

1.1 **Department of Employment and Economic Development**

1.2 **Adopted Permanent Rules Relating to Rehabilitation; Visually Disabled**

1.3 **3325.0100 PURPOSE AND SCOPE.**

1.4 Subpart 1. **Purpose.** The purpose of this chapter is to establish procedures and  
1.5 standards for the provision of rehabilitation services to blind and visually impaired persons  
1.6 present in Minnesota.

1.7 Subp. 2. **Scope.** This chapter applies to State Services for the Blind (SSB), all  
1.8 vendors of services under agreement with SSB, and all persons applying for or receiving  
1.9 rehabilitation service from SSB. This chapter does not require expenditures for an eligible  
1.10 individual if funds are not available to SSB from federal and state appropriations for the  
1.11 provision of rehabilitation services under the program in which the eligible individual is  
1.12 being served.

1.13 Subp. 3. **Exclusion.** All matters pertaining to the operation of the Business  
1.14 Enterprises Program under Code of Federal Regulations, title 34, part 395, are governed  
1.15 by parts 3321.0100 to 3321.1400 and are not affected by this chapter.

1.16 Subp. 4. [See repealer.]

1.17 **3325.0110 DEFINITIONS.**

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

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

1.22 A. personal management;

1.23 B. communicating; and

1.24 C. traveling.

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

2.4 Subp. 3. [See repealer.]

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

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

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

2.18 [For text of subp 7, see M.R.]

2.19 Subp. 8. [See repealer.]

2.20 Subp. 9. [See repealer.]

2.21 Subp. 10. **Client Assistance Program or CAP.** "Client Assistance Program" or  
2.22 "CAP" means the federal and state sponsored program through which persons are provided  
2.23 with advocates to represent and assist them on matters related to rehabilitation. CAP is  
2.24 governed by Code of Federal Regulations, title 34, section 370.

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

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

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

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

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

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

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

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

3.20 Subp. 12a. **Community rehabilitation program.** "Community rehabilitation  
3.21 program" means a facility as defined in Code of Federal Regulations, title 34, section  
3.22 361.5(b)(9), which is operated for the primary purpose of providing rehabilitation services  
3.23 to blind persons or other persons with disabilities. Except where specifically excluded, an  
3.24 individual providing services to an applicant or eligible individual under an agreement with  
3.25 SSB is considered a community rehabilitation program for the purposes of part 3325.0470.

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

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

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

4.9 C. commensurate ~~to~~ with the services that the individual would otherwise  
4.10 receive from SSB.

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

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

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

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

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

4.23 [For text of subp 14, see M.R.]

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

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

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

5.18 [For text of subp 17, see M.R.]

5.19 Subp. 18. [See repealer.]

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

5.23 Subp. 19. [See repealer.]

5.24 Subp. 19a. **Employment outcome.** "Employment outcome" means, with respect  
5.25 to an individual, entering or retaining full-time or, if appropriate, part-time competitive

6.1 employment, as defined in Code of Federal Regulations, title 34, section 361.5(b)(16),  
6.2 in the integrated labor market, supported employment, telecommuting, or business  
6.3 ownership, that is consistent with an individual's strengths, resources, priorities, concerns,  
6.4 abilities, capabilities, interests, and informed choice.

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

6.8 Subp. 21. **Family member.** "Family member" means, for purposes of receiving  
6.9 vocational rehabilitation services in accordance with Code of Federal Regulations, title  
6.10 34, sections 361.5(b)(23) and 361.48 (i), an individual:

6.11 A. who either:

6.12 (1) is a relative or guardian of an applicant or eligible individual; or

6.13 (2) lives in the same household as an applicant or eligible individual;

6.14 B. who has a substantial interest in the well-being of that individual; and

6.15 C. whose receipt of vocational rehabilitation services is necessary to enable the  
6.16 applicant or eligible individual to achieve an employment outcome.

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

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

6.22 A. the eligible individual's spouse; and

6.23 B. the eligible individual's parent or parents if:

7.1 (1) the eligible individual is under 18 years of age and living with the  
7.2 eligible individual's parents;

7.3 (2) the eligible individual was claimed by a parent or parents as a dependent  
7.4 for federal income tax purposes in the most recent calendar year; or

7.5 (3) an application for grants at a postsecondary educational institution or an  
7.6 accredited institution of higher learning has determined that the eligible individual is a  
7.7 dependent student for purposes of determining financial aid for postsecondary training.

7.8 Subp. 23. [See repealer.]

7.9 Subp. 24. [See repealer.]

7.10 Subp. 25. [See repealer.]

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

7.14 [For text of items A to D, see M.R.]

7.15 [For text of subp 27, see M.R.]

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

7.19 A. understand the individual's abilities and potential;

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

7.23 C. identify and establish feasible independent living goals; and

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

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

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

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

8.17 A. the identification of available options;

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

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

8.22 D. commitment and action to pursue the selected option.

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

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

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

9.5 [For text of item B, see M.R.]

9.6 [For text of subp 31, see M.R.]

9.7 Subp. 32. [See repealer.]

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

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

9.11 B. foreign language interpreter.

9.12 Subp. 34. [See repealer.]

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

9.16 [For text of subps 35 and 36, see M.R.]

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

9.20 A. "Optical low vision aids" means lenses or lens systems that enlarge or clarify  
9.21 the retinal image of an object so that it can be better perceived without enlarging the object  
9.22 itself. These aids include, but are not limited to, monocular and binocular hand-held  
9.23 magnifiers, head and stand supported magnifiers of both simple and telescopic types, color  
9.24 filter lenses, and electro-optical devices such as closed circuit televisions.

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

10.5 [For text of subp 38, see M.R.]

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

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

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

10.14 B. a person with experience in low vision rehabilitation who has completed at  
10.15 least 80 hours of training in a low vision training program approved by the director. The  
10.16 80 hours of training referred to in this item and in item A must include instruction in:

10.17 [For text of subitems (1) and (2), see M.R.]

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

10.22 Subp. 42. [See repealer.]

10.23 Subp. 43. [See repealer.]

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

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

11.4 [For text of subp 46, see M.R.]

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

11.7 Subp. 48. [See repealer.]

11.8 [For text of subp 49, see M.R.]

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

11.13 [For text of subp 51, see M.R.]

11.14 Subp. 52. [See repealer.]

11.15 [For text of subp 53, see M.R.]

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

12.1 Subp. 53b. **Physical and mental restoration services.** "Physical and mental  
12.2 restoration services" means the medical or medically related services provided to correct  
12.3 or substantially modify, within a reasonable time, a physical or mental condition which  
12.4 is stable or slowly progressive. These services consist of the services listed under the  
12.5 definition of physical and mental restoration services in Code of Federal Regulations, title  
12.6 34, section 361.5(b)(40).

12.7 [For text of subp 54, see M.R.]

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

12.17 Subp. 56. [See repealer.]

12.18 Subp. 57. [See repealer.]

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

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

12.24 Subp. 60. **Referral services.** "Referral services" means counseling or research  
12.25 on behalf of a referral, applicant, or eligible individual for the purpose of directing

13.1 the individual to other agencies and organizations that provide financial assistance,  
13.2 rehabilitation services, or other services needed.

13.3 Subp. 61. [See repealer.]

13.4 Subp. 62. [See repealer.]

13.5 Subp. 63. [See repealer.]

13.6 Subp. 64. [See repealer.]

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

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

13.13 [For text of subp 67, see M.R.]

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

13.22 Subp. 68. [See repealer.]

13.23 Subp. 69. [See repealer.]

13.24 Subp. 70. [See repealer.]

14.1 Subp. 71. [See repealer.]

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

14.7 Subp. 73. [See repealer.]

14.8 Subp. 74. [See repealer.]

14.9 Subp. 75. [See repealer.]

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

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

14.20 Subp. 77. **State Services for the Blind or SSB.** "State Services for the Blind" or  
14.21 "SSB" means the organizational unit of the Department of Employment and Economic  
14.22 Development responsible for providing and coordinating the provision of rehabilitation  
14.23 services to blind persons and persons with visual impairments. For purposes of the  
14.24 vocational rehabilitation and independent living programs, State Services for the Blind

15.1 or SSB is the state unit as defined in the Code of Federal Regulations, title 34, sections  
15.2 361.5(b)(14) and 361.13(b).

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

15.9 Subp. 79. [See repealer.]

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

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

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

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

15.23 (2) who, because of the nature and severity of their disabilities, need  
15.24 intensive supported employment services from SSB and extended services after transition

16.1 as described in Code of Federal Regulations, title 34, section 361.5(b)(20), to perform  
16.2 this work; or

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

16.6 Subp. 80b. **Supported employment services.** "Supported employment services,"  
16.7 consistent with Code of Federal Regulations, title 34, section 361.5(b)(54), means ongoing  
16.8 supportive services and other appropriate services needed to support and maintain an  
16.9 individual with the most significant disability in supported employment that are provided  
16.10 by SSB:

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

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

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

17.1 be provided only while the individual is receiving other nonsupportive vocational or  
17.2 independent living rehabilitation services.

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

17.10 Subp. 82. [See repealer.]

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

17.23 Subp. 83. **Transportation services.** "Transportation services" means services  
17.24 defined by Code of Federal Regulations, title 34, section 361.5(b)(57), including travel and  
17.25 related expenses that are necessary to determine eligibility for or to enable an individual

18.1 to participate in a vocational rehabilitation or an independent living program, including  
18.2 expenses for training in the use of public transportation vehicles and systems.

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

18.4 [For text of items A and B, see M.R.]

18.5 C. a physical condition or progressive loss of visual ability that will more  
18.6 likely than not result in legal blindness.

18.7 Subp. 85. [See repealer.]

18.8 Subp. 86. [See repealer.]

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

18.12 A. understand the individual's abilities and potential;

18.13 B. realize that blindness, visual impairment, and other impairments including  
18.14 combined vision and hearing loss are natural parts of the human experience, and that  
18.15 most of the physical limitations associated with blindness, visual impairment, and other  
18.16 impairments including combined vision and hearing loss can be overcome by learning  
18.17 and using alternative techniques;

18.18 C. identify and establish an employment outcome, and the nature and scope  
18.19 of services to reach the employment outcome, consistent with the requirements in the  
18.20 Rehabilitation Act of 1973, as amended, under United States Code, title 29, section 701, et  
18.21 seq.;

18.22 D. complete a program of services leading to the achievement of the employment  
18.23 outcome established in the eligible individual's individualized plan for employment; and

19.1 E. obtain competitive employment consistent with the employment outcome  
19.2 established in the eligible individual's individualized plan for employment.

19.3 Subp. 86b. **Vocational rehabilitation counselor.** "Vocational rehabilitation  
19.4 counselor" means a person ~~classified by the Department of Management and Budget~~  
19.5 ~~as a meeting the requirements of the classification of~~ rehabilitation counselor and  
19.6 employed by SSB in the vocational rehabilitation program. An individual who meets the  
19.7 qualifications established by the Department of Management and Budget for being a  
19.8 vocational rehabilitation counselor, but is not employed by SSB, shall be considered a  
19.9 vocational rehabilitation counselor for the purposes of part 3325.0165, subpart 2, item  
19.10 A, subitem (2), unit (b).

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

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

19.20 A. tuition and materials required for training at an institution of higher learning;  
19.21 and

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

19.24 Subp. 89. [See repealer.]

19.25 Subp. 90. [See repealer.]

20.1 **3325.0120 ACCESSING VOCATIONAL REHABILITATION PROGRAM**  
20.2 **SERVICES.**

20.3 Subpart 1. **Referral.** Referral may be from another agency or person or a self-referral  
20.4 and may be oral or written. The referral must provide the person's name and a method  
20.5 of contact.

20.6 Subp. 2. **Written application.** A written application must be submitted by  
20.7 each person requesting vocational rehabilitation services. The application may be on  
20.8 an application form supplied by SSB, by letter, or by other written means such as a  
20.9 common intake form in a workforce center requesting vocational rehabilitation services.  
20.10 The application must be signed and dated by the applicant or applicant's designated  
20.11 representative.

20.12 Subp. 3. **Legal representative.** All signature requirements placed on an applicant or  
20.13 eligible individual by this chapter may be satisfied by the signature of an applicant's or  
20.14 eligible individual's legal representative. All written notices which must be provided to an  
20.15 applicant or eligible individual under this chapter must be provided to the applicant's or  
20.16 eligible individual's legal representative unless providing the information would violate  
20.17 provisions of the Minnesota Data Practices Act.

20.18 Subp. 4. **Designated representative.** An applicant or eligible individual or legal  
20.19 representative of the same may designate one person to represent the applicant or eligible  
20.20 individual in any matter pertaining to the applicant's or eligible individual's request for or  
20.21 receipt of rehabilitation services. The applicant or the eligible individual shall designate a  
20.22 representative in writing and shall not designate more than one representative at any given  
20.23 time. SSB shall provide an applicant's or eligible individual's designated representative  
20.24 with a copy of a written notice only if specifically authorized to do so in writing by the  
20.25 applicant or eligible individual.

21.1 Subp. 5. **Initial interview.** A vocational rehabilitation counselor shall personally  
21.2 interview each person referred to or who applied to SSB for vocational rehabilitation  
21.3 services within 30 days unless exceptional and unforeseen circumstances beyond SSB's  
21.4 control make it impossible to do so or unless otherwise agreed upon by the individual  
21.5 and the vocational rehabilitation counselor. As part of the interview, the vocational  
21.6 rehabilitation counselor shall:

21.7 A. explain that the purpose of the vocational rehabilitation program is that  
21.8 the individual achieves an employment outcome consistent with the individual's unique  
21.9 strengths, resources, priorities, concerns, abilities, capabilities, career interests, and  
21.10 informed choice, and, to the maximum extent appropriate, that it results in employment  
21.11 in an integrated setting;

21.12 B. explain the vocational rehabilitation process, including roles and  
21.13 responsibilities;

21.14 C. explain other services offered by SSB;

21.15 D. request the applicant to provide the information needed to determine  
21.16 eligibility; and

21.17 E. inform the referral or applicant of the:

21.18 (1) protection, use, and release of personal information in accordance with  
21.19 Code of Federal Regulations, title 34, section 361.38, and Minnesota Statutes, section  
21.20 13.791;

21.21 (2) right of appeal under part 3325.0478;

21.22 (3) services available and information on how to contact the client  
21.23 assistance program; and

21.24 (4) identity of and means to contact organized support and advocacy groups  
21.25 of the blind and deafblind in Minnesota.

22.1 As part of the interview, SSB shall provide each individual with a written summary of  
22.2 the information referenced in items A to C and E.

22.3 Subp. 6. **Selection of program.** SSB direct service staff shall assume that all referrals  
22.4 to SSB are for the purpose of vocational rehabilitation unless the referral expressly and  
22.5 unequivocally states the referral does not want to pursue an employment outcome. In that  
22.6 case, SSB shall provide the individual with information about other SSB programs.

22.7 Subp. 7. **Residency.** No applicant who is present in Minnesota may be denied  
22.8 rehabilitation services on the basis of residency.

22.9 Subp. 8. **Access to contents of record of services.** Access to the contents of  
22.10 an applicant's or eligible individual's record of services or to any other information  
22.11 maintained by SSB that pertains to an applicant or eligible individual must be administered  
22.12 by SSB in accordance with the Minnesota Data Practices Act, Minnesota Statutes, chapter  
22.13 13, and all other applicable laws and regulations.

22.14 Subp. 9. **Written communication.** All written communication with an individual  
22.15 must be supplemented as necessary by other appropriate modes of communication  
22.16 consistent with the informed choice of the individual.

22.17 **3325.0130 CONDITIONS OF ELIGIBILITY.**

22.18 An applicant is eligible for rehabilitation services under the vocational rehabilitation  
22.19 program only if a vocational rehabilitation counselor determines that the conditions of  
22.20 either item A or B are met.

22.21 A. The applicant has a visual impairment and meets the following conditions:

22.22 (1) the visual impairment constitutes or results in a substantial impediment  
22.23 to employment for the applicant; and

22.24 (2) a vocational rehabilitation counselor determines that the applicant  
22.25 requires vocational rehabilitation services to prepare for, secure, retain, or regain

23.1 employment consistent with the applicant's unique strengths, resources, priorities,  
23.2 concerns, abilities, capabilities, interests, and informed choice.

23.3 If the applicant meets both requirements, SSB shall presume the applicant can benefit  
23.4 from the provision of vocational rehabilitation services in terms of employment, unless  
23.5 clear and convincing evidence demonstrates the individual is incapable of benefiting in  
23.6 terms of an employment outcome. Prior to any determination that an applicant is incapable  
23.7 of benefiting from vocational rehabilitation services in terms of an employment outcome  
23.8 because of the severity of the applicant's impairment, SSB must conduct a trial work  
23.9 experience pursuant to part 3325.0145, or if the applicant cannot take advantage of a trial  
23.10 work experience, an extended evaluation pursuant to part 3325.0150.

23.11 B. The applicant has been determined eligible for Social Security benefits under  
23.12 Title II or Title XVI of the Social Security Act based upon a visual impairment, in which  
23.13 case the applicant is presumed eligible consistent with Code of Federal Regulations, title  
23.14 34, section 361.42(a)(3).

23.15 The determination of eligibility must be made within 60 days of receipt of an  
23.16 application unless documentation supports:

23.17 (1) exceptional and unforeseen circumstances beyond the control of SSB  
23.18 precludes making an eligibility determination within 60 days and SSB and the individual  
23.19 agree to a specific extension of time;

23.20 (2) a trial work experience is required pursuant to part 3325.0145  
23.21 regarding the presumption that the applicant can benefit from the provision of vocational  
23.22 rehabilitation services; or

23.23 (3) an extended evaluation is required pursuant to part 3325.0150  
23.24 regarding the presumption that the applicant can benefit from the provision of vocational  
23.25 rehabilitation services.

23.26 **3325.0135 PRIORITY FOR SERVICES UNDER AN ORDER OF SELECTION.**

24.1 An eligible individual must be assigned a priority of service status if SSB is under  
24.2 an order of selection according to Code of Federal Regulations, title 34, sections 361.36  
24.3 and 361.42(g). SSB's order of selection policy shall be identified in the Minnesota state  
24.4 plan for vocational rehabilitation services according to Code of Federal Regulations, title  
24.5 34, section 361.36(a)(1). The Minnesota state plan for vocational rehabilitation services  
24.6 is incorporated by reference, is not subject to frequent change, and is available at SSB's  
24.7 offices. The eligible individual assigned to a priority of services status must be provided  
24.8 a description of services available from and information on how to contact the client  
24.9 assistance program.

24.10 **3325.0140 INFORMATION REQUIRED TO DETERMINE ELIGIBILITY AND**  
24.11 **PRIORITY FOR SERVICES.**

24.12 Subpart 1. **Purpose.** SSB shall conduct an assessment to determine whether an  
24.13 applicant is eligible for services under the vocational rehabilitation program and the  
24.14 applicant's priority for services.

24.15 Subp. 2. **Scope.** Each eligibility and priority for services determination must be  
24.16 based on the information specified in items A and B.

24.17 A. A written report that documents the results of a medical eye or optometric  
24.18 examination of the applicant and is signed by a physician or optometrist. The report  
24.19 contains sufficient information for eligibility purposes if it enables the applicant's  
24.20 vocational rehabilitation counselor who reviews the report to determine whether the  
24.21 applicant has a visual impairment as of the date of application.

24.22 B. To the extent necessary, information regarding the applicant's employment  
24.23 history, educational background, and medical and other information needed to determine  
24.24 whether:

24.25 (1) the applicant's visual impairment constitutes or results in a substantial  
24.26 impediment to employment; and

25.1 (2) the applicant requires vocational rehabilitation services under part  
25.2 3325.0180 to prepare for, secure, retain, or regain employment consistent with the  
25.3 applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests,  
25.4 and informed choice.

25.5 Subp. 3. **Notice of eligibility.** After a vocational rehabilitation counselor has  
25.6 determined that an applicant is eligible for rehabilitation services, the vocational  
25.7 rehabilitation counselor shall inform the applicant in writing of the eligibility  
25.8 determination. The notice must be mailed by SSB within ten working days after a  
25.9 determination is made and shall inform the applicant that individuals who receive services  
25.10 must intend to achieve an employment outcome.

25.11 Subp. 3a. **Procedures for ineligibility determination.** If ~~SSB~~ a vocational  
25.12 rehabilitation counselor determines that an applicant is ineligible for vocational  
25.13 rehabilitation services, ~~SSB~~ the vocational rehabilitation counselor must:

25.14 A. make the determination only after providing an opportunity for full  
25.15 consultation with the applicant, or as appropriate, the applicant's representative;

25.16 B. inform the applicant in writing within ten working days after a determination  
25.17 is made, supplemented as necessary by other appropriate modes of communication  
25.18 consistent with the informed choice of the applicant, of the ineligibility determination,  
25.19 including the reasons for the determination, the requirements under this part, and right  
25.20 of appeal under part 3325.0478;

25.21 C. provide a description of services available from and information on how  
25.22 to contact the client assistance program;

25.23 D. refer the applicant to other training or employment-related programs that are  
25.24 part of the one-stop service delivery system under the Workforce Investment Act of 1998,  
25.25 as amended, under United States Code, title 20, section 9701, et seq.;

26.1 E. provide information and referral to other organizations or programs from  
26.2 which the applicant might benefit, including independent living services; and

26.3 F. if requested by the applicant, or as appropriate the applicant's representative,  
26.4 review the ineligibility decision within 12 months and annually thereafter if the eligibility  
26.5 decision is based on a finding that the applicant is incapable of achieving an employment  
26.6 outcome.

26.7 Subp. 4. [See repealer.]

26.8 Subp. 5. [See repealer.]

26.9 Subp. 6. [See repealer.]

26.10 Subp. 7. [See repealer.]

26.11 **3325.0142 CLOSURE WITHOUT AN ELIGIBILITY DECISION.**

26.12 An applicant's record of services may be closed without an eligibility decision in  
26.13 cases where the applicant declines to participate in, or is unavailable to complete, an  
26.14 assessment for determining eligibility and priority of services and SSB has made multiple  
26.15 and varied attempts to contact the applicant or, if appropriate, the applicant's designated  
26.16 representative, to encourage the applicant's participation.

26.17 **3325.0145 TRIAL WORK EXPERIENCE.**

26.18 Subpart 1. **Purpose.** Prior to a determination that an individual with a disability is  
26.19 incapable of benefiting from services in terms of employment because of the severity of  
26.20 that disability, SSB must conduct an exploration of the individual's abilities, capabilities,  
26.21 and capacity to perform in realistic work situations to determine whether clear and  
26.22 convincing evidence supports such a determination. Where an individual cannot take

26.23 advantage of a trial work period under this part, an extended evaluation under part  
26.24 3325.0150 must be conducted.

27.1 Subp. 2. **Plan.** SSB must develop a written plan to assess periodically the  
27.2 individual's abilities, capabilities, and capacity to perform in work situations through the  
27.3 use of trial work experiences, which must be provided in the most integrated setting  
27.4 possible, consistent with informed choice and rehabilitation needs of the individual.

27.5 Subp. 3. **Scope and duration.** Trial work experiences include supported  
27.6 employment, on-the-job training, and other experiences using realistic work settings. Trial  
27.7 work experiences must be of sufficient variety and ~~period of time~~ duration to determine  
27.8 that:

27.9 A. there is sufficient evidence to conclude that the individual can benefit from  
27.10 services in terms of employment; or

27.11 B. there is clear and convincing evidence that the individual is incapable of  
27.12 benefiting from services in terms of an employment outcome due to the severity of the  
27.13 individual's disability.

27.14 Subp. 4. **Supports during trial work experiences.** SSB shall provide supports,  
27.15 including rehabilitation technology and services, and personal assistance services to  
27.16 accommodate the rehabilitation needs of the individual during the trial work experiences.

27.17 **3325.0150 EXTENDED EVALUATION.**

27.18 Subpart 1. **Purpose.** Where an individual cannot take advantage of a trial work  
27.19 period under part 3325.0145, an extended evaluation must be conducted to determine  
27.20 whether there is sufficient evidence to conclude that the individual can benefit from the  
27.21 provision of vocational rehabilitation services in terms of employment outcome or if  
27.22 there is clear and convincing evidence that an individual with a disability is incapable of  
27.23 benefiting from services in terms of employment because of the severity of that disability.

27.24 Subp. 2. **Plan.** SSB must develop a written plan for providing only those services  
27.25 necessary to make a determination whether or not there is clear and convincing evidence  
28.1 that an individual with a disability is incapable of benefiting from services in terms  
28.2 of employment because of the severity of that disability. Services must be provided in  
28.3 the most integrated setting possible, consistent with informed choice and rehabilitation  
28.4 needs of the individual.

28.5 Subp. 3. **Scope and duration.** Extended evaluation services must be of sufficient  
28.6 variety and ~~period of time~~ duration to determine that:

28.7 A. there is sufficient evidence to conclude that the individual can benefit from  
28.8 services in terms of employment; or

28.9 B. there is clear and convincing evidence that the individual is incapable of  
28.10 benefiting from services in terms of an employment outcome due to the severity of the  
28.11 individual's disability.

28.12 Subp. 4. [See repealer.]

28.13 Subp. 5. **Supports during extended evaluation.** SSB must provide supports,  
28.14 including rehabilitation technology and services, and personal assistance services to  
28.15 accommodate the rehabilitation needs of the individual during the extended evaluation.

28.16 **3325.0165 DEVELOPMENT OF INDIVIDUALIZED PLAN FOR EMPLOYMENT**  
28.17 **(IPE).**

28.18 Subpart 1. **Purpose.** SSB must conduct an assessment for determining vocational  
28.19 rehabilitation needs, if appropriate, for each eligible individual or, if SSB is operating  
28.20 under an order of selection as provided in part 3325.0135, for each eligible individual to  
28.21 whom SSB is able to provide services. The purpose of this comprehensive assessment is to  
28.22 determine the employment outcome and the nature and scope of vocational rehabilitation  
28.23 services to be included in the IPE. The IPE must:

29.1 A. be designed to achieve the specific employment outcome that is selected by  
29.2 the individual that is consistent with the individual's unique strengths, resources, priorities,  
29.3 concerns, abilities, capabilities, interests, and informed choice; and

29.4 B. to the maximum extent appropriate, result in employment in an integrated  
29.5 setting.

29.6 Subp. 2. **Introductory information.** SSB must provide the introductory information  
29.7 in items A and B to each eligible individual or, as appropriate, the individual's  
29.8 representative, in writing and, if appropriate, in the native language or mode of  
29.9 communication of the individual or the individual's representative.

29.10 A. SSB must provide information on the available options for developing  
29.11 the IPE and amendments thereto, including the option that an eligible individual or, as  
29.12 appropriate, the individual's representative may develop all or part of the IPE:

29.13 (1) without assistance from SSB or other entity; or

29.14 (2) with assistance from:

29.15 (a) a qualified vocational rehabilitation counselor employed by SSB;

29.16 (b) a qualified vocational rehabilitation counselor who is not employed  
29.17 by SSB; or

29.18 (c) resources other than those in items A and B.

29.19 B. SSB must provide additional information to assist the eligible individual or,  
29.20 as appropriate, the individual's representative in developing the IPE and amendments,  
29.21 including:

29.22 (1) information describing the full range of components that must be  
29.23 included in an IPE;

29.24 (2) as appropriate to each eligible individual:

30.1 (a) an explanation of agency guidelines and criteria for determining an  
30.2 eligible individual's financial commitments under an IPE;

30.3 (b) information on the availability of assistance in completing SSB  
30.4 forms required as part of the IPE; and

30.5 (c) additional information that the eligible individual requests or SSB  
30.6 determines to be necessary to the development of the IPE;

30.7 (3) a description of the rights and remedies available to the individual,  
30.8 including, if appropriate, recourse to the processes described in part 3325.0478; and

30.9 (4) a description of services available from and information on how to  
30.10 contact the client assistance program.

30.11 Subp. 3. **Mandatory procedures.** SSB must ensure that:

30.12 A. the IPE is a written document prepared on forms provided by SSB;

30.13 B. the IPE is developed and implemented in a manner that gives eligible  
30.14 individuals the opportunity to exercise informed choice, consistent with part 3325.0110,  
30.15 subpart 29a, in selecting:

30.16 (1) the employment outcome, including the employment setting;

30.17 (2) the specific vocational rehabilitation services needed to achieve the  
30.18 employment outcome, including the settings in which services will be provided;

30.19 (3) the entity or entities that will provide the vocational rehabilitation  
30.20 services; and

30.21 (4) the methods available for procuring the services;

30.22 C. the IPE is:

30.23 (1) agreed to and signed by the eligible individual or, as appropriate, the  
30.24 individual's representative; and

31.1 (2) approved and signed by a qualified vocational rehabilitation counselor  
31.2 employed by SSB;

31.3 D. a copy of the IPE and a copy of any amendments to the employment plan  
31.4 are provided to the eligible individual or, as appropriate, the individual's representative,  
31.5 in writing and, if appropriate, in the native language or mode of communication of the  
31.6 individual or, as appropriate, the individual's representative;

31.7 E. the IPE is reviewed at least annually by a vocational rehabilitation counselor  
31.8 and the eligible individual or, as appropriate, the individual's representative to assess the  
31.9 eligible individual's progress in achieving the identified employment outcome;

31.10 F. the IPE is amended, as necessary, by the individual or, as appropriate, the  
31.11 individual's representative, in collaboration with a qualified vocational rehabilitation  
31.12 counselor employed or not employed by SSB, if there are substantive changes in the  
31.13 employment outcome, the vocational rehabilitation services to be provided, or the  
31.14 providers of the vocational rehabilitation services;

31.15 G. amendments to the IPE do not take effect until agreed to and signed by the  
31.16 eligible individual or, as appropriate, the individual's representative and by a qualified  
31.17 vocational rehabilitation counselor employed by SSB;

31.18 H. if SSB intends to ~~amend an eligible individual's IPE without the agreement of~~  
31.19 ~~the eligible individual or the individual's representative~~ institute a suspension, reduction,  
31.20 or termination of vocational rehabilitation services contained in an eligible individual's  
31.21 IPE because the eligible individual did not meet agreed-upon obligations contained in the  
31.22 IPE, or because the eligible individual has experienced life-changing events preventing  
31.23 the eligible individual from meeting agreed-upon obligations in the IPE, SSB must:

31.24 (1) send notice to the eligible individual by certified mail of the proposed  
31.25 ~~amendment~~ suspension, reduction, or termination at least ten working days prior to the

32.1 effective date of the proposed ~~amendment~~ suspension, reduction, or termination, unless  
32.2 circumstances beyond SSB's control make the time requirement impractical;

32.3 (2) provide in the notice the basis for and effective date of the proposed  
32.4 ~~amendment~~ suspension, reduction, or termination;

32.5 (3) provide in the notice a summary of the eligible individual's appeal  
32.6 rights under part 3325.0478; and

32.7 (4) provide in the notice a description of and information on the client  
32.8 assistance program; and

32.9 I. an IPE for a student with a disability receiving special education services  
32.10 is developed:

32.11 (1) in consideration of the student's special education plan; and

32.12 (2) in accordance with the plans, policies, procedures, and terms of the  
32.13 interagency agreement required under Code of Federal Regulations, title 34, section  
32.14 361.22.

32.15 Subp. 4. **Standard for prompt development of IPE.** IPE's shall be completed  
32.16 within 90 days following the determination of eligibility unless there are exceptional and  
32.17 unforeseen circumstances beyond the control of SSB, and SSB and the eligible individual  
32.18 or, as appropriate, the individual's representative, agree to a specific extension of time.  
32.19 In addition, for transition students the IPE must be completed within 90 days following  
32.20 the determination of eligibility, or by the time the eligible individual leaves the school  
32.21 setting, whichever is earlier.

32.22 Subp. 5. **Data for preparing IPE.**

32.23 A. To the extent possible, the employment outcome and the nature and scope of  
32.24 vocational rehabilitation services to be included in the individual's IPE must be determined  
32.25 based on the data used for the assessment of eligibility and priority for services.

33.1 B. If additional data are necessary to determine the employment outcome and  
33.2 the nature and scope of services to be included in the IPE of an eligible individual, SSB  
33.3 must conduct a comprehensive assessment of the unique strengths, resources, priorities,  
33.4 concerns, abilities, capabilities, interests, and informed choice, including the need for  
33.5 supported employment services, of the eligible individual, in the most integrated setting  
33.6 possible, consistent with the informed choice of the individual in accordance with Code  
33.7 of Federal Regulations, title 34, section 361.5(b)(6)(ii).

33.8 C. In preparing the comprehensive assessment, SSB must use, to the maximum  
33.9 extent possible and appropriate and in accordance with confidentiality requirements,  
33.10 existing information that is current as of the date of the development of the IPE, including:

33.11 (1) information available from other programs and providers, particularly  
33.12 information used by education officials and the Social Security Administration;

33.13 (2) information provided by the individual and the individual's family; and

33.14 (3) information obtained under the assessment for determining the  
33.15 individual's eligibility and vocational rehabilitation needs.

33.16 D. The alternative techniques of blindness of all eligible individuals must be  
33.17 assessed, and any deficits identified addressed in the IPE.

33.18 **3325.0175 CONTENT OF IPE.**

33.19 Subpart 1. **Mandatory components.** Regardless of the approach in part 3325.0165,  
33.20 subpart 2, item A, development of the IPE that an eligible individual selects for purposes  
33.21 of developing the IPE, each IPE must include:

33.22 A. a description of the specific employment outcome that is chosen by the  
33.23 eligible individual that:

33.24 (1) is consistent with the individual's unique strengths, resources, priorities,  
33.25 concerns, abilities, capabilities, career interests, and informed choice; and

34.1 (2) to the maximum extent appropriate, results in employment in an  
34.2 integrated setting;

34.3 B. a description of the specific rehabilitation services under part 3325.0180  
34.4 that are:

34.5 (1) needed to achieve the employment outcome, including, as appropriate,  
34.6 the provision of assistive technology devices, assistive technology services, and personal  
34.7 assistance services, including training in the management of those services; and

34.8 (2) provided in the most integrated setting that is appropriate for the  
34.9 services involved and is consistent with the informed choice of the eligible individual;

34.10 C. time lines for the achievement of the employment outcome and for the  
34.11 initiation of services;

34.12 D. a description of the entity or entities chosen by the eligible individual or, as  
34.13 appropriate, the individual's representative that will provide the vocational rehabilitation  
34.14 services and the methods used to procure those services;

34.15 E. a description of the criteria that will be used to evaluate progress toward  
34.16 achievement of the employment outcome; and

34.17 F. the terms and conditions of the IPE, including, as appropriate, the information  
34.18 describing:

34.19 (1) the responsibilities of SSB;

34.20 (2) the responsibilities of the eligible individual, including:

34.21 (a) the responsibilities the individual will assume in relation to  
34.22 achieving the employment outcome;

34.23 (b) if applicable, the extent of the individual's participation in paying  
34.24 for the cost of services; and

35.1 (c) the responsibility of the individual with regard to applying for and  
35.2 securing comparable services and benefits as described in part 3325.0430; and

35.3 (3) the responsibilities of other entities as the result of arrangements made  
35.4 pursuant to the comparable services or benefits requirements in part 3325.0430.

35.5 Subp. 2. **Supported employment requirements.** An IPE for an individual with the  
35.6 most significant disability for whom an employment outcome in a supported employment  
35.7 setting has been determined to be appropriate must:

35.8 A. specify the supported employment services to be provided by SSB;

35.9 B. specify the expected extended services needed, which may include natural  
35.10 supports;

35.11 C. identify the source of extended services or, to the extent that it is not possible  
35.12 to identify the source of extended services at the time the IPE is developed, include a  
35.13 description of the basis for concluding that there is a reasonable expectation that those  
35.14 sources will become available;

35.15 D. provide for periodic monitoring to ensure that the individual is making  
35.16 satisfactory progress toward meeting the weekly work requirement established in the IPE  
35.17 by the time of transition to extended services;

35.18 E. provide for the coordination of services provided under an IPE with services  
35.19 provided under other individualized plans established under other federal or state  
35.20 programs;

35.21 F. to the extent that job skills training is provided, identify that the training will  
35.22 be provided on site; and

35.23 G. include placement in an integrated setting for the maximum number of  
35.24 hours possible based on the unique strengths, resources, priorities, concerns, abilities,

36.1 capabilities, interests, and informed choice of individuals with the most significant  
36.2 disabilities.

36.3 Subp. 3. **Postemployment services.** The IPE for each individual must contain, as  
36.4 determined to be necessary, statements concerning:

36.5 A. the expected need for postemployment services prior to closing the record of  
36.6 services of an individual who has achieved an employment outcome;

36.7 B. a description of the terms and conditions for the provision of any  
36.8 postemployment services; and

36.9 C. if appropriate, a statement of how postemployment services will be provided  
36.10 or arranged through other entities as the result of arrangements made pursuant to the  
36.11 comparable services or benefits requirements in part 3325.0430.

36.12 Subp. 4. **Coordination of services for students with disabilities who are receiving**  
36.13 **special education services.** The IPE for a student with a disability who is receiving special  
36.14 education services must be coordinated with the special education plan for that individual  
36.15 in terms of goals, objectives, and services identified in the special education plan.

36.16 **3325.0180 SCOPE OF SERVICES.**

36.17 SSB provides the following services to vocational rehabilitation eligible individuals  
36.18 subject to the conditions specified in part 3325.0420:

36.19 A. adjustment to blindness services that consist of vocational rehabilitation  
36.20 counseling, rehabilitation teaching services, and orientation and mobility services;

36.21 B. ~~advocacy services;~~

36.22 ~~C.~~ communication center services;

36.23 ~~D.~~ C. diagnostic assessment services;

36.24 ~~E.~~ D. interpreter services;

- 37.1 ~~F.~~ E. job-related services;
- 37.2 ~~G.~~ F. low vision services;
- 37.3 ~~H.~~ G. maintenance;
- 37.4 ~~I.~~ H. note-taking services;
- 37.5 ~~J.~~ I. occupational licenses, tools, equipment, and initial stocks and supplies;
- 37.6 ~~K.~~ J. personal assistance services;
- 37.7 ~~L.~~ K. physical and mental restoration services;
- 37.8 ~~M.~~ L. postemployment services;
- 37.9 ~~N.~~ M. reader services;
- 37.10 ~~O.~~ N. referral services;
- 37.11 ~~P.~~ O. services to family members;
- 37.12 ~~Q.~~ P. supported employment services;
- 37.13 ~~R.~~ Q. technical assistance and other consultation services;
- 37.14 ~~S.~~ R. rehabilitation technology;
- 37.15 ~~T.~~ S. transition services;
- 37.16 ~~U.~~ T. transportation services;
- 37.17 ~~V.~~ U. vocational training services; and
- 37.18 ~~W.~~ V. other goods and services related to employment or vocational training.

37.19 **3325.0190 CLOSING THE RECORD OF SERVICES.**

- 37.20 Subpart 1. **Closing the record of services of individuals who have not achieved an**
- 37.21 **employment outcome.** The record of services of an individual who has not achieved an
- 37.22 employment outcome will be closed when the individual:

38.1 A. does not satisfy the eligibility conditions of the program identified in part  
38.2 3325.0130; or

38.3 B. has not responded to multiple and varied attempts to contact the individual  
38.4 and has not responded to correspondence mailed to the person's last known address and  
38.5 containing a specific notification that the failure to respond within 15 calendar days after  
38.6 mailing shall result in closure of the individual's record of services;

38.7 C. has died;

38.8 D. has been institutionalized and will, as a result, be unavailable to receive  
38.9 needed services or evaluation from SSB;

38.10 E. has refused to comply with any of the requirements of parts 3325.0120 to  
38.11 3325.0490 or with any terms or conditions in the eligible individual's written IPE; or

38.12 F. has refused repeatedly to accept or use the rehabilitation services necessary to  
38.13 rehabilitate the eligible individual. Before closing the record of services or refusing to  
38.14 provide services based on this condition, the eligible individual's vocational rehabilitation  
38.15 counselor shall explain to the eligible individual the purpose of the program and the  
38.16 services to be provided and shall encourage the eligible individual's participation;

38.17 G. has been transferred to another agency;

38.18 H. was unable to accept or maintain employment because suitable transportation  
38.19 was either not feasible or not available; or

38.20 I. would have benefitted from the provision of supported employment services  
38.21 but for whom no source of extended services was available.

38.22 Subp. 2. **Conditions for closing the record of services of individuals who have**  
38.23 **achieved an employment outcome.** The record of services of an individual who has  
38.24 achieved an employment outcome will be closed when the individual has:

39.1 A. achieved the employment outcome identified in the eligible individual's  
39.2 written IPE, and:

39.3 (1) it is consistent with the eligible individual's strengths, resources,  
39.4 priorities, concerns, abilities, capabilities, interests, and informed choice; and

39.5 (2) it is in the most integrated setting possible, consistent with the eligible  
39.6 individual's informed choice;

39.7 B. maintained employment for at least 90 calendar days and the eligible  
39.8 individual and vocational rehabilitation counselor agree that no further vocational  
39.9 rehabilitation services are needed, the employment outcome is satisfactory, and the  
39.10 eligible individual is performing well; and

39.11 C. been informed through appropriate modes of communication of the  
39.12 availability of postemployment services.

39.13 Subp. 3. **Consultation prior to closing the record of services.** If SSB expects  
39.14 to discontinue services an eligible individual is receiving under a written IPE because  
39.15 the eligible individual no longer satisfies the eligibility conditions identified in part  
39.16 3325.0130, SSB shall, before closing the record of services, offer the eligible individual a  
39.17 clear opportunity to discuss the anticipated closing of the case record according to Code of  
39.18 Federal Regulations, title 34, section 361.43.

39.19 Subp. 4. **Notice of closing the record of services and amendment to employment**  
39.20 **plan.** If an eligible individual's record of services is to be closed for reasons other than  
39.21 successful rehabilitation under subpart 2, or death, SSB shall notify the eligible individual  
39.22 of the proposed closing of the record of services in accordance with part 3325.0165,  
39.23 subpart 3, item H. ~~When the services are discontinued, SSB shall amend the eligible~~  
39.24 ~~individual's written IPE to reflect closing the record of services.~~ The amendment record of  
39.25 services must contain a summary or description of the information or circumstances upon  
39.26 which the closure decision was based. If the closure decision was based on the eligible

40.1 individual's refusal to accept or use necessary services provided by SSB, the ~~amendment~~  
40.2 record of services must include a description of the efforts made by SSB to encourage the  
40.3 eligible individual's participation in the vocational rehabilitation process.

40.4 **3325.0200 RECORD OF SERVICES.**

40.5 SSB shall maintain for each applicant and eligible individual a record of services  
40.6 that contains the information required under the Code of Federal Regulations, title 34,  
40.7 section 361.47.

40.8 **3325.0205 ACCESSING INDEPENDENT LIVING PROGRAM**  
40.9 **REHABILITATION SERVICES.**

40.10 Subpart 1. **Referral.** Referral may be from another agency or person or a self-referral  
40.11 and may be oral or written. The referral must provide the person's name and a method  
40.12 of contact.

40.13 Subp. 2. **Initial interview.** Each person referred to SSB for independent living  
40.14 rehabilitation services shall be personally interviewed within 30 days unless exceptional  
40.15 and unforeseen circumstances beyond SSB's control make it impossible to do so or unless  
40.16 otherwise agreed upon by the individual and the SSB direct service staff. As part of the  
40.17 interview, the SSB direct service staff must:

40.18 A. explain the independent living services available;

40.19 B. request the information needed to determine eligibility under part 3325.0220;

40.20 C. explain and determine interest in workforce development and communication  
40.21 center services offered by SSB; and

40.22 D. inform the individual of the:

40.23 (1) protection, use, and release of the individual's personal information in  
40.24 accordance with Code of Federal Regulations, title 34, section 364.56, and Minnesota  
40.25 Statutes, section 13.791;

41.1 (2) right of appeal under part 3325.0478;

41.2 (3) services available from and information on how to contact the client  
41.3 assistance program; and

41.4 (4) identity of and means to contact organized support and advocacy groups  
41.5 of the blind and deafblind in Minnesota.

41.6 Subp. 3. **Legal representative.** All signature requirements placed on individuals  
41.7 by parts 3325.0205 to 3325.0478 may be satisfied by the signature of an individual's  
41.8 legal representative. All written notices that must be provided to individuals under parts  
41.9 3325.0205 to 3325.0490 must be provided to the individual's legal representative unless  
41.10 providing the information would violate provisions of the Minnesota Data Practices Act.

41.11 Subp. 4. **Designated representative.** An individual or an individual's legal  
41.12 representative may designate one person to represent the individual in any matter  
41.13 pertaining to the individual's request for or receipt of independent living rehabilitation  
41.14 services. The individual must designate a representative in writing and may not designate  
41.15 more than one representative at any given time. SSB must provide an individual's  
41.16 designated representative with a copy of a written notice only if specifically authorized to  
41.17 do so in writing by the individual.

41.18 Subp. 5. **Residency.** No individual who is present in the state of Minnesota may be  
41.19 denied independent living rehabilitation services on the basis of residency.

41.20 Subp. 6. **Access to contents of record of services.** Access to the contents of an  
41.21 individual's record of services or to any other information maintained by SSB which  
41.22 pertains to the individual must be administered by SSB in accordance with the Minnesota  
41.23 Data Practices Act, Minnesota Statutes, chapter 13, and all other applicable laws and  
41.24 regulations.

42.1 Subp. 7. **Written communication.** All written communication with a referral or  
42.2 eligible individual must be supplemented as necessary by other appropriate modes of  
42.3 communication consistent with the informed choice of the individual.

42.4 **3325.0208 PRIORITY FOR SERVICES IF FUNDS ARE NOT AVAILABLE.**

42.5 If the director determines that SSB will not have sufficient funds to serve all current  
42.6 and anticipated eligible individuals in the independent living program in a given fiscal  
42.7 year, the director must implement the following priorities in serving individuals:

42.8 A. Priority 1: all eligible individuals currently served at the time of the  
42.9 determination under this part;

42.10 B. Priority 2: all eligible individuals living alone in a home or apartment in need  
42.11 of independent living services;

42.12 C. Priority 3: all eligible individuals living with others in a home or apartment  
42.13 in need of independent living services; and

42.14 D. Priority 4: all other eligible individuals in need of independent living services.

42.15 **3325.0210 CONDITIONS OF ELIGIBILITY.**

42.16 An individual is eligible to receive rehabilitation services under the independent  
42.17 living program only if:

42.18 A. the individual has a severe visual impairment;

42.19 B. the severe visual impairment makes competitive employment extremely  
42.20 difficult to obtain;

42.21 C. independent living goals are feasible for the individual; and

42.22 D. the individual is at least 18 years of age and the individual's school district is  
42.23 not legally obligated to provide independent living services.

42.24 **3325.0220 PRELIMINARY INTERVIEW AND ASSESSMENT.**

43.1 Subpart 1. **Purpose of interview and assessment.** SSB shall conduct an initial  
43.2 interview to determine whether an individual is eligible for rehabilitation services under  
43.3 the independent living program.

43.4 Subp. 2. **Scope of interview and assessment.** Each eligibility determination must  
43.5 be based on the information specified in items A, B, and C.

43.6 A. An oral description by the individual of the individual's visual impairment,  
43.7 observation by the SSB direct service staff, or a written report which documents the  
43.8 results of a medical eye or optometric examination. The description, observation by the  
43.9 SSB direct service staff, or report contains sufficient information for eligibility purposes if  
43.10 it enables the SSB direct service staff interviewing the individual to determine whether the  
43.11 individual has a severe visual impairment.

43.12 B. A discussion by the SSB direct service staff and the individual regarding  
43.13 the individual's employment status and interests. The discussion contains sufficient  
43.14 information for eligibility purposes if it enables the SSB direct service staff to determine  
43.15 whether the individual's severe visual impairment makes competitive employment  
43.16 extremely difficult to obtain.

43.17 C. Other information regarding the individual to determine if independent living  
43.18 goals are feasible and whether the individual's school district is legally obligated to  
43.19 provide independent living services.

43.20 Subp. 3. **Notice of eligibility.** After ~~an~~ the SSB direct service staff has determined  
43.21 that an individual is eligible for independent living rehabilitation services, the SSB direct  
43.22 service staff shall inform the individual of the eligibility determination.

43.23 Subp. 4. **Prior consultation.** If SSB expects to find an individual ineligible for  
43.24 rehabilitation services, SSB shall, before making its final determination, offer the  
43.25 individual a clear opportunity to discuss the anticipated determination.

44.1 Subp. 5. **Notice of ineligibility.** After ~~an~~ the SSB direct service staff has determined  
44.2 that an individual is ineligible for rehabilitation services, the SSB direct service staff shall  
44.3 inform the individual in writing of the reasons for the determination, the individual's  
44.4 appeal rights under part 3325.0478, and a description of services available from and  
44.5 information on how to contact the client assistance program. The notice must be mailed  
44.6 by SSB within ten working days after the determination.

44.7 Subp. 6. [See repealer.]

44.8 **3325.0230 THOROUGH ASSESSMENT.**

44.9 Subpart 1. **Purpose of assessment.** After an individual is determined eligible for  
44.10 independent living services and before formulating an ~~HCSR~~ independent living customer  
44.11 service record, as provided in part 3325.0240, the eligible individual and the SSB direct  
44.12 service staff shall conduct a thorough assessment to identify the independent living  
44.13 rehabilitation goals and services needed to achieve the goals.

44.14 Subp. 2. **Scope of assessment.** The thorough assessment of each eligible individual  
44.15 must consist of a review of the following:

44.16 A. The eligible individual's nonvocational interests.

44.17 B. The eligible individual's beliefs and concerns regarding the severe visual  
44.18 impairment and any other information that is important in assessing the degree of  
44.19 independent living counseling needed to overcome any self-doubts caused by the severe  
44.20 visual impairment or other impairments such as combined vision and hearing loss.

44.21 C. The eligible individual's ability to travel independently and need for  
44.22 orientation and mobility services.

44.23 D. The eligible individual's communication skills and need for braille  
44.24 instruction, computer, and other communication skills training.

45.1 E. The eligible individual's personal management skills and the need for  
45.2 rehabilitation teaching services.

45.3 F. The eligible individual's ability to use residual vision and the extent to  
45.4 which low vision services could be used to assist the individual in performing specific  
45.5 educational activities or activities of daily living.

45.6 G. Any other information needed to determine the eligible individual's  
45.7 independent living rehabilitation goals and rehabilitation service needs.

45.8 **3325.0240 INDEPENDENT LIVING CUSTOMER SERVICE RECORD (ILCSR).**

45.9 Subpart 1. **Preparation of ~~plan~~ ILCSR.** After a thorough evaluation is completed,  
45.10 the eligible individual and the SSB direct service staff shall jointly prepare an independent  
45.11 living customer service record (ILCSR). The ILCSR is primarily an electronic record  
45.12 of all documentation regarding SSB's communications with and services provided to  
45.13 eligible individuals.

45.14 Subp. 2. **Contents of ILCSR.** The ILCSR must contain the following information:

45.15 A. The independent living rehabilitation goals ~~which~~ that the SSB direct service  
45.16 staff and eligible individual have agreed to pursue.

45.17 B. The specific rehabilitation services that the eligible individual must receive  
45.18 in order to achieve the independent living rehabilitation goals.

45.19 Subp. 3. **Basis for contents of the ILCSR.** The independent living rehabilitation  
45.20 goals and services identified in an eligible individual's ILCSR must be based on and  
45.21 supported by information obtained in the preliminary and thorough assessments and  
45.22 any subsequent information developed during the rehabilitation process in assessing the  
45.23 eligible individual's rehabilitation potential and service needs.

46.1 Subp. 4. **Assessment of progress.** The eligible individual and the SSB direct service  
 46.2 staff shall assess progress towards the independent living rehabilitation goals as frequently  
 46.3 as necessary, but at least once a year.

46.4 Subp. 5. **Amendment to ILCSR.** An eligible individual's ILCSR must be  
 46.5 amended jointly by the eligible individual and the SSB direct service staff at any time  
 46.6 when necessary to reflect changes in the service needs, health, or independent living  
 46.7 rehabilitation goals.

46.8 **3325.0250 SCOPE OF SERVICES TO ELIGIBLE INDIVIDUALS AND**  
 46.9 **ADJUSTMENT OF LIMITATIONS.**

46.10 Subpart 1. **Scope of services.** SSB provides the following services to independent  
 46.11 living eligible individuals subject to the conditions specified in part 3325.0420 and those  
 46.12 contained in this part:

46.13 A. group and individual blindness services that consist of independent living  
 46.14 counseling, rehabilitation teaching services, and orientation and mobility services;

46.15 ~~B. advocacy services;~~

46.16 ~~C. B. communication center services;~~

46.17 ~~D. C. diagnostic assessment services;~~

46.18 ~~E. D. interpreter services;~~

46.19 ~~F. E. low vision services with the following limitations:~~

46.20 (1) only up to a limit of \$300 per period of eligibility for each spectacle  
 46.21 mounted low vision aid with at least a +4.00 diopter add; and

46.22 (2) SSB does not purchase electronic magnification systems for individuals;

46.23 ~~G. F. maintenance;~~

46.24 ~~H. G. referral services;~~

47.1 ~~F. H.~~ services to family members identified in part 3325.0110, subpart 72, up to  
47.2 a limit of \$300 per period of eligibility;

47.3 ~~J. I.~~ rehabilitation technology with the following limitations:

47.4 (1) only up to \$100 per period of eligibility for each nonelectronic  
47.5 technology device;

47.6 (2) only up to \$1,000 total per period of eligibility for adaptive software;

47.7 (3) only up to ten hours of training, excluding travel time, per period of  
47.8 eligibility for keyboarding, computer literacy, and use of computerized aids or devices; and

47.9 (4) SSB does not purchase computers, related accessories, or other  
47.10 computerized aids and devices for individuals; and

47.11 ~~K. J.~~ transportation services.

47.12 **Subp. 2. Adjustment of limitations.** Expenditure limitations imposed by subpart  
47.13 1 must be adjusted by the director on an annual basis according to the requirements of  
47.14 this subpart.

47.15 A. In November of each year, the director must obtain from the Federal Register  
47.16 the percentage change in the Consumer Price Index published by the secretary of labor  
47.17 for October of the preceding federal fiscal year and October of the federal fiscal year in  
47.18 which such publication is made.

47.19 B. If in any fiscal year the percentage change indicates an increase in the  
47.20 Consumer Price Index, as determined under item A, then the expenditure limitations  
47.21 imposed by subpart 1 for the subsequent fiscal year must be equal to the expenditure  
47.22 limitation increased by such percentage change, rounded off to the nearest \$5 increment.

47.23 C. If in any fiscal year the percentage change does not indicate an increase in  
47.24 the Consumer Price Index, as determined under item A, then the expenditure limitations

48.1 imposed by subpart 1 for the subsequent fiscal year must be equal to the expenditure  
48.2 limitation in place at the time of publication.

48.3 D. For purposes of this subpart, "Consumer Price Index" means the Consumer  
48.4 Price Index for All Urban Consumers, published monthly by the United States Department  
48.5 of Labor, Bureau of Labor Statistics.

48.6 **3325.0260 CLOSING THE RECORD OF SERVICES.**

48.7 Subpart 1. **Closing the record of services of an eligible individual who has not**  
48.8 **achieved independent living goals.** The record of services of an eligible individual who  
48.9 has not achieved independent living goals must be closed when the individual:

48.10 A. does not satisfy the eligibility conditions of the program identified in part  
48.11 3325.0210; or

48.12 B. has not responded to multiple and varied attempts to contact the individual  
48.13 and has not responded to correspondence mailed to the person's last known address and  
48.14 containing a specific notification that the failure to respond within 15 calendar days of  
48.15 mailing the notice shall result in closure of the record of services;

48.16 C. has died;

48.17 D. has refused to comply with any of the requirements of parts 3325.0205 to  
48.18 3325.0470 or with any terms or conditions in the eligible individual's plan; or

48.19 E. has refused to accept or use the independent living rehabilitation services  
48.20 necessary to achieve the identified independent living goals. Before terminating or  
48.21 refusing to provide services based on this condition, the SSB direct service staff shall  
48.22 explain to the eligible individual the purpose of the program and the services to be  
48.23 provided and shall encourage the eligible individual's participation.

48.24 Subp. 2. **Conditions for closing the record of services of an eligible individual**  
48.25 **who has achieved independent living goals.** The record of services of an eligible

49.1 individual who has achieved and maintained independent living goals for a period of 30  
49.2 calendar days must be closed if the eligible individual:

49.3 A. has moved to a less restrictive living situation; or

49.4 B. maintains or increases the individual's independence in one or more of the  
49.5 following areas:

49.6 (1) personal management and daily living skills;

49.7 (2) communicating; or

49.8 (3) traveling.

49.9 Subp. 3. **Consultation prior to closing the record of services.** If SSB expects to  
49.10 discontinue services an eligible individual is receiving under a plan for any reason, SSB  
49.11 must, before closing the record of services, offer the eligible individual an opportunity to  
49.12 discuss the anticipated closing of the record of services.

49.13 Subp. 4. **Notice of closing the record of services ~~and amendment to plan.~~** If an  
49.14 eligible individual's services are to be discontinued for reasons other than successful  
49.15 rehabilitation under subpart 2, except for death, SSB shall notify the eligible individual  
49.16 ~~and amend the eligible individual's plan to reflect the closing of the record of services.~~  
49.17 The notice and ~~amendment~~ record of services must contain a summary or description of  
49.18 the information or circumstances upon which the decision was based and a summary of  
49.19 the eligible individual's appeal rights under part 3325.0478 and a description of services  
49.20 available from and how to contact the client assistance program. If the decision was based  
49.21 on the eligible individual's refusal to accept or use necessary services provided by SSB,  
49.22 the ~~amendment~~ record of services must include a description of the efforts made by SSB  
49.23 to encourage the eligible individual's participation in the rehabilitation process.

49.24 **3325.0270 RECORD OF SERVICES.**

50.1 SSB shall maintain for each individual a record of services that contains the  
50.2 information required under parts 3325.0205 to 3325.0478.

50.3 **3325.0420 CONDITIONS OF SERVICE.**

50.4 Subpart 1. **Source of services.**

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

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

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

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

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

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

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

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

51.3 Subp. 3. **Communication center services.** SSB must provide communication center  
51.4 services to a person, regardless of whether the person is an eligible individual, if the  
51.5 person provides SSB with written documentation signed by a physician, optometrist, or  
51.6 other "competent authority" as defined in the Code of Federal Regulations, title 36, section  
51.7 701.6(b)(2), stating that the person has a physical disability that prevents the person from  
51.8 reading standard printed material.

51.9 Subp. 4. **Interpreter services.** Interpreter services may be provided only for  
51.10 communication needs necessary to conduct a diagnostic assessment or ~~in implementation~~  
51.11 of to implement the eligible individual's IPE or ILCSR.

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

51.14 [For text of items A and B, see M.R.]

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

51.19 Subp. 6. [See repealer.]

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

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

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

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

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

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

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

52.14 B. Travel techniques for purposes of outdoor travel must be taught by an  
52.15 orientation and mobility specialist or a person who has demonstrated a mastery of the  
52.16 travel techniques used by blind persons and the ability to safely and effectively teach these  
52.17 techniques to others. The provision of outdoor travel techniques to eligible individuals  
52.18 who are legally blind and have multiple impairments, such as legal blindness combined  
52.19 with hearing loss, may require additional expertise. The director must determine whether  
52.20 a person is qualified in these areas by considering all of the following factors:

52.21 [For text of subitems (1) to (3), see M.R.]

52.22 C. Orientation and mobility training of an eligible individual must give the  
52.23 eligible individual an opportunity to travel without the instructor and on increasingly  
52.24 difficult routes to help the eligible individual develop confidence in the eligible individual's  
52.25 ability to travel independently. Orientation and mobility training of legally blind eligible

53.1 individuals who have some remaining vision must include the use of sleepshades unless an  
53.2 orientation and mobility specialist or a person described in item B determines that because  
53.3 of age or one or more nonvisual disabilities the use of sleepshades would be unsafe.

53.4 Subp. 9. [See repealer.]

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

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

53.7 (1) the reading requirements result from implementation of the eligible  
53.8 individual's IPE; and

53.9 (2) the material to be read is not available in braille or accessible electronic  
53.10 or audio recording formats in time to meet an immediate need in the rehabilitation process  
53.11 which, if not met, would impede the eligible individual's rehabilitation progress or if  
53.12 the available formats do not lend themselves to effectively or efficiently conveying  
53.13 information contained in the reading requirements.

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

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

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

53.22 B. Braille instruction must be provided by a rehabilitation teacher or a person  
53.23 who has demonstrated a mastery of contracted braille and the ability to teach contracted  
53.24 braille to blind persons. The director must determine whether a person is qualified in these  
53.25 areas by considering all of the following factors:

54.1 [For text of subitems (1) to (3), see M.R.]

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

54.10 [For text of subitems (1) to (3), see M.R.]

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

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

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

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

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

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

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

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

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

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

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

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

55.19 B. SSB must provide the least expensive mode of transportation that serves the  
55.20 eligible individual's rehabilitation needs and accommodates any nonvisual disability  
55.21 related limitations the eligible individual may have. When a private vehicle is the mode of  
55.22 transportation identified in the eligible individual's plan, SSB must pay parking fees and  
55.23 mileage at the rate established for state of Minnesota employees in the current managerial  
55.24 plan published by the Minnesota Department of Management and Budget. This document

56.1 is incorporated by reference and is not subject to frequent change. It is available for  
56.2 inspection at SSB's headquarters office.

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

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

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

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

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

56.22 C. the review determines the eligible individual's business plan to be feasible.  
56.23 SSB does not require the eligible individual to take out an SBA-insured loan, or other  
56.24 loan, in conjunction with a self-employment outcome.

56.25 **3325.0430 COMPARABLE SERVICES AND BENEFITS; VOCATIONAL**  
56.26 **REHABILITATION.**

57.1 Subpart 1. **Scope.** Comparable services and benefits ~~which~~ that would contribute  
57.2 toward and not interfere with an eligible individual's vocational rehabilitation must be  
57.3 used if available to an eligible individual or members of an eligible individual's family for  
57.4 all rehabilitation services identified in the eligible individual's IPE except:

57.5 A. diagnostic assessment for determining eligibility and vocational  
57.6 rehabilitation needs;

57.7 B. vocational rehabilitation counseling including information and support  
57.8 services to assist an individual in exercising informed choice;

57.9 C. referral services;

57.10 D. rehabilitation technology;

57.11 E. job-related services; or

57.12 F. postemployment services consisting of the services identified in this subpart.

57.13 Comparable benefits do not include awards and scholarships based on merit.

57.14 Subp. 2. **Eligible individual responsibilities.** An eligible individual must, with the  
57.15 assistance of the eligible individual's vocational rehabilitation counselor, participate in the  
57.16 search for and use of comparable services and benefits as follows:

57.17 A. Before receiving physical and mental restoration services other than  
57.18 nonprescription low vision aids, an eligible individual must file a claim or application for  
57.19 coverage with the eligible individual's health insurer, if any. If the eligible individual  
57.20 has no health insurance or if the physical and mental restoration services provided are  
57.21 not covered by the eligible individual's health insurance, the eligible individual must  
57.22 apply to a local human services agency for medical assistance under Minnesota Statutes,  
57.23 chapter 256B.

57.24 B. Before receiving any rehabilitation service other than those identified  
57.25 in subpart 1, items A to F, an eligible individual must apply or provide evidence of  
58.1 having already applied for any state or federal assistance program for which the eligible  
58.2 individual's vocational rehabilitation counselor determines the eligible individual may  
58.3 be eligible.

58.4 C. Before receiving vocational training services in an institution of higher  
58.5 learning, an eligible individual must apply for educational grants to cover the costs of  
58.6 tuition, supplies, and living expenses.

58.7 D. If comparable services and benefits exist under any other program, but are  
58.8 not available to the eligible individual at the time needed to ensure the progress of the  
58.9 individual toward achieving the employment outcome in the individual's IPE, SSB must  
58.10 provide vocational rehabilitation services until those comparable services and benefits  
58.11 become available.

58.12 Subp. 3. **Relation to financial need eligibility.** The extent to which comparable  
58.13 services and benefits are available to an eligible individual must be determined before  
58.14 determining the degree of financial participation required of the eligible individual under  
58.15 part 3325.0440.

58.16 **3325.0435 SIMILAR BENEFITS; INDEPENDENT LIVING SERVICES.**

58.17 Subpart 1. **Scope.** Similar benefits that would contribute toward and not interfere  
58.18 with an eligible individual's independent living rehabilitation must be used if available to  
58.19 an eligible individual or members of an eligible individual's family for all rehabilitation  
58.20 services identified in the eligible individual's ILCSR except:

58.21 A. ~~advocacy services;~~

58.22 B. communication center services;

58.23 ~~C.~~ B. diagnostic assessment for determining eligibility and independent living  
58.24 rehabilitation needs; and

58.25 ~~D.~~ C. referral services.

59.1 Subp. 2. **Eligible individual responsibilities.** An eligible individual must, with the  
59.2 assistance of an SSB direct service staff, participate in the search for and use of similar  
59.3 benefits as follows:

59.4 A. Before receiving any independent living rehabilitation services other than  
59.5 those identified in subpart 1, items A to D, an eligible individual must apply or provide  
59.6 evidence of having already applied for any state or federal assistance program for which  
59.7 the eligible individual's SSB direct service staff determines the eligible individual may  
59.8 be eligible.

59.9 B. The application for or use of similar benefits must not be required if the  
59.10 application for or use of similar benefits would significantly delay the provision of these  
59.11 services to the detriment of the eligible individual.

59.12 **3325.0440 FINANCIAL PARTICIPATION BY ELIGIBLE INDIVIDUALS IN THE**  
59.13 **VOCATIONAL REHABILITATION PROGRAM.**

59.14 Subpart 1. **Services exempted from financial participation.** Regardless of  
59.15 an eligible individual's income, SSB must not require eligible individual financial  
59.16 participation for the following services:

59.17 A. diagnostic assessment services except those services provided under an  
59.18 extended evaluation or trial work experience ~~which~~ that are not diagnostic in nature;

59.19 B. vocational rehabilitation counseling and other adjustment to blindness  
59.20 services;

59.21 C. job-related services;

59.22 D. referral services;

59.23 E. interpreter and note-taking services;

59.24 [For text of items F and G, see M.R.]

60.1 H. maintenance or transportation services needed by an eligible individual to  
60.2 obtain adjustment to blindness services;

60.3 I. reader services;

60.4 J. rehabilitation technology, other than technology which can be classified as  
60.5 low vision aids, up to a cumulative value of \$3,000; and

60.6 K. postemployment services consisting of the services identified in this subpart.

60.7 Subp. 2. **Services subject to financial participation.** An applicant or eligible  
60.8 individual may be required to participate in paying the cost of all rehabilitation services  
60.9 not exempted from financial participation under subpart 1.

60.10 Subp. 3. **Basis for determining the degree of financial participation required.**  
60.11 The degree of financial participation required of an eligible individual is determined on  
60.12 the basis of the eligible individual's monthly and annual family income in relation to  
60.13 the most recent estimate of Minnesota median income levels as adjusted for family size  
60.14 using the adjustment methodology specified in the Code of Federal Regulations, title 45,  
60.15 section 96.85. This estimate is published annually by the United States Department of  
60.16 Health and Human Services in the Federal Register. The applicable sections of the Federal  
60.17 Register are incorporated by reference.

60.18 Subp. 4. **No required financial participation.** The following eligible individuals  
60.19 are exempt from financial participation:

60.20 A. an eligible individual whose monthly family income is equal to or less than  
60.21 the state median monthly income as adjusted for family size;

60.22 B. an eligible individual who has been determined eligible for Social Security  
60.23 benefits based on the individual's own disability under Title II or XVI of the Social Security  
60.24 Act consistent with Code of Federal Regulations, title 34, section 361.54(b)(3)(ii); or

61.1 C. an eligible individual who had been determined eligible for an individual or  
61.2 family means-tested public assistance program of the Department of Human Services.

61.3 Subp. 5. **Financial participation required.** An eligible individual whose monthly  
61.4 family income is more than the state median monthly income as adjusted for family size  
61.5 must pay for rehabilitation services provided under the eligible individual's IPE an amount  
61.6 equal to the percentage by which the eligible individual's family income exceeds the  
61.7 adjusted median income. Example: If an eligible individual's monthly family income  
61.8 exceeds the state median monthly income adjusted for the eligible individual's family size  
61.9 by ten percent, the eligible individual must pay ten percent of the cost of rehabilitation  
61.10 services provided under the eligible individual's IPE; SSB would pay 90 percent.

61.11 Subp. 6. **Limitation on financial participation.** Financial participation by an  
61.12 eligible individual in any month shall not exceed ten percent of the eligible individual's  
61.13 monthly family income as most recently determined by SSB or the difference between the  
61.14 eligible individual's monthly family income and the state median monthly income adjusted  
61.15 for the eligible individual's family size, whichever is less.

61.16 Subp. 7. **Variance.** An eligible individual who is unable to pay for rehabilitation  
61.17 services to the extent required by subparts 4 and 5 because of unusual financial  
61.18 circumstances may apply to the director for a variance in the determination of the eligible  
61.19 individual's required financial participation as follows:

61.20 A. A request for a variance must be submitted in writing by the eligible  
61.21 individual or the eligible individual's legal representative. The request must provide the  
61.22 director with evidence describing the eligible individual's unusual financial situation. If  
61.23 additional information is required by the director to determine eligibility for a variance,

61.24 SSB must, within 15 calendar days after receiving the written request, inform the eligible  
61.25 individual in writing of the specific additional information required.

62.1 B. The director must determine whether the eligible individual is eligible for  
62.2 a variance and notify the eligible individual of the determination in writing within 30  
62.3 calendar days after the director receives all the information required under item A. The  
62.4 written notification must:

62.5 (1) specify whether the eligible individual is eligible for a variance;

62.6 [For text of subitems (2) and (3), see M.R.]

62.7 (4) inform the eligible individual of review and appeal rights under part  
62.8 3325.0478; and

62.9 (5) be signed and dated by the director.

62.10 C. The director must grant a variance only if the eligible individual demonstrates  
62.11 that it would be impossible for the eligible individual to make the cost contributions  
62.12 required under subparts 5 and 6 without using the eligible individual's savings because of:

62.13 (1) court ordered financial obligations of the eligible individual;

62.14 (2) legal financial obligations incurred by the eligible individual prior to  
62.15 being found eligible to receive rehabilitation services from SSB; or

62.16 (3) extraordinary expenditures for necessities such as food, shelter,  
62.17 clothing, or medical care the eligible individual is required to make because of illness or  
62.18 disability.

62.19 D. The director must determine the amount of an eligible individual's variance  
62.20 by:

62.21 (1) calculating the sum of the eligible individual's financial obligations and  
62.22 extraordinary expenditures identified in item C which make it impossible for the eligible  
62.23 individual to make the cost contributions required under subparts 5 and 6; and

63.1 (2) subtracting that sum from the financial participation amount the eligible  
63.2 individual would have to pay without the variance.

63.3 E. An eligible individual who receives a variance must immediately notify the  
63.4 director in writing if the eligible individual's financial situation improves.

63.5 F. The director may review the financial situation of an eligible individual who  
63.6 receives a variance at any time to determine whether the eligible individual's financial  
63.7 situation continues to justify the variance.

63.8 Subp. 8. **Income verification.** If an eligible individual's employment plan includes  
63.9 or is expected to include rehabilitation services other than those identified in subpart 1, the  
63.10 eligible individual must provide SSB with written verification of the eligible individual's  
63.11 most recent annual family income and sources of income.

63.12 Subp. 9. **Annual redetermination.** SSB must redetermine at least annually, the  
63.13 financial need of each eligible individual.

63.14 Subp. 10. **One source payments; conditions and reimbursement.** If purchasing  
63.15 services for an eligible individual who is subject to financial participation from a vendor  
63.16 that requires payment from one source (e.g., any Visa purchase) SSB must authorize for  
63.17 the full amount after first receiving the eligible individual's required financial participation.

63.18 **3325.0445 FINANCIAL PARTICIPATION BY ELIGIBLE INDIVIDUALS IN THE**  
63.19 **INDEPENDENT LIVING PROGRAM.**

63.20 Subpart 1. **Services exempted from financial participation.** Regardless of  
63.21 an eligible individual's income, SSB must not require eligible individual financial  
63.22 participation for the following services:

- 63.23 A. blindness services that consist of independent living counseling, rehabilitation  
63.24 teaching services, and orientation and mobility services;
- 63.25 B. ~~advocacy services~~;
- 64.1 C. communication center services;
- 64.2 D. C. diagnostic assessment services;
- 64.3 E. D. interpreter services;
- 64.4 F. E. low vision services with the following limitations:
- 64.5 (1) only up to a limit of \$300 per period of eligibility for each  
64.6 spectacle-mounted low vision aid with at least a +4.00 diopter add; and
- 64.7 (2) SSB must not purchase electronic magnification systems for individuals;
- 64.8 G. F. maintenance;
- 64.9 H. G. referral services;
- 64.10 I. H. services to family members identified in part 3325.0110, up to a limit  
64.11 of \$300 per period of eligibility;
- 64.12 J. I. rehabilitation technology with the following limitations:
- 64.13 (1) only up to \$100 per period of eligibility for each nonelectronic  
64.14 technology device;
- 64.15 (2) only up to \$1,000 total per period of eligibility for adaptive software;
- 64.16 (3) only up to ten hours of training, excluding travel time, per period of  
64.17 eligibility for keyboarding, computer literacy, and use of computerized aids or devices; and
- 64.18 (4) SSB must not purchase computers, related accessories, or other  
64.19 computerized aids and devices; and
- 64.20 K. J. transportation services.

64.21 Subp. 2. **Services subject to financial participation.** An eligible individual must  
64.22 participate in paying the cost of all rehabilitation services not exempted from financial  
64.23 participation under subpart 1.

65.1 Subp. 3. **Basis for determining the degree of financial participation required.**  
65.2 The degree of financial participation required of an eligible individual is 100 percent of  
65.3 all costs in excess of those exempted. All eligible individuals in the independent living  
65.4 program are subject to this part, and no variances shall be granted.

65.5 **3325.0450 RECOVERY OF MONETARY ASSISTANCE OVERPAYMENTS.**

65.6 Subpart 1. **Written notification.** SSB must notify an eligible individual in writing  
65.7 as soon as possible after discovering that the eligible individual has received monetary  
65.8 assistance from SSB in excess of that to which the eligible individual is entitled under  
65.9 parts 3325.0100 to 3325.0478. The written notification must:

65.10 [For text of items A and B, see M.R.]

65.11 C. inform the eligible individual of appeal rights under part 3325.0478;

65.12 [For text of item D, see M.R.]

65.13 E. be signed and dated by the eligible individual's appropriate SSB staff person.

65.14 Subp. 2. **Repayments.** Overpayments of maintenance benefits or other monetary  
65.15 assistance caused by the eligible individual, SSB error, or by an eligible individual's  
65.16 inability or refusal to continue implementing an IPE or ILCSR must be repaid by the  
65.17 eligible individual in a lump sum or in monthly payments of not less than ten percent of  
65.18 the incorrect payment or five percent of the eligible individual's monthly family income,  
65.19 whichever is less. If the eligible individual does not repay erroneous overpayments in  
65.20 accordance with this subpart, SSB may exercise its recoupment rights under Minnesota  
65.21 Statutes, section 248.11.

65.22 **3325.0460 PURCHASE, TRANSFER, AND MAINTENANCE OF EQUIPMENT.**

65.23 Subpart 1. **Scope.** For purposes of this part, the term "equipment" includes  
65.24 occupational equipment, occupational tools, software, and rehabilitation technology  
66.1 purchased for the permanent use of an eligible individual by SSB as part of an IPE  
66.2 or ILCSR.

66.3 Subp. 2. [See repealer.]

66.4 Subp. 3. [See repealer.]

66.5 Subp. 4. [See repealer.]

66.6 Subp. 5. [See repealer.]

66.7 Subp. 6. **Transfer of title.** SSB must transfer legal title of equipment to an eligible  
66.8 individual when the equipment is purchased for the eligible individual's permanent use.  
66.9 SSB must transfer equipment to former eligible individuals within one year after the  
66.10 effective date of this part.

66.11 Subp. 7. [See repealer.]

66.12 Subp. 8. **Maintenance responsibility.** SSB must include, as part of the purchase of  
66.13 equipment, an initial maintenance or service agreement, or extended warranty, if available.  
66.14 SSB may forego such inclusion if the eligible individual expressly and unequivocally  
66.15 objects to it at time of purchase. Upon transfer of title, it is the sole responsibility of the  
66.16 eligible individual to maintain and repair the equipment.

66.17 Subp. 9. **Employer responsibility.** SSB must not provide an employed eligible  
66.18 individual with equipment that the eligible individual's employer normally provides to  
66.19 employees. If the equipment is not normally provided by the employer, SSB or the eligible  
66.20 individual may ask the employer to pay all or a portion of the cost of equipment needed.  
66.21 SSB and the eligible individual, subject to financial participation requirements in part

66.22 3325.0440, must contribute toward the cost of equipment only to the extent the eligible  
66.23 individual's employer refuses to contribute.

66.24 Subp. 10. [See repealer.]

67.1 Subp. 11. **Abuse or neglect of equipment.** SSB must not provide additional  
67.2 equipment to an eligible individual if the eligible individual has a history of abuse or  
67.3 neglect of equipment previously provided to the eligible individual by SSB. History of  
67.4 abuse or neglect means that on two or more occasions equipment provided to an eligible  
67.5 individual has sustained, by reason of acts or omissions of the eligible individual, damage  
67.6 beyond that which would result from normal use.

67.7 **3325.0470 STANDARDS FOR COMMUNITY REHABILITATION PROGRAMS.**

67.8 Subpart 1. **Written operating agreement.** SSB must execute written operating  
67.9 agreements with each community rehabilitation program from which SSB purchases  
67.10 rehabilitation services for applicants and eligible individuals unless the community  
67.11 rehabilitation program has a current operating agreement with the department or the  
67.12 rehabilitation agency of another state. The agreement must be signed by the director of the  
67.13 community rehabilitation program, or the sole proprietor, if an individual, and the director  
67.14 of SSB and must contain, at a minimum, assurances that the community rehabilitation  
67.15 program will comply with the standards established in subparts 2 to 8. SSB may only  
67.16 purchase services from a community rehabilitation program that meets the standards  
67.17 established in subparts 2 to 8. Individuals providing rehabilitation services under an  
67.18 operating agreement with SSB are excluded from meeting standards in subparts 3 and  
67.19 6, item D.

67.20 Subp. 2. **Applicable state and federal laws.** Community rehabilitation programs  
67.21 must comply with all applicable state and federal laws, including the Minnesota  
67.22 Government Data Practices Act, Minnesota Statutes, chapter 13. Applicant and eligible

67.23 individual records must be stored under lock with reasonable protection against fire,  
67.24 water damage, and other hazards.

67.25 Subp. 3. **Representation and employment of the blind.** The governing bodies of  
67.26 community rehabilitation programs for the blind and visually impaired must include  
68.1 blind or visually impaired persons. Community rehabilitation programs must make  
68.2 and document affirmative attempts to employ blind persons, including blind persons  
68.3 with additional impairments such as combined vision and hearing loss, at all levels of  
68.4 employment.

68.5 Subp. 4. **Evaluation of community rehabilitation program effectiveness.**  
68.6 Community rehabilitation programs must have systematic procedures for evaluating  
68.7 program effectiveness. Community rehabilitation program staff must periodically review  
68.8 aggregate data on the progress and outcome of eligible individuals served. The results  
68.9 of effectiveness evaluations must be available to the governing body and staff of the  
68.10 community rehabilitation program, SSB, and the public.

68.11 Subp. 5. [See repealer.]

68.12 Subp. 6. **Adjustment to blindness training services.** Community rehabilitation  
68.13 programs and individuals who provide training services for the blind and visually impaired  
68.14 must comply with the requirements of items A to E.

68.15 A. The services must include a class or activities designed to help eligible  
68.16 individuals develop a positive attitude toward blindness. If the community rehabilitation  
68.17 program serves deafblind eligible individuals, the community rehabilitation program's  
68.18 services must include a class or activities designed to develop a positive attitude about  
68.19 being both blind and deaf.

68.20 B. Low vision and adjustment to blindness services must be provided in  
68.21 accordance with the requirements established in part 3325.0420, subparts 5, items A and  
68.22 B; 8, items B and C; and 11, items B and C.

68.23 C. Consistent with an eligible individual's IPE or ILCSR, all eligible individuals  
68.24 must be provided with the opportunity to engage in a wide range of activities for the  
68.25 purpose of building self-confidence and overcoming doubts and fears concerning what  
68.26 blind persons can do, or what deafblind persons can do, if applicable.

69.1 D. During training, all eligible individuals must be provided with the  
69.2 opportunity to interact with employed or otherwise independent blind persons, or  
69.3 deafblind persons if applicable, who are not in need of rehabilitation services.

69.4 E. The services must include a requirement that eligible individuals use the  
69.5 alternative technique skills they are learning outside of the training setting to manage their  
69.6 own lives in the activities of daily living and use of rehabilitation technology.

69.7 Subp. 7. **Progress reports.** Community rehabilitation programs must provide timely  
69.8 written reports as required by SSB concerning the progress of eligible individuals in the  
69.9 development of self-confidence, the performance of activities of daily living, and the use  
69.10 of rehabilitation technology, if applicable.

69.11 Subp. 8. **Location of community rehabilitation programs.** SSB may purchase  
69.12 services from a community rehabilitation program located outside Minnesota only if:

69.13 A. the eligible individual needs rehabilitation services which are not available  
69.14 at community rehabilitation programs within Minnesota;

69.15 B. the eligible individual's residence is geographically closer to a community  
69.16 rehabilitation program outside Minnesota than it is to any community rehabilitation  
69.17 program within Minnesota; or

69.18 C. the eligible individual expressly indicates that adjustment to blindness  
69.19 training is wanted at a community rehabilitation program outside the state. If an eligible  
69.20 individual obtains training at a non-Minnesota community rehabilitation program under  
69.21 this item, SSB must not pay more for the eligible individual's training, maintenance,

69.22 and transportation than it would otherwise pay for the eligible individual's training,  
69.23 maintenance, and transportation at the community rehabilitation program located in  
69.24 Minnesota which would be the least costly for the eligible individual to attend.

69.25 **3325.0478 REVIEW AND MEDIATION OF DETERMINATIONS.**

70.1 Subpart 1. **Written request.** An appellant may make a written request for review and  
70.2 mediation to the director if dissatisfied with any determination that affects the provision of  
70.3 rehabilitation services. To preserve the appellant's right to a review and mediation, the  
70.4 request must be received by the director no more than 60 calendar days after the appellant  
70.5 is notified of the action for which the review is requested. The appellant must identify the  
70.6 determination with which the appellant is dissatisfied. SSB must not institute a suspension,  
70.7 reduction, or termination of rehabilitation services being provided to an appellant until  
70.8 completion of the review process unless the appellant requests a suspension, reduction,  
70.9 or termination, or if SSB has evidence that the services have been obtained through  
70.10 misrepresentation, fraud, collusion, or criminal conduct on the part of the appellant.

70.11 Subp. 2. **Review and mediation options.** SSB must contact the appellant within  
70.12 five calendar days following receipt of the request and explain review and mediation  
70.13 options. SSB must also provide the appellant a description of services available from and  
70.14 information on how to contact the client assistance program, established under Code  
70.15 of Federal Regulations, title 34, section 370, to assist the appellant in the review of  
70.16 determinations. An appellant may request one or more of the following options: informal  
70.17 review, mediation, or impartial hearing. If the appellant is dissatisfied with the results of  
70.18 an informal review or mediation, or chooses an impartial hearing initially, an impartial  
70.19 hearing must commence within 60 calendar days of the request in subpart 1 unless the  
70.20 parties agree to a specific extension of time.

70.21 Subp. 3. **Communication.** If the appellant is disabled in communication, then  
70.22 SSB must appoint an interpreter, consistent with Minnesota Statutes, sections 546.42 to

70.23 546.44. Review and mediation process information, decisions and reports, agreements  
70.24 if applicable, and any required supporting documentation resulting from a request under  
70.25 subpart 1 must be provided to the appellant in writing. Consistent with the informed choice  
70.26 of the appellant, review and mediation proceedings and related communication must be  
71.1 provided in the native language of the appellant, supplemented as necessary by other  
71.2 appropriate modes of communication including the use of auxiliary aids and services.

71.3 Subp. 4. **Informal review.** An appellant may request an informal review. An  
71.4 informal review must not be used to deny the right of an appellant to pursue mediation  
71.5 or an impartial hearing.

71.6 A. Participation in the informal review is voluntary on the part of the appellant  
71.7 and on the part of SSB. The appellant or SSB may terminate the informal review at any  
71.8 time. In the event an informal review is terminated, the appellant or SSB may pursue  
71.9 resolution through mediation or an impartial hearing.

71.10 B. The informal review must be conducted by supervisory staff not involved  
71.11 in the original determination that caused the appellant to ask for a review. An appellant  
71.12 may choose:

71.13 (1) an informal review of written materials only. Supervisory staff  
71.14 conducting the review must consider all written evidence presented from the time the  
71.15 request for informal review is received until the final decision is made; or

71.16 (2) an informal review of written materials with a review conference.  
71.17 Supervisory staff conducting the informal review must consider all written and oral  
71.18 evidence presented from the time the request for review is received until the final decision  
71.19 is made.

71.20 C. The final decision regarding the informal review must be made by the  
71.21 reviewing supervisory staff either within ten calendar days following the request for  
71.22 an informal review of written materials only, or within ten calendar days following

71.23 the conclusion of an informal review conference, unless the parties agree to a specific  
71.24 extension of time. The supervisory staff conducting the informal review must notify the  
71.25 appellant in writing by mail of the informal review decision. The informal review decision  
72.1 must contain a summary of the nature and basis of the decision and the appellant's review  
72.2 rights under this part.

72.3 Subp. 5. **Mediation.** An appellant may request mediation at any time. Mediation  
72.4 must not be used to deny the right of an appellant to pursue an impartial hearing.

72.5 A. Participation in the mediation process is voluntary on the part of the appellant  
72.6 and on the part of SSB. The appellant, SSB, or mediator may terminate mediation at any  
72.7 time. In the event mediation is terminated, the appellant or SSB may pursue resolution  
72.8 through an impartial hearing.

72.9 B. A qualified and impartial mediator who meets the requirements of Code of  
72.10 Federal Regulations, title 34, section 361.5(b)(43), must be chosen on a random basis,  
72.11 by mutual agreement of the director of SSB and the appellant or, as appropriate, the  
72.12 appellant's designated representative, or in accordance with SSB's procedure for assigning  
72.13 mediators in a neutral manner. Mediation sessions must be held in a timely manner and  
72.14 at a location convenient to both parties.

72.15 C. Mediation discussions are confidential and may not be used as evidence in  
72.16 any subsequent due process hearings or civil proceedings, and the parties may be required  
72.17 to sign a confidentiality pledge prior to the commencement of mediation. Any agreement  
72.18 resulting from mediation must be in writing with the assistance of the mediator, signed by  
72.19 both parties, and copies provided to both parties. SSB must pay for the cost of mediation,  
72.20 but is not required to pay for any costs related to the representation of an appellant.

72.21 Subp. 6. **Impartial hearing.** An appellant may choose an impartial hearing.

72.22 A. The impartial hearing officer for a particular case must be selected on a  
72.23 random basis from a list of qualified impartial hearing officers who have been jointly  
72.24 identified by SSB and the State Rehabilitation Council for the Blind.

73.1 B. The hearing must be initiated and conducted according to parts 1400.5100 to  
73.2 1400.8400; Minnesota Statutes, sections 14.57 to 14.62; and Code of Federal Regulations,  
73.3 title 34, part 361.57(e).

73.4 C. The impartial hearing officer must provide by mail to both parties a full  
73.5 written report of the findings and grounds for the decision within 30 calendar days of  
73.6 the completion of the hearing. The impartial hearing officer's decision is final unless a  
73.7 review is requested under item D.

73.8 D. An appellant may request a review of the impartial hearing officer's decision  
73.9 using the following process:

73.10 (1) A party who is dissatisfied with the impartial hearing officer's decision  
73.11 may request a review of the decision within 20 calendar days of the mailing of the  
73.12 impartial hearing officer's decision. The review must be conducted by the commissioner  
73.13 of employment and economic development, who may not delegate the review to any  
73.14 employee of SSB.

73.15 (2) The commissioner must provide both parties with an opportunity to  
73.16 submit additional evidence and information relevant to a final decision concerning the  
73.17 matter under review.

73.18 (3) The commissioner may not overturn or modify the impartial hearing  
73.19 officer's decision, or any part of the decision, that supports the position of the appellant  
73.20 unless the commissioner concludes, based on clear and convincing evidence, that the  
73.21 decision of the impartial hearing officer is clearly erroneous on the basis of being contrary  
73.22 to the approved state plan, federal law and regulations, or state rules and policies that  
73.23 are consistent with federal requirements.

73.24 (4) The commissioner must make an independent, final decision within 30  
73.25 calendar days of the request after reviewing the entire hearing record and provide the  
74.1 decision in writing, including a full report of the findings and the statutory, regulatory, or  
74.2 policy grounds for the decision to both parties.

74.3 (5) The commissioner's decision is final unless either party disagrees and  
74.4 brings a civil action, in which case the commissioner's decision must be implemented  
74.5 pending review by the court.

74.6 (6) Any party dissatisfied with the commissioner's decision after reviewing  
74.7 the impartial hearing officer's decision may bring a civil action with respect to the matter  
74.8 in dispute in any state court of competent jurisdiction or district court of the United States  
74.9 of competent jurisdiction, as provided in Code of Federal Regulations, title 34, section  
74.10 361.57(i).

74.11 **REPEALER.** (a) Minnesota Rules, parts 3325.0100, subpart 4; 3325.0110, subparts 3,  
74.12 8, 9, 18, 19, 23, 24, 25, 32, 34, 42, 43, 48, 52, 56, 57, 61, 62, 63, 64, 68, 69, 70, 71, 73,  
74.13 74, 75, 79, 82, 85, 86, 89, and 90; 3325.0140, subparts 4, 5, 6, and 7; 3325.0150, subpart  
74.14 4; 3325.0160; 3325.0170; 3325.0220, subpart 6; 3325.0280; 3325.0290; 3325.0300;  
74.15 3325.0310; 3325.0320; 3325.0330; 3325.0340; 3325.0350; 3325.0360; 3325.0370;  
74.16 3325.0380; 3325.0390; 3325.0400; 3325.0410; 3325.0420, subparts 6 and 9; 3325.0460,  
74.17 subparts 2, 3, 4, 5, 7, and 10; 3325.0470, subpart 5; 3325.0480; and 3325.0490, are  
74.18 repealed.

74.19 (b) Minnesota Rules, part 3325.0440, subpart 6, is repealed effective July 1, 2011,  
74.20 effective for all individualized plans for employment, including those in effect on that date.