportation or
3 paratransit.

4 G. If public transportation or paratransit is not
5 available, the division's payments must not exceed the costs of
6 gasoline and parking. The division must not pay costs to
7 obtain, maintain, and insure the vehicle used by the eligible
8 consumer. The division's payments for gasoline costs must be
9 determined by using the rate established by the Internal Revenue
10 Service for personal income tax deductions for mileage for
11 charitable contributions under the Internal Revenue Code of
12 1986, section 170i, as amended through December 31, 1992.

13 H. Division purchases of vehicle adaptations must be
14 made as follows:

15 (1) before the division purchases vehicle
16 adaptations, an evaluation of the vehicle and the consumer's
17 needs must be conducted by a person knowledgeable in adapting
18 vehicles for persons with disabilities;

19 (2) any vehicle adaptations purchased by the
20 division must be consistent with the findings of the evaluation
21 in subitem (1); and

22 (3) the division must not consider the
23 availability of public transportation, paratransit, or
24 carpooling in determining whether to provide vehicle adaptations.

25 I. Division purchases of vehicle repairs must be made
26 as follows:

27 (1) repair to a vehicle owned or used by an
28 eligible consumer must not be provided unless ~~there-is-an~~
29 ~~emergency-where~~ an eligible consumer's ability to participate in
30 an individualized written rehabilitation program would be
31 interrupted if vehicle repair is not provided. The division may
32 provide vehicle repair only if no other means of transportation,
33 such as public transportation, paratransit, or carpooling, is
34 available and the repair is necessary for the safe and legal
35 operation of the vehicle; and

36 (2) division payments for vehicle repairs must

1 not exceed \$1,500 for an eligible consumer in a 12-month period.

2 Subp. 13. Tuition, fees, books, supplies, and tools and
3 equipment for postsecondary training.

4 A. Before the division provides tuition, fees, books,
5 supplies, and tools and equipment for postsecondary training,
6 the amount of consumer financial participation in the cost of
7 those services must be determined under part 3300.5040.

8 B. The eligible consumer must, with the assistance of
9 the division, participate in the search for and use of
10 comparable benefits under part 3300.5050, subpart 2, items A, B,
11 and D.

12 C. The estimated cost of tuition, fees, books,
13 supplies, and tools and equipment for the eligible consumer's
14 postsecondary training program must be determined annually,
15 based on information from the postsecondary training institution.

16 D. The tuition cap for an eligible consumer who will
17 attend fewer than three quarters or two semesters must be
18 prorated based on the number of quarters or semesters which the
19 eligible consumer will attend.

20 E. The tuition cap for an eligible consumer enrolled
21 for fewer than 12 credits per term must be prorated as follows:

22 (1) for an eligible consumer who is enrolled for
23 nine to 11 credits per term, the tuition cap is three-quarters
24 of the dollar amount under part 3300.5010, subpart 44, item A or
25 B;

26 (2) for an eligible consumer who is enrolled for
27 six to eight credits per term, the tuition cap is one-half the
28 dollar amount under part 3300.5010, subpart 44, item A or B; and

29 (3) for an eligible consumer who is enrolled for
30 one to five credits per term, the tuition cap is one-fourth of
31 the dollar amount under part 3300.5010, subpart 44, item A or B.

32 F. For specialized postsecondary training programs
33 for persons who are deaf or hard of hearing, where the provision
34 of interpreters is included in the cost of tuition and fees for
35 all students, the tuition cap must be increased by an amount
36 determined according to subpart 4, items B C and E D.

1 G. If the field of study required by the eligible
2 consumer's individualized written rehabilitation program is not
3 available at a Minnesota public postsecondary institution, the
4 division shall not apply the tuition cap in determining the
5 amount of division payments for tuition, fees, books, supplies,
6 and tools and equipment for postsecondary training.

7 H. The amount of gift aid available to the eligible
8 consumer to pay for the costs of postsecondary training must be
9 determined annually, based on information obtained from the
10 postsecondary training institution.

11 I. When the amount of gift aid equals or exceeds the
12 cost of tuition, fees, books, supplies, and tools and equipment:

13 (1) the division shall not pay any of the costs
14 of tuition, fees, books, supplies, or tools and equipment; and

15 (2) the amount by which gift aid equals or
16 exceeds the cost of tuition, fees, books, supplies, and tools
17 and equipment must be used as a comparable benefit to assist in
18 paying the costs of other services necessary for the eligible
19 consumer's participation in the postsecondary training program.

20 J. When the amount of gift aid is less than the cost
21 of tuition, fees, books, supplies, and tools and equipment, the
22 amount, if any, to be paid by the eligible consumer must be
23 determined by applying the consumer financial participation
24 requirements under part 3300.5040 to the lesser of:

25 (1) the difference between the amount of gift aid
26 and the total cost of tuition, fees, books, supplies, and tools
27 and equipment; or

28 (2) the total of the tuition cap and the cost of
29 books, supplies, and tools and equipment.

30 K. When the cost of tuition, fees, books, supplies,
31 and tools and equipment exceeds the total of gift aid and
32 eligible consumer financial participation, the division shall
33 pay the lesser of:

34 (1) the difference between the cost of tuition,
35 fees, books, supplies, and tools and equipment, and the total of
36 gift aid and eligible consumer financial participation; or

1 (2) the total of the division tuition cap, plus
2 the cost of books, supplies, and tools and equipment, minus the
3 amount of any required consumer financial participation.

4 L. Regardless of the provisions in items A to K, the
5 division must make payments for tuition, fees, books, supplies,
6 and tools and equipment for postsecondary training only to the
7 extent that the division payments do not reduce the amount of
8 gift aid available to the eligible consumer.

9 M. The division does not require an eligible consumer
10 to accept self-help aid. The eligible consumer has the right to
11 accept or reject a postsecondary training institution's offer of
12 self-help aid. When the division assistance results in a
13 reduction of eligibility for self-help aid from a postsecondary
14 training institution, the eligible consumer may choose whether
15 to accept the division assistance in full or in part, or to
16 accept the self-help aid.

17 N. The division must report to the postsecondary
18 training institution, with the eligible consumer's release, the
19 amount of planned division purchases of services for
20 postsecondary training for an eligible consumer. If the
21 eligible consumer does not provide a release for the division to
22 report planned division purchases of services for postsecondary
23 training, the division must not make the purchases.

24
25 EFFECTIVE DATE. Minnesota Rules, parts 3300.5000~~7~~-3300.5010~~7~~
26 3300.5020~~7~~-3300.5030~~7~~-and-3300.5050-are-effective-October-1~~7~~
27 1993~~7~~--Part-3300.5040-is-effective-April-1~~7~~-1994~~7~~--Part
28 3300.5060-is-effective-October-1~~7~~-1993~~7~~-except-for-the-following
29 items~~7~~-that-are-effective-April-1~~7~~-1994~~7~~: to 3300.5060, are
30 effective either five working days after the notice of adoption
31 of these rules is published in the State Register, or April 1,
32 1994, whichever is later.

33 A~~7~~--subpart-2~~7~~-item-A~~7~~

34 B~~7~~--subpart-3~~7~~-item-A~~7~~

35 C~~7~~--subpart-4~~7~~-items-B-and-C~~7~~

36 D~~7~~--subpart-5~~7~~-items-A~~7~~-E~~7~~-subitem-(2)~~7~~-F~~7~~-and-G~~7~~

- 1 E.--subpart-6, items-B-and-C,
- 2 F.--subpart-7, item-B,
- 3 G.--subpart-8, items-B-and-C,
- 4 H.--subpart-9, item-A,
- 5 I.--subpart-10, items-A-and-C,
- 6 J.--subpart-11, item-A,
- 7 K.--subpart-12, items-A, E, F, and G, and
- 8 L.--subpart-13, items-A, C, H, I, J, K, and M.