

1.1 **Department of Employment and Economic Development**

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

1.3 **3325.0100 PURPOSE AND SCOPE.**

1.4 Subpart 1. **Purpose.** The purpose of ~~parts 3325.0100 to 3325.0490~~ this chapter is to
 1.5 establish procedures and standards for the provision of rehabilitation services to blind and
 1.6 visually ~~disabled~~ impaired persons present in Minnesota.

1.7 Subp. 2. **Scope.** ~~Parts 3325.0100 to 3325.0490 apply~~ This chapter applies to State
 1.8 Services for the Blind (SSB), all vendors of services under agreement with SSB₂ and all
 1.9 persons applying for or receiving rehabilitation service from SSB. ~~Parts 3325.0100 to~~
 1.10 ~~3325.0490 do~~ This chapter does not require expenditures for a client an eligible individual
 1.11 if funds are not available to SSB from federal and state appropriations for the provision
 1.12 of rehabilitation services under the program in which the ~~client~~ eligible individual is
 1.13 being served.

1.14 Subp. 3. **Exclusion.** All matters pertaining to the operation of the Business
 1.15 Enterprises Program under the Code of Federal Regulations, title 34, part 395₂ are
 1.16 governed by parts 3321.0100 to 3321.1400 and are not affected by ~~parts 3325.0100 to~~
 1.17 ~~3325.0490~~ this chapter.

1.18 Subp. 4. [See repealer.]

1.19 **3325.0110 DEFINITIONS.**

1.20 Subpart 1. **Scope.** The terms used in ~~parts 3325.0100 to 3325.0490~~ this chapter have
 1.21 the meanings given to them in this part.

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

1.24 A. personal management;

2.1 B. communicating; and

2.2 C. traveling.

2.3 Subp. 2. **Adjustment to blindness services.** "Adjustment to blindness services"
2.4 means vocational rehabilitation counseling, rehabilitation teaching services, and
2.5 orientation and mobility services as defined in subparts ~~51, 62, and 67~~ 50, 66, and 86a.

2.6 Subp. 3. **Advocacy services.** "Advocacy services" means nonfinancial assistance
2.7 in identifying and obtaining rehabilitation services ~~that a client may be entitled to~~ for an
2.8 eligible individual from sources other than SSB.

2.9 Subp. 4. **Alternative techniques.** "Alternative techniques" means methods ~~which~~
2.10 that enable persons to perform homemaking and self-care activities of daily living
2.11 independently without sight or with limited sight. These methods include cane travel
2.12 and braille reading and writing.

2.13 Subp. 5. **Appellant.** "Appellant" means an applicant or ~~client~~ eligible individual
2.14 who has ~~filed an appeal~~ made a written request for review and mediation under part
2.15 3325.0480, subpart 1 3325.0478. Appellant includes, as appropriate, an appellant's
2.16 designated representative.

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

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

2.24 Subp. 8. [See repealer.]

2.25 Subp. 9. [See repealer.]

3.1 Subp. 10. **Client Assistance Program or CAP.** "Client Assistance Program" or
3.2 "CAP" means the federal and state sponsored program through which persons ~~with~~
3.3 ~~disabilities in the vocational rehabilitation program~~ are provided with advocates to
3.4 represent and assist them on matters related to rehabilitation. CAP is governed by Code of
3.5 Federal Regulations, title 34, section 370.

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

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

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

3.13 C. ~~lends~~ provides books ~~which that~~ have been ~~previously~~ custom transcribed
3.14 onto cassette tape, digital media, or into braille ~~and which are kept in the communication~~
3.15 ~~center library~~;

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

3.18 E. lends ~~eassette~~ cassette playback machines ~~and phonographs~~ needed to use cassette
3.19 tapes or ~~dise~~ digital recordings obtained from SSB's communication center or the Library
3.20 of Congress; and

3.21 F. repairs the ~~eassette~~ cassette playback machines, ~~phonographs~~, and radio receivers it
3.22 lends.

3.23 Subp. 12. **Communication skills training.** "Communication skills training" means
3.24 instruction aimed at improving a blind or ~~visually disabled~~ impaired, or deafblind person's
3.25 ability to communicate with others. This training ~~consists of~~ includes instruction in

4.1 one or more of the following: braille; cursive writing; typing; sign language and other
4.2 forms of manual communication; and the use of ~~telecommunications, sensory, and other~~
4.3 ~~technological aids and devices~~ rehabilitation technology which aid communication.

4.4 Subp. 12a. **Community rehabilitation program.** "Community rehabilitation
4.5 program" means a facility as defined in Code of Federal Regulations, title 34, section
4.6 361.5(b)(9), which is operated for the primary purpose of providing rehabilitation services
4.7 to blind persons or other persons with disabilities. Except where specifically excluded, an
4.8 individual providing services to an applicant or eligible individual under an agreement with
4.9 SSB is considered a community rehabilitation program for the purposes of part 3325.0470.

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

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

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

4.18 C. commensurate to the services that the individual would otherwise receive
4.19 from SSB.

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

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

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

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

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

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

5.8 Subp. 15. **Designated representative.** "Designated representative" means a person
5.9 designated by an applicant or ~~client~~ eligible individual to represent the applicant or ~~client~~
5.10 eligible individual in any matter pertaining to a request for or receipt of rehabilitation
5.11 services.

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

5.20 Subp. 16a. **Direct service staff.** "Direct service staff" means SSB employees in the
5.21 independent living and vocational rehabilitation units of SSB designated by the director to
5.22 interact with and assist applicants and eligible individuals in the rehabilitation process.

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

5.24 Subp. 18. [See repealer.]

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

6.4 Subp. 19. [See repealer.]

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

6.11 Subp. 20. **Extended evaluation.** "Extended evaluation" means the diagnostic
6.12 process through which an applicant is provided rehabilitation services to help a
6.13 rehabilitation counselor determine whether the applicant is eligible for rehabilitation
6.14 services under the vocational rehabilitation program. This process is used when SSB
6.15 cannot determine from the preliminary evaluation whether the provision of rehabilitation
6.16 services is likely to enable an applicant to obtain or retain suitable gainful employment
6.17 means the process used in limited circumstances according to Code of Federal
6.18 Regulations, title 34, section 361.42(f), to determine the individual's ability to benefit from
6.19 vocational rehabilitation services.

6.20 Subp. 21. **Family or family member.** "Family" or "Family member" means
6.21 persons related by blood, adoption, or marriage or unrelated persons who live in the same
6.22 household and have a close personal relationship, for purposes of receiving vocational
6.23 rehabilitation services in accordance with Code of Federal Regulations, title 34, sections
6.24 361.5(b)(23) and 361.48(i), an individual:

6.25 A. who either:

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

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

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

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

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

7.8 Subp. 22. **Family income.** "Family income" means the income of ~~a client~~ an eligible
7.9 individual and the following persons:

7.10 A. ~~the client's~~ eligible individual's spouse; and

7.11 B. ~~the client's~~ eligible individual's parent or parents if:

7.12 (1) ~~the client~~ eligible individual is under 18 years of age and living with
7.13 ~~the client's~~ eligible individual's parents; ~~or~~

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

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

7.19 Subp. 23. [See repealer.]

7.20 Subp. 24. [See repealer.]

7.21 Subp. 25. [See repealer.]

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

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

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

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

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

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

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

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

8.13 **Subp. 28. Independent Living Program.** "Independent Living Program" means
8.14 the state and federally funded SSB program under which clients with severe disabilities
8.15 receive rehabilitation services in accordance with individualized written rehabilitation
8.16 plans in order to improve their ability to function independently in which individuals
8.17 whose severe visual impairment makes competitive employment extremely difficult to
8.18 obtain, but for whom independent living goals are feasible, receive services.

8.19 **Subp. 29. Individualized written rehabilitation plan for employment or written**
8.20 **plan IPE.** "Individualized written rehabilitation plan for employment" or "written plan
8.21 IPE" means a written document required for each client identifying, at a minimum, a
8.22 client's rehabilitation objectives and the services necessary to achieve the objectives;
8.23 the individualized written document required for each eligible individual designed to
8.24 achieve the specific employment outcome that is selected by the individual consistent with
8.25 the individual's unique strengths, resources, priorities, concerns, abilities, capabilities,

9.1 interests, and informed choice, and to the maximum extent appropriate, results in
 9.2 employment in an integrated setting, as defined in Code of Federal Regulations, title
 9.3 34, sections 361.45 and 361.46.

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

9.7 A. the identification of available options;

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

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

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

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

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

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

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

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

9.22 Subp. 32. [See repealer.]

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

11.1 or optometric examinations and training necessary for the provision and effective use
11.2 of low vision aids.

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

11.4 A. ~~a rehabilitation counselor~~ an SSB direct service staff person who has
11.5 completed at least 80 hours of training in a low vision training program approved by the
11.6 director ~~in consultation with the optometric or ophthalmologic consultant;~~ or

11.7 B. a person with experience in low vision rehabilitation who has completed
11.8 at least 80 hours of training in a low vision training program approved by the director ~~in~~
11.9 ~~consultation with the optometric or ophthalmologic consultant.~~ The 80 hours of training
11.10 referred to in this item and in item A must include instruction in:

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

11.12 Subp. 41. **Maintenance.** "Maintenance" means ~~the financial assistance provided to a~~
11.13 ~~client or applicant to help pay basic subsistence costs such as food, shelter, and clothing~~
11.14 ~~that result from the provision of other rehabilitation services to the client or applicant~~ the
11.15 minimum monetary support provided to an individual for expenses such as food, shelter,
11.16 and clothing that are in excess of the normal expenses of the individual and that are
11.17 necessitated by the individual's assessment for or participation in a rehabilitation program.

11.18 Subp. 42. [See repealer.]

11.19 Subp. 43. [See repealer.]

11.20 Subp. 44. **Note taking services.** "Note taking services" means the recording ~~in~~
11.21 ~~braille or writing~~ of oral or written communication for later use by ~~clients~~ applicants or
11.22 eligible individuals.

11.23 Subp. 45. **Occupational equipment.** "Occupational equipment" means occupational
11.24 fixtures, vehicles, and machinery normally required ~~by nonhandicapped persons to~~

12.1 ~~operate a business or maintain employment~~ for entry into employment or for efficient job
12.2 performance.

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

12.4 Subp. 47. **Occupational tools.** "Occupational tools" means instruments normally
12.5 required by ~~nonhandicapped persons~~ for entry into employment or for efficient job
12.6 performance.

12.7 Subp. 48. [See repealer.]

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

12.9 Subp. 50. **Orientation and mobility services.** "Orientation and mobility services"
12.10 means ~~instruction and nonmechanical aids such as canes~~ the provision of aids and devices
12.11 and instruction in their use, which enable a client an eligible individual to travel safely and
12.12 independently without sight or with impaired sight. These services include the provision
12.13 of white canes and instruction in cane travel.

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

12.15 Subp. 52. [See repealer.]

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

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

13.1 vocational rehabilitation services. The services may include training in managing,
13.2 supervising, and directing personal assistance services.

13.3 Subp. 53b. **Physical and mental restoration services.** "Physical and mental
13.4 restoration services" means the medical or medically related services provided to correct
13.5 or substantially modify, within a reasonable time, a physical or mental condition which
13.6 is stable or slowly progressive. These services consist of the services listed under the
13.7 definition of physical and mental restoration services in Code of Federal Regulations, title
13.8 34, section 361.5(b)(40).

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

13.10 Subp. 55. **Post employment services.** "Post employment services" refers to
13.11 ~~rehabilitation services provided to help a client maintain employment after the client has~~
13.12 ~~been determined to be rehabilitated under part 3325.0190, subpart 2~~ means, as defined
13.13 in Code of Federal Regulations, title 34, section 361.5(b)(42), one or more vocational
13.14 rehabilitation services that are provided subsequent to the achievement of an employment
13.15 outcome and that are necessary for an individual to maintain, regain, or advance in
13.16 employment, consistent with the individual's strengths, resources, priorities, concerns,
13.17 abilities, capabilities, interests, and informed choice. These services are available to
13.18 meet rehabilitation needs that do not require a complex and comprehensive provision of
13.19 services and, thus, are limited in scope and duration. If more comprehensive services are
13.20 required, then a new rehabilitation effort must be considered.

13.21 Subp. 56. [See repealer.]

13.22 Subp. 57. [See repealer.]

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

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

14.4 ~~A. a person who has contacted or been placed in contact with SSB to inquire~~
14.5 ~~into the possibility of obtaining services but who has not applied for rehabilitation services~~
14.6 ~~under part 3325.0120, subpart 2; or~~

14.7 ~~B. the act of directing a blind person or a person with a visual disability to~~
14.8 ~~SSB for assistance.~~

14.9 Subp. 60. **Referral services.** "Referral services" means counseling or research on
14.10 behalf of a referral, applicant, or ~~client~~ eligible individual for the purpose of directing
14.11 the ~~referral, applicant, or client~~ individual to other agencies and organizations ~~which~~
14.12 that provide financial assistance, rehabilitation services, or other services needed ~~by the~~
14.13 referral, applicant, or client.

14.14 Subp. 61. [See repealer.]

14.15 Subp. 62. [See repealer.]

14.16 Subp. 63. [See repealer.]

14.17 Subp. 64. [See repealer.]

14.18 Subp. 65. **Rehabilitation services.** "Rehabilitation services" means the services
14.19 provided to ~~clients~~ an eligible individual by SSB ~~in accordance with written plans in order~~
14.20 ~~to improve their employability, ability to perform self-care activities, or capacity for~~
14.21 ~~growth and development~~ to achieve employment outcomes or independent living goals.

14.22 Subp. 66. **Rehabilitation teaching services.** "Rehabilitation teaching services"
14.23 means instruction in ~~and nonmechanical aids needed to use~~ the use of alternative
14.24 techniques other than outdoor cane travel, and aids and devices.

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

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

15.9 Subp. 68. [See repealer.]

15.10 Subp. 69. [See repealer.]

15.11 Subp. 70. [See repealer.]

15.12 Subp. 71. [See repealer.]

15.13 Subp. 72. **Services to family members.** "Services to family members₂" refers to
15.14 consistent with Code of Federal Regulations, title 34, sections 361.5(b)(23) and 361.48(i),
15.15 means one or more of the following services provided to members of a client's family in
15.16 order to help the client achieve a rehabilitation goal: rehabilitation services provided by
15.17 SSB programs to members of an eligible individual's family in order to help the individual
15.18 achieve an employment outcome or independent living goal.

15.19 A. ~~one or more of the other rehabilitation services provided by SSB;~~

15.20 B. ~~assistance in adapting to new or altered methods of home management~~
15.21 ~~helpful to the client's rehabilitation;~~

15.22 C. ~~group counseling to help family members understand the potential and needs~~
15.23 ~~of blind persons and persons with visual disabilities;~~

15.24 D. ~~daycare or foster family care for the children or dependent relatives of a~~
15.25 ~~client if necessary to enable the client to implement a written plan; and~~

16.1 E. ~~assistance in locating living quarters which meet the rehabilitation needs of~~
16.2 ~~the client.~~

16.3 Subp. 73. [See repealer.]

16.4 Subp. 74. [See repealer.]

16.5 Subp. 75. [See repealer.]

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

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

16.17 Subp. 77. **State Services for the Blind or SSB.** "State Services for the Blind" or
16.18 "SSB" means the organizational unit of the Department of Employment and Economic
16.19 Development responsible for providing and coordinating the provision of rehabilitation
16.20 services to blind persons and persons with visual ~~disabilities~~ impairments. For purposes
16.21 of the vocational rehabilitation and independent living programs, "State Services for the
16.22 Blind" or "SSB" is the state unit as defined in the Code of Federal Regulations, title 34,
16.23 sections ~~361.1(e)(2)(1)~~ 361.5(b)(14) and ~~361.6(b)~~ 361.13(b).

16.24 Subp. 78. **Substantial handicap impediment to employment.** "Substantial
16.25 ~~handicap~~ impediment to employment," consistent with Code of Federal Regulations,

17.1 title 34, section 361.5(b)(52), means that a disability physical or mental impairment (in
17.2 light of attendant medical, psychological, vocational, educational, communication, and
17.3 other related factors) prevents a person from obtaining, retaining, or preparing for gainful
17.4 employment consistent with the person's capacities and abilities hinders an individual
17.5 from preparing for, entering into, engaging in, or retaining employment consistent with
17.6 the individual's abilities and capabilities.

17.7 Subp. 79. [See repealer.]

17.8 Subp. 80. **Supervisory staff.** "Supervisory staff" means persons, other than the
17.9 director employed by SSB, classified as supervisors or managers by the Minnesota
17.10 Department of Management and Budget ~~in the labor agreement between the state of~~
17.11 ~~Minnesota and the Middle Management Association for 1985 through June 30, 1987, or~~
17.12 ~~in the DOER Managerial Plan for 1985 through June 30, 1987. These publications are~~
17.13 ~~incorporated by reference and are not subject to frequent change. These publications are~~
17.14 ~~available for inspection at the Minnesota State Law Library.~~

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

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

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

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

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

18.3 B. transitional employment, as defined in Code of Federal Regulations, title
18.4 34, section 361.5(b)(56), for eligible individuals with the most significant disabilities
18.5 due to mental illness.

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

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

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

18.18 Subp. 81. **Supportive services.** "Supportive services" means rehabilitation services
18.19 which ~~that~~ facilitate the determination of eligibility for rehabilitation services or the
18.20 provision of other rehabilitation services but which do not, in themselves, provide a person
18.21 with skills or capabilities that will enable the person to function more independently
18.22 without continuation of the services for an unlimited period of time. These services
18.23 include maintenance, transportation services, reader services, note taking services,
18.24 and interpreter services. The services must be necessary to determine eligibility for
18.25 rehabilitation services or to the achievement of an employment outcome or independent

19.1 living goal and may be provided only while the individual is receiving other nonsupportive
19.2 vocational or independent living rehabilitation services.

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

19.10 Subp. 82. [See repealer.]

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

19.23 Subp. 83. **Transportation services.** "Transportation services" means ~~assistance to a~~
19.24 client in obtaining transportation necessary to implement the client's written plan ~~services~~
19.25 defined by Code of Federal Regulations, title 34, section 361.5(b)(57), including travel and
19.26 related expenses that are necessary to determine eligibility for or to enable an individual

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

20.3 Subp. 84. **Visual ~~disability~~ impairment.** "Visual ~~disability~~ impairment" means:

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

20.5 C. a physical condition or progressive loss of visual ability ~~which~~ that will more
20.6 likely than not result in legal blindness.

20.7 Subp. 85. [See repealer.]

20.8 Subp. 86. [See repealer.]

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

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

20.13 B. realize that blindness, visual impairment, and other impairments including
20.14 combined vision and hearing loss are natural parts of the human experience, and that
20.15 most of the physical limitations associated with blindness, visual impairment, and other
20.16 impairments including combined vision and hearing loss can be overcome by learning
20.17 and using alternative techniques;

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

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

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

21.3 Subp. 86b. **Vocational rehabilitation counselor.** "Vocational rehabilitation
 21.4 counselor" means a person classified by the Department of Management and Budget as a
 21.5 rehabilitation counselor and employed by SSB in the vocational rehabilitation program.
 21.6 An individual who meets the qualifications established by the Department of Management
 21.7 and Budget for being a vocational rehabilitation counselor, but is not employed by
 21.8 SSB, shall be considered a vocational rehabilitation counselor for the purposes of part
 21.9 3325.0165, subpart 2, item A, subitem (2), unit (b).

21.10 Subp. 87. **Vocational rehabilitation program.** "Vocational rehabilitation
 21.11 program" means the state and federally funded SSB program under which clients receive
 21.12 rehabilitation an eligible individual receives services leading to an employment outcome
 21.13 in accordance with individualized written plans for the purpose of preparing the clients for
 21.14 gainful employment Code of Federal Regulations, title 34, part 361.

21.15 Subp. 88. **Vocational training services.** "Vocational training services" means
 21.16 instruction and supplies provided to a vocational rehabilitation client eligible individual to
 21.17 help the client eligible individual acquire the knowledge, skills, attitudes, and educational
 21.18 qualifications necessary to obtain and retain gainful achieve an employment consistent
 21.19 with the client's capacities and abilities outcome. These Vocational training services
 21.20 consist of:

21.21 A. tuition and materials normally required for training in an educational
 21.22 program at an institution of higher learning; and

21.23 B. fees and materials normally required for vocational skills training in settings
 21.24 other than institutions of higher learning such as competitive employment settings and
 21.25 workshops.

21.26 Subp. 89. [See repealer.]

22.1 Subp. 90. [See repealer.]

22.2 **3325.0120 ~~APPLICATION PROCEDURE FOR~~ ACCESSING VOCATIONAL**
 22.3 **REHABILITATION PROGRAM SERVICES.**

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

22.7 A. ~~the referred person's name, address, and phone number;~~

22.8 B. ~~the nature of the referred person's disability if known; and~~

22.9 C. ~~the date and source of the referral.~~

22.10 Subp. 2. **Written application.** A written application must be submitted by each
 22.11 person requesting vocational rehabilitation services. The application may be ~~by letter or~~
 22.12 on an application form supplied by SSB, by letter, or by other written means such as a
 22.13 common intake form in a workforce center requesting vocational rehabilitation services.
 22.14 The application must be signed and dated by the applicant or applicant's designated
 22.15 representative ~~and must contain:~~

22.16 A. ~~the information required under subpart 1;~~

22.17 B. ~~the dates of the applicant's most recent general physical and ophthalmologic~~
 22.18 ~~or optometric examinations; and~~

22.19 C. ~~the date of application.~~

22.20 Subp. 3. **Legal representative.** All signature requirements placed on applicants
 22.21 ~~and clients~~ an applicant or eligible individual by parts ~~3325.0100 to 3325.0490~~ this
 22.22 chapter may be satisfied by the signature of an applicant's or client's eligible individual's
 22.23 legal representative. All written notices which must be provided to ~~applicants or clients~~
 22.24 an applicant or eligible individual under parts ~~3325.0100 to 3325.0490~~ this chapter must

23.1 be provided to the applicant's or ~~client's~~ eligible individual's legal representative unless
 23.2 providing the information would violate provisions of the Minnesota Data Practices Act.

23.3 Subp. 4. **Designated representative.** An applicant or ~~client~~ eligible individual or
 23.4 legal representative of the same may designate one person to represent the applicant or
 23.5 ~~client~~ eligible individual in any matter pertaining to the applicant's or ~~client's~~ eligible
 23.6 individual's request for or receipt of rehabilitation services. The applicant or the ~~client~~
 23.7 eligible individual shall designate a representative in writing and shall not designate more
 23.8 than one representative at any given time. SSB shall provide an applicant's or ~~client's~~
 23.9 eligible individual's designated representative with a copy of a written notice only if
 23.10 specifically authorized to do so in writing by the applicant or ~~client~~ eligible individual.

23.11 Subp. 5. **Initial interview.** A vocational rehabilitation counselor shall personally
 23.12 interview each person referred to or who applied to SSB for vocational rehabilitation
 23.13 services within 30 days ~~after the referral is received~~ unless exceptional and unforeseen
 23.14 circumstances beyond SSB's control make it impossible to ~~interview the referral within 30~~
 23.15 ~~days~~ do so or unless otherwise agreed upon by the ~~referral~~ individual and the vocational
 23.16 rehabilitation counselor. As part of the interview, the vocational rehabilitation counselor
 23.17 shall ~~begin to~~:

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

23.23 B. explain the vocational rehabilitation process, including ~~an explanation of the~~
 23.24 ~~differences between the rehabilitation programs offered by SSB~~ roles and responsibilities;

23.25 C. explain other services offered by SSB;

24.1 ~~B. D.~~ request the applicant to provide the information that the counselor knows,
 24.2 ~~at the time of the interview,~~ is needed to determine eligibility; and

24.3 ~~C. E.~~ inform the referral or applicant of the:

24.4 (1) ~~right of confidentiality under subpart 8~~ protection, use, and release of
 24.5 personal information in accordance with Code of Federal Regulations, title 34, section
 24.6 361.38, and Minnesota Statutes, section 13.791;

24.7 (2) right of appeal under ~~parts 3325.0480 and 3325.0490~~ part 3325.0478;
 24.8 and

24.9 (3) ~~right to and means of obtaining assistance under the~~ services available
 24.10 and information on how to contact the client assistance program; and

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

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

24.15 Subp. 6. **Selection of program.** ~~SSB shall assess an applicant's eligibility for the~~
 24.16 ~~vocational rehabilitation program unless the applicant expressly and unequivocally states~~
 24.17 ~~that the applicant does not want to pursue a vocational goal~~ direct service staff shall
 24.18 assume that all referrals to SSB are for the purpose of vocational rehabilitation unless
 24.19 the referral expressly and unequivocally states the referral does not want to pursue an
 24.20 employment outcome. In that case, SSB shall assess provide the applicant's eligibility for
 24.21 ~~the independent living, self-care, or child rehabilitation program, whichever the applicant~~
 24.22 ~~and rehabilitation counselor select~~ individual with information about other SSB programs.

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

25.1 Subp. 8. **Access to contents of case record of services.** Access to the contents
25.2 of an applicant's or ~~client's case~~ eligible individual's record of services or to any other
25.3 information maintained by SSB ~~which~~ that pertains to an applicant or ~~client~~ eligible
25.4 individual must be administered by SSB in accordance with the Minnesota Data Practices
25.5 Act, Minnesota Statutes, chapter 13, and all other applicable laws and regulations.

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

25.9 **3325.0130 CONDITIONS OF ELIGIBILITY.**

25.10 An applicant is eligible for rehabilitation services under the vocational rehabilitation
25.11 program only if: a vocational rehabilitation counselor determines that the conditions of
25.12 either item A or B are met.

25.13 A. The applicant has a visual ~~disability that constitutes or results in a substantial~~
25.14 ~~handicap to employment; and~~ impairment and meets the following conditions:

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

25.17 (2) a vocational rehabilitation counselor determines that the applicant
25.18 requires vocational rehabilitation services to prepare for, secure, retain, or regain
25.19 employment consistent with the applicant's unique strengths, resources, priorities,
25.20 concerns, abilities, capabilities, interests, and informed choice.

25.21 If the applicant meets both requirements, SSB shall presume the applicant can benefit
25.22 from the provision of vocational rehabilitation services in terms of employment, unless
25.23 clear and convincing evidence demonstrates the individual is incapable of benefiting in
25.24 terms of an employment outcome. Prior to any determination that an applicant is incapable
25.25 of benefiting from vocational rehabilitation services in terms of an employment outcome
25.26 because of the severity of the applicant's impairment, SSB must conduct a trial work

26.1 experience pursuant to part 3325.0145, or if the applicant cannot take advantage of a trial
26.2 work experience, an extended evaluation pursuant to part 3325.0150.

26.3 ~~B. there is a reasonable expectation that providing the applicant with~~
26.4 ~~rehabilitation services available under part 3325.0180 is likely to enable the applicant to~~
26.5 ~~obtain or retain suitable gainful employment. The applicant has been determined eligible~~
26.6 for Social Security benefits under Title II or Title XVI of the Social Security Act based
26.7 upon a visual impairment, in which case the applicant is presumed eligible consistent with
26.8 Code of Federal Regulations, title 34, section 361.42(a)(3).

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

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

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

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

26.20 **3325.0135 PRIORITY FOR SERVICES UNDER AN ORDER OF SELECTION.**

26.21 An eligible individual must be assigned a priority of service status if SSB is under
26.22 an order of selection according to Code of Federal Regulations, title 34, sections 361.36
26.23 and 361.42(g). SSB's order of selection policy shall be identified in the Minnesota state
26.24 plan for vocational rehabilitation services according to Code of Federal Regulations, title
26.25 34, section 361.36(a)(1). The Minnesota state plan for vocational rehabilitation services
26.26 is incorporated by reference, is not subject to frequent change, and is available at SSB's

27.1 offices. The eligible individual assigned to a priority of services status must be provided
 27.2 a description of services available from and information on how to contact the client
 27.3 assistance program.

27.4 **3325.0140 PRELIMINARY EVALUATION INFORMATION REQUIRED TO**
 27.5 **DETERMINE ELIGIBILITY AND PRIORITY FOR SERVICES.**

27.6 Subpart 1. **Purpose of evaluation.** SSB shall conduct a preliminary evaluation an
 27.7 assessment to determine whether an applicant is eligible for ~~rehabilitation~~ services under
 27.8 the vocational rehabilitation program and the applicant's priority for services.

27.9 Subp. 2. **Scope of evaluation.** Each eligibility and priority for services determination
 27.10 must be based on the information specified in items A; and B; ~~and C.~~

27.11 A. A written report ~~which~~ that documents the results of a medical eye or
 27.12 optometric examination of the applicant and ~~which~~ is signed by a physician or optometrist.
 27.13 The report contains sufficient information for eligibility purposes if ~~in conjunction with~~
 27.14 ~~the report required under item B;~~ it enables the applicant's vocational rehabilitation
 27.15 counselor ~~or the ophthalmologic consultant~~ who reviews the report to determine whether
 27.16 the applicant is ~~blind or~~ has a visual disability impairment as of the date of application.

27.17 B. ~~A written report which documents the results of a general medical~~
 27.18 ~~examination of the applicant and which is signed by a physician. The report contains~~
 27.19 ~~sufficient information for eligibility purposes if it enables the applicant's rehabilitation~~
 27.20 ~~counselor or the medical consultant who reviews the report to determine whether the~~
 27.21 ~~applicant has any nonvisual disabilities as of the date of application which could limit the~~
 27.22 ~~applicant's ability to make improvements in employability.~~

27.23 C. B. To the extent necessary, information regarding the applicant's employment
 27.24 history and, educational background, and medical and other information needed to
 27.25 determine whether:

28.1 (1) the applicant's visual ~~disability~~ impairment constitutes or results in a
28.2 substantial ~~handicap~~ impediment to employment; and

28.3 (2) ~~there is a reasonable expectation that providing the applicant with~~
28.4 ~~rehabilitation services available under part 3325.0180 is likely to enable the applicant~~
28.5 ~~to obtain or retain suitable gainful employment~~ the applicant requires vocational
28.6 rehabilitation services under part 3325.0180 to prepare for, secure, retain, or regain
28.7 employment consistent with the applicant's unique strengths, resources, priorities,
28.8 concerns, abilities, capabilities, interests, and informed choice.

28.9 ~~If the information provided under this subpart indicates that the applicant has or may~~
28.10 ~~have a mental disorder, the applicant must be examined by a psychiatrist or psychologist.~~

28.11 Subp. 3. **Notice of eligibility.** After a vocational rehabilitation counselor has
28.12 determined that an applicant is eligible for rehabilitation services, the vocational
28.13 rehabilitation counselor shall inform the applicant in writing of the eligibility
28.14 determination. The notice must be mailed ~~or personally delivered~~ by SSB within ten
28.15 working days after ~~certification of eligibility under the Code of Federal Regulations, title~~
28.16 ~~34, section 361.35(a)~~ determination and shall inform the applicant that individuals who
28.17 receive services must intend to achieve an employment outcome.

28.18 Subp. 3a. **Procedures for ineligibility determination.** If SSB determines that an
28.19 applicant is ineligible for vocational rehabilitation services, SSB must:

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

28.22 B. inform the applicant in writing within ten working days after determination,
28.23 supplemented as necessary by other appropriate modes of communication consistent
28.24 with the informed choice of the applicant, of the ineligibility determination, including
28.25 the reasons for the determination, the requirements under this part, and right of appeal
28.26 under part 3325.0478;

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

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

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

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

29.12 Subp. 4. [See repealer.]

29.13 Subp. 5. [See repealer.]

29.14 Subp. 6. [See repealer.]

29.15 Subp. 7. [See repealer.]

29.16 **3325.0142 CLOSURE WITHOUT AN ELIGIBILITY DECISION.**

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

29.22 **3325.0145 TRIAL WORK EXPERIENCE.**

29.23 Subpart 1. Purpose. Prior to a determination that an individual with a disability is
29.24 incapable of benefiting from services in terms of employment because of the severity of
30.1 that disability, SSB must conduct an exploration of the individual's abilities, capabilities,

30.2 and capacity to perform in realistic work situations to determine whether clear and
30.3 convincing evidence supports such a determination. Where an individual cannot take
30.4 advantage of a trial work period under this part, an extended evaluation under part
30.5 3325.0150 must be conducted.

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

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

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

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

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

30.21 **3325.0150 EXTENDED EVALUATION.**

30.22 ~~Subpart 1. **Purpose and eligibility.** SSB shall conduct an extended evaluation to~~
30.23 ~~determine whether the provision of rehabilitation services is likely to enable the applicant~~
30.24 ~~to obtain or retain suitable gainful employment if:~~ Where an individual cannot take
30.25 advantage of a trial work period under part 3325.0145, an extended evaluation must
31.1 be conducted to determine whether there is sufficient evidence to conclude that the

31.2 individual can benefit from the provision of vocational rehabilitation services in terms
31.3 of employment outcome or if there is clear and convincing evidence that an individual
31.4 with a disability is incapable of benefiting from services in terms of employment because
31.5 of the severity of that disability.

31.6 ~~A. the applicant has a visual disability which constitutes a substantial handicap~~
31.7 ~~to employment; and~~

31.8 ~~B. SSB is unable to determine whether there is a reasonable expectation that~~
31.9 ~~the provision of rehabilitation services is likely to enable the applicant to obtain or retain~~
31.10 ~~suitable gainful employment without an extended evaluation to determine the applicant's~~
31.11 ~~vocational rehabilitation potential.~~

31.12 Subp. 2. **Individualized written rehabilitation Plan.** ~~After SSB determines that an~~
31.13 ~~extended evaluation is required under subpart 1, an individualized written rehabilitation~~
31.14 ~~plan must be developed and signed by the applicant and the applicant's rehabilitation~~
31.15 ~~counselor. SSB shall provide the applicant with a copy of the written plan which must~~
31.16 ~~contain the information specified in items A to D: SSB must develop a written plan for~~
31.17 ~~providing only those services necessary to make a determination whether or not there is~~
31.18 ~~clear and convincing evidence that an individual with a disability is incapable of benefiting~~
31.19 ~~from services in terms of employment because of the severity of that disability. Services~~
31.20 ~~must be provided in the most integrated setting possible, consistent with informed choice~~
31.21 ~~and rehabilitation needs of the individual.~~

31.22 ~~A. the basis on which the applicant was determined eligible for an extended~~
31.23 ~~evaluation;~~

31.24 ~~B. the specific services to be provided to the applicant and the anticipated~~
31.25 ~~starting date and duration of each service;~~

32.1 ~~C. the terms and conditions for the provision of services under the extended~~
 32.2 ~~evaluation, including the terms and conditions specified in part 3325.0170, subpart 2,~~
 32.3 ~~item F; and~~

32.4 ~~D. the information specified in part 3325.0170, subpart 2, items H to J, and~~
 32.5 ~~the views of the applicant concerning the services the applicant is to receive under the~~
 32.6 ~~written plan.~~

32.7 Subp. 3. **Services available** Scope and duration. All the services available to
 32.8 clients under the vocational rehabilitation program must be available to applicants
 32.9 undergoing extended evaluations except vocational training services; postemployment
 32.10 services; job placement services; occupational licenses; occupational tools; occupational
 32.11 equipment; and initial stocks and supplies. Extended evaluation services must be of
 32.12 sufficient variety and period of time to determine that:

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

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

32.18 Subp. 4. [See repealer.]

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

32.22 **3325.0165 DEVELOPMENT OF INDIVIDUALIZED PLAN FOR EMPLOYMENT**
 32.23 **(IPE).**

32.24 Subpart 1. **Purpose.** SSB must conduct an assessment for determining vocational
 32.25 rehabilitation needs, if appropriate, for each eligible individual or, if SSB is operating

33.1 under an order of selection, for each eligible individual to whom SSB is able to provide
33.2 services. The purpose of this comprehensive assessment is to determine the employment
33.3 outcome and the nature and scope of vocational rehabilitation services to be included in
33.4 the IPE. The IPE must:

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

33.8 B. to the maximum extent appropriate, result in employment in an integrated
33.9 setting.

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

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

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

33.18 (2) with assistance from:

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

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

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

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

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

34.3 (2) as appropriate to each eligible individual:

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

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

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

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

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

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

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

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

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

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

34.22 (3) the entity or entities that will provide the vocational rehabilitation
34.23 services; and

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

- 35.1 C. the IPE is:
- 35.2 (1) agreed to and signed by the eligible individual or, as appropriate, the
35.3 individual's representative; and
- 35.4 (2) approved and signed by a qualified vocational rehabilitation counselor
35.5 employed by SSB;
- 35.6 D. a copy of the IPE and a copy of any amendments to the employment plan
35.7 are provided to the eligible individual or, as appropriate, the individual's representative,
35.8 in writing and, if appropriate, in the native language or mode of communication of the
35.9 individual or, as appropriate, the individual's representative;
- 35.10 E. the IPE is reviewed at least annually by a vocational rehabilitation counselor
35.11 and the eligible individual or, as appropriate, the individual's representative to assess the
35.12 eligible individual's progress in achieving the identified employment outcome;
- 35.13 F. the IPE is amended, as necessary, by the individual or, as appropriate, the
35.14 individual's representative, in collaboration with a qualified vocational rehabilitation
35.15 counselor employed or not employed by SSB, if there are substantive changes in the
35.16 employment outcome, the vocational rehabilitation services to be provided, or the
35.17 providers of the vocational rehabilitation services;
- 35.18 G. amendments to the IPE do not take effect until agreed to and signed by the
35.19 eligible individual or, as appropriate, the individual's representative and by a qualified
35.20 vocational rehabilitation counselor employed by SSB;
- 35.21 H. if SSB intends to amend an eligible individual's IPE without the agreement
35.22 of the eligible individual or the individual's representative, SSB must:
- 35.23 (1) send notice to the eligible individual by certified mail of the proposed
35.24 amendment at least ten working days prior to the effective date of the proposed

36.1 amendment, unless circumstances beyond SSB's control make the time requirement
36.2 impractical;

36.3 (2) provide in the notice the basis for and effective date of the proposed
36.4 amendment;

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

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

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

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

36.12 (2) in accordance with the plans, policies, procedures, and terms of the
36.13 interagency agreement required under Code of Federal Regulations, title 34, section
36.14 361.22.

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

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

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

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

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

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

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

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

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

37.18 **3325.0175 CONTENT OF IPE.**

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

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

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

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

38.3 B. a description of the specific rehabilitation services under part 3325.0180
38.4 that are:

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

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

38.10 C. time lines for the achievement of the employment outcome and for the
38.11 initiation of services;

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

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

38.17 F. the terms and conditions of the IPE, including, as appropriate, the information
38.18 describing:

38.19 (1) the responsibilities of SSB;

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

38.21 (a) the responsibilities the individual will assume in relation to
38.22 achieving the employment outcome;

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

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

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

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

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

39.9 B. specify the expected extended services needed, which may include natural
39.10 supports;

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

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

39.18 E. provide for the coordination of services provided under an IPE with
39.19 services provided under other individualized plans established under other federal or
39.20 state programs;

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

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

40.1 capabilities, interests, and informed choice of individuals with the most significant
40.2 disabilities.

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

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

40.7 B. a description of the terms and conditions for the provision of any
40.8 postemployment services; and

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

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

40.16 **3325.0180 SCOPE OF SERVICES.**

40.17 SSB provides the following services to vocational rehabilitation ~~clients~~ eligible
40.18 individuals subject to the conditions specified in part 3325.0420:

40.19 A. adjustment to blindness services ~~which~~ that consist of vocational
40.20 rehabilitation counseling, rehabilitation teaching services, and orientation and mobility
40.21 services;

40.22 B. advocacy services;

40.23 C. communication center services;

40.24 D. diagnostic ~~evaluation~~ assessment services;

- 41.1 E. interpreter services;
- 41.2 F. ~~job placement~~ job-related services;
- 41.3 G. low vision services;
- 41.4 H. maintenance;
- 41.5 I. note-taking services;
- 41.6 J. occupational licenses, tools, equipment, and initial stocks and supplies;
- 41.7 K. personal assistance services;
- 41.8 L. physical and mental restoration services;
- 41.9 ~~K.~~ M. postemployment services;
- 41.10 ~~L.~~ N. reader services;
- 41.11 ~~M.~~ O. referral services;
- 41.12 ~~N.~~ ~~restoration services;~~
- 41.13 ~~O.~~ P. services to family members;
- 41.14 Q. supported employment services;
- 41.15 R. technical assistance and other consultation services;
- 41.16 ~~P.~~ S. ~~telecommunications, sensory, and other technological aids and devices~~
- 41.17 rehabilitation technology;
- 41.18 T. transition services;
- 41.19 ~~Q.~~ U. transportation services;
- 41.20 ~~R.~~ V. vocational training services; and
- 41.21 ~~S.~~ W. other goods and services related to employment or vocational training.

41.22 **3325.0190 ~~TERMINATION~~ CLOSING THE RECORD OF SERVICES.**

42.1 Subpart 1. ~~Conditions for refusing services to referrals, applicants, and~~
 42.2 ~~unrehabilitated clients~~ Closing the record of services of individuals who have not
 42.3 achieved an employment outcome. ~~SSB may refuse to provide or terminate the provision~~
 42.4 ~~of services to a referral, applicant, or unrehabilitated vocational rehabilitation client only~~
 42.5 ~~if the referral, applicant, or client~~ The record of services of an individual who has not
 42.6 achieved an employment outcome will be closed when the individual:

42.7 A. does not satisfy the eligibility conditions of the program identified in part
 42.8 3325.0130; or

42.9 B. ~~has left the state or been impossible~~ not responded to multiple and varied
 42.10 attempts to contact by telephone at work, at home, or at the person's last known place of
 42.11 employment and has not responded to correspondence requesting a response mailed to
 42.12 the person's last known address and containing a specific notification that the failure to
 42.13 respond within 15 calendar days after mailing shall result in the refusal to provide or
 42.14 termination of the provision closure of the individual's record of services; ~~or~~

42.15 C. has died; ~~or~~

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

42.18 E. has refused to comply with any of the requirements of parts 3325.0120 to
 42.19 ~~3325.0470~~ 3325.0490 or with any terms or conditions in the ~~client's~~ eligible individual's
 42.20 written plan IPE; or

42.21 F. has refused repeatedly to accept or use the rehabilitation services necessary to
 42.22 rehabilitate the ~~client~~ eligible individual. Before ~~terminating~~ closing the record of services
 42.23 or refusing to provide services based on this condition, the client's eligible individual's
 42.24 vocational rehabilitation counselor shall explain to the client eligible individual the

42.25 purpose of the program and the services to be provided and shall encourage the client's
 42.26 eligible individual's participation.

43.1 Subp. 2. **Conditions for ~~terminating the provision of services to rehabilitated~~**
 43.2 **clients closing the record of services of individuals who have achieved an employment**
 43.3 **outcome.** ~~SSB shall terminate services being provided to a vocational rehabilitation client~~
 43.4 ~~due to rehabilitation of the client only if the client~~ The record of services of an individual
 43.5 who has achieved an employment outcome will be closed when the individual has:

43.6 A. ~~achieved the rehabilitation goal~~ employment outcome identified in the
 43.7 client's eligible individual's written plan IPE, and:

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

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

43.12 B. ~~received rehabilitation services in accordance with the client's written plan~~
 43.13 ~~consisting, at a minimum, of rehabilitation counseling and an evaluation of the client's~~
 43.14 ~~vocational rehabilitation potential~~ maintained employment for at least 90 calendar days
 43.15 and the eligible individual and vocational rehabilitation counselor agree that no further
 43.16 vocational rehabilitation services are needed, the employment outcome is satisfactory, and
 43.17 the eligible individual is performing well; and

43.18 C. ~~obtained and retained suitable gainful employment for a period of not~~
 43.19 ~~less than 60 days~~ been informed through appropriate modes of communication of the
 43.20 availability of postemployment services.

43.21 Subp. 3. **Consultation prior to termination closing the record of services.** If SSB
 43.22 expects to ~~terminate~~ discontinue services a client an eligible individual is receiving under
 43.23 a written plan IPE because the client eligible individual no longer satisfies the eligibility

43.24 conditions identified in part 3325.0130, SSB shall, before ~~termination~~ closing the record
 43.25 of services, offer the ~~client~~ eligible individual a clear opportunity to discuss the anticipated
 44.1 ~~termination in accordance with the~~ closing of the case record according to Code of Federal
 44.2 Regulations, title 34, section ~~361.40(d)(1)~~ 361.43.

44.3 Subp. 4. **Notice of ~~termination~~ closing the record of services and amendment**
 44.4 **to ~~written~~ employment plan**. If a ~~client's services are to be terminated~~ an eligible
 44.5 individual's record of services is to be closed for reasons other than successful
 44.6 rehabilitation under subpart 2, or death, SSB shall notify the ~~client~~ eligible individual
 44.7 of the proposed ~~termination~~ closing of the record of services in accordance with part
 44.8 ~~3325.0170~~ 3325.0165, subpart ~~6~~ 3, item H. When the services are ~~terminated~~ discontinued,
 44.9 SSB shall amend the ~~client's~~ eligible individual's written ~~plan~~ IPE to reflect ~~the termination~~
 44.10 closing the record of services. The amendment must contain a summary or description of
 44.11 the information or circumstances upon which the ~~termination~~ closure decision was based.
 44.12 If the ~~termination~~ closure decision was based on the ~~client's~~ eligible individual's refusal
 44.13 to accept or use necessary services provided by SSB, the amendment must include a
 44.14 description of the efforts made by SSB to encourage the ~~client's~~ eligible individual's
 44.15 participation in the vocational rehabilitation process.

44.16 **3325.0200 CASE RECORD OF SERVICES.**

44.17 SSB shall maintain for each applicant and ~~client~~ eligible individual a case record of
 44.18 services that contains the information required under the Code of Federal Regulations,
 44.19 title 34, section ~~361.39~~ 361.47.

44.20 **3325.0205 ACCESSING INDEPENDENT LIVING PROGRAM**
 44.21 **REHABILITATION SERVICES.**

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

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

45.4 A. explain the independent living services available;

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

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

45.8 D. inform the individual of the:

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

45.12 (2) right of appeal under part 3325.0478;

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

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

45.17 Subp. 3. **Legal representative.** All signature requirements placed on individuals
45.18 by parts 3325.0205 to 3325.0478 may be satisfied by the signature of an individual's
45.19 legal representative. All written notices that must be provided to individuals under parts
45.20 3325.0205 to 3325.0490 must be provided to the individual's legal representative unless
45.21 providing the information would violate provisions of the Minnesota Data Practices Act.

45.22 Subp. 4. **Designated representative.** An individual or an individual's legal
45.23 representative may designate one person to represent the individual in any matter

45.24 pertaining to the individual's request for or receipt of independent living rehabilitation
45.25 services. The individual must designate a representative in writing and may not designate
46.1 more than one representative at any given time. SSB must provide an individual's
46.2 designated representative with a copy of a written notice only if specifically authorized to
46.3 do so in writing by the individual.

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

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

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

46.14 **3325.0208 PRIORITY FOR SERVICES IF FUNDS ARE NOT AVAILABLE.**

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

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

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

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

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

47.1 **3325.0210 CONDITIONS OF ELIGIBILITY.**

47.2 An applicant individual is eligible ~~for~~ to receive rehabilitation services under the
47.3 independent living program only if:

47.4 A. the applicant individual has a severe visual disability ~~that constitutes or is~~
47.5 ~~accompanied by a severe disability~~ impairment;

47.6 B. ~~the applicant's visual disability, alone or in conjunction with other disabilities,~~
47.7 ~~results in a severe limitation in ability to function independently in family or community;~~
47.8 ~~and severe visual impairment makes competitive employment extremely difficult to obtain;~~

47.9 C. ~~there is a reasonable expectation that providing the applicant with~~
47.10 ~~rehabilitation services available under part 3325.0250 is likely to significantly assist~~
47.11 ~~the applicant in improving the applicant's ability to function independently in family or~~
47.12 ~~community.~~ independent living goals are feasible for the individual; and

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

47.15 **3325.0220 ~~PRELIMINARY EVALUATION~~ INTERVIEW AND ASSESSMENT.**

47.16 Subpart 1. **Purpose of evaluation interview and assessment.** SSB shall conduct
47.17 ~~a preliminary evaluation~~ an initial interview to determine whether an applicant individual
47.18 is eligible for rehabilitation services under the independent living program.

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

47.21 A. An oral description by the individual of the individual's visual impairment,
47.22 observation by the SSB direct service staff, or a written report which documents the
47.23 results of a medical eye or optometric examination of the applicant and which is signed by

47.24 ~~a physician or optometrist. The~~ description, observation by the SSB direct service staff,
47.25 or report contains sufficient information for eligibility purposes if, ~~in conjunction with~~
48.1 ~~the report required under item B,~~ it enables the applicant's rehabilitation counselor or the
48.2 ~~ophthalmologic consultant who reviews the report~~ SSB direct service staff interviewing
48.3 the individual to determine whether the ~~applicant is blind or~~ individual has a severe visual
48.4 disability as of the date of application impairment.

48.5 B. ~~A written report which documents the results of a general medical~~
48.6 ~~examination of the applicant and which is signed by a physician~~ discussion by the SSB
48.7 direct service staff and the individual regarding the individual's employment status and
48.8 interests. ~~The report~~ discussion contains sufficient information for eligibility purposes if
48.9 it enables the applicant's rehabilitation counselor or the medical consultant who reviews
48.10 ~~the report~~ SSB direct service staff to determine whether the applicant has any nonvisual
48.11 ~~disabilities as of the date of application which could limit the applicant's ability to make~~
48.12 ~~improvements in independent functioning~~ individual's severe visual impairment makes
48.13 competitive employment extremely difficult to obtain.

48.14 C. Other information regarding the ~~applicant's employment history and~~
48.15 ~~educational background and other information needed to determine whether:~~ individual
48.16 to determine if independent living goals are feasible and whether the individual's school
48.17 district is legally obligated to provide independent living services.

48.18 (1) ~~the applicant's ability to function independently in family or community~~
48.19 ~~is severely limited by a visual disability and by any other disability that may be present; and~~

48.20 (2) ~~there is a reasonable expectation that providing the applicant with~~
48.21 ~~rehabilitation services available under part 3325.0250 is likely to significantly assist~~
48.22 ~~the applicant in improving the applicant's ability to function independently in family~~
48.23 ~~or community.~~

48.24 Subp. 3. **Notice of eligibility.** After a ~~rehabilitation counselor~~ an SSB direct
 48.25 service staff has determined that an ~~applicant~~ individual is eligible for independent living
 48.26 rehabilitation services, the ~~rehabilitation counselor~~ SSB direct service staff shall inform
 49.1 the ~~applicant in writing~~ individual of the eligibility determination. The ~~notice must be~~
 49.2 ~~mailed or personally delivered by SSB within ten working days after certification of~~
 49.3 ~~eligibility under the Code of Federal Regulations, title 34, section 365.33(a).~~

49.4 Subp. 4. **Prior consultation.** If SSB expects to find an ~~applicant~~ individual ineligible
 49.5 for rehabilitation services, SSB shall, before making its final determination, offer the
 49.6 ~~applicant~~ individual a clear opportunity to discuss the anticipated determination.

49.7 Subp. 5. **Notice of ineligibility.** After a ~~rehabilitation counselor~~ an SSB direct service
 49.8 staff has determined that an ~~applicant~~ individual is ineligible for rehabilitation services,
 49.9 the ~~rehabilitation counselor~~ SSB direct service staff shall inform the ~~applicant~~ individual
 49.10 in writing of the reasons for the determination, the ~~applicant's~~ individual's appeal rights
 49.11 under ~~parts 3325.0480 and 3325.0490~~ part 3325.0478, and the ~~applicant's right to~~
 49.12 ~~and means of obtaining assistance under~~ a description of services available from and
 49.13 information on how to contact the client assistance program. The notice must be mailed
 49.14 ~~or personally delivered by SSB within ten working days after certification of ineligibility~~
 49.15 ~~under the Code of Federal Regulations, title 34, section 365.33(b)~~ the determination.

49.16 Subp. 6. [See repealer.]

49.17 **3325.0230 THOROUGH EVALUATION ASSESSMENT.**

49.18 Subpart 1. **Purpose of evaluation assessment.** After a ~~client~~ an individual is
 49.19 determined eligible for ~~rehabilitation services under the independent living program~~
 49.20 services and before formulating the ~~client's written plan~~ an ILCSR, the ~~client~~ eligible
 49.21 individual and the ~~client's rehabilitation counselor~~ SSB direct service staff shall conduct a
 49.22 thorough ~~evaluation~~ assessment to identify the independent living ~~rehabilitation goal~~ the
 49.23 ~~client will pursue~~ goals and the services needed to achieve the goal goals.

49.24 Subp. 2. **Scope of evaluation assessment.** The thorough ~~evaluation~~ assessment of
49.25 each ~~independent living client~~ eligible individual must consist of a review ~~by the client~~
49.26 ~~and the client's rehabilitation counselor~~ of the following:

50.1 A. ~~The client's work history, level of education, relative performance in school,~~
50.2 ~~and major areas of educational emphasis.~~

50.3 B. ~~A.~~ The client's eligible individual's nonvocational interests.

50.4 C. ~~B.~~ The client's eligible individual's beliefs and concerns regarding the
50.5 client's ~~blindness or visual disability~~ severe visual impairment and any other information
50.6 ~~the client or rehabilitation counselor considers~~ that is important in assessing the degree
50.7 of independent living counseling needed ~~by the client~~ to overcome any self-doubts caused
50.8 by the client's ~~blindness or visual disability~~ severe visual impairment or other impairments
50.9 such as combined vision and hearing loss.

50.10 D. ~~C.~~ The client's eligible individual's ability to travel independently and need
50.11 for orientation and mobility services.

50.12 E. ~~D.~~ The client's eligible individual's communication skills and need for braille
50.13 instruction, computer, and other communication skills training.

50.14 F. ~~E.~~ The client's ~~self-care and homemaking~~ eligible individual's personal
50.15 management skills and the need for rehabilitation teaching services.

50.16 G. ~~F.~~ The client's eligible individual's ability to use residual vision and the
50.17 extent to which low vision services could be used ~~by the client in helping the client~~
50.18 ~~perform~~ to assist the individual in performing specific educational ~~or self-care activities~~
50.19 ~~which the client and rehabilitation counselor expect will be involved in implementing the~~
50.20 ~~client's written plan~~ activities or activities of daily living.

50.21 H. ~~The reports obtained for the preliminary evaluation under part 3325.0220,~~
50.22 ~~subpart 2, and the results of any additional medical, optometric or audiological~~

50.23 ~~examinations which the client's rehabilitation counselor, in consultation with the medical~~
 50.24 ~~or ophthalmologic consultant, considers necessary to determine how and to what extent~~
 50.25 ~~the client's disability can be corrected or minimized by restoration services.~~

51.1 ~~F. G.~~ Any other information needed to determine the client's eligible individual's
 51.2 independent living rehabilitation goal goals and rehabilitation service needs.

51.3 **3325.0240 INDIVIDUALIZED WRITTEN REHABILITATION PLAN**
 51.4 **INDEPENDENT LIVING CUSTOMER SERVICE RECORD (ILCSR).**

51.5 Subpart 1. **Preparation of written plan.** After a thorough evaluation is completed,
 51.6 the client eligible individual and the client's rehabilitation counselor SSB direct service
 51.7 staff shall jointly prepare an individualized written rehabilitation plan for the client. The
 51.8 written plan must be signed by the rehabilitation counselor and the client. The client must
 51.9 be provided with a copy of the written plan independent living customer service record
 51.10 (ILCSR). The ILCSR is primarily an electronic record of all documentation regarding
 51.11 SSB's communications with and services provided to eligible individuals.

51.12 Subp. 2. **Contents of written plan ILCSR.** The written plan ILCSR must contain
 51.13 the following information:

51.14 A. The independent living rehabilitation goal goals which the rehabilitation
 51.15 counselor SSB direct service staff and client eligible individual have agreed to pursue and
 51.16 the intermediate rehabilitation objectives necessary to attain the client's rehabilitation goal.

51.17 B. The specific rehabilitation services which that the client eligible individual
 51.18 must receive in order to achieve the client's intermediate rehabilitation objectives and
 51.19 independent living rehabilitation goal goals.

51.20 C. ~~The projected duration of each rehabilitation service to be provided to the~~
 51.21 ~~client and the projected period of time within which the client is anticipated to achieve the~~
 51.22 ~~rehabilitation goal.~~

51.23 ~~D. The views of the client concerning the client's rehabilitation goal,~~
 51.24 ~~intermediate rehabilitation objectives, and the services to be provided under the plan.~~

52.1 ~~E. A summary of the client's appeal rights under parts 3325.0480 and~~
 52.2 ~~3325.0490 and the means by which the client can obtain assistance through the client~~
 52.3 ~~assistance program.~~

52.4 ~~F. The identity of and means by which the client can contact organized support~~
 52.5 ~~and advocacy groups of the blind or deaf-blind in Minnesota.~~

52.6 Subp. 3. **Basis for contents of written plan the ILCSR.** The independent living
 52.7 rehabilitation goal goals and services identified in a client's written plan an eligible
 52.8 individual's ILCSR must be based on and supported by information obtained in the
 52.9 client's preliminary and thorough evaluations assessments and any subsequent information
 52.10 developed during the rehabilitation process in assessing the client's eligible individual's
 52.11 rehabilitation potential and service needs.

52.12 Subp. 4. **Assessment of progress under written plan.** The client eligible individual
 52.13 and the client's rehabilitation counselor SSB direct service staff shall assess the client's
 52.14 progress under the written plan towards the independent living rehabilitation goals as
 52.15 frequently as necessary, but at least once a year according to the schedule established in
 52.16 the written plan. The client must be offered an opportunity to participate in the assessment
 52.17 which must consist of a review of information relevant to the client's progress toward the
 52.18 intermediate rehabilitation objectives and rehabilitation goal in the plan. An in-person
 52.19 assessment is required if so requested by the client and if the client agrees to meet with the
 52.20 counselor at the appropriate SSB office or if an in-person assessment would not involve
 52.21 travel to a distant location by the counselor.

52.22 Subp. 5. **Amendment to written plan ILCSR.** A client's written plan An eligible
 52.23 individual's ILCSR must be amended jointly by the client eligible individual and the
 52.24 client's rehabilitation counselor SSB direct service staff at any time when necessary to

52.25 reflect changes in the client's service needs, ~~financial situation~~, health, ~~intermediate~~
 52.26 ~~rehabilitation objectives~~, or independent living rehabilitation goal goals. ~~Both the client~~
 53.1 ~~and the client's rehabilitation counselor must re-sign the written plan when both have~~
 53.2 ~~agreed on an amendment.~~

53.3 **3325.0250 SCOPE OF SERVICES TO CLIENTS ELIGIBLE INDIVIDUALS AND**
 53.4 **ADJUSTMENT OF LIMITATIONS.**

53.5 Subpart 1. Scope of services. SSB provides the following services to independent
 53.6 living ~~clients~~ eligible individuals subject to the conditions specified in part 3325.0420
 53.7 and those contained in this part:

53.8 A. ~~adjustment to~~ group and individual blindness services ~~which~~ that consist
 53.9 of ~~rehabilitation~~ independent living counseling, rehabilitation teaching services, and
 53.10 orientation and mobility services;

53.11 [For text of items B and C, see M.R.]

53.12 D. ~~diagnostic evaluation~~ assessment services;

53.13 E. interpreter services;

53.14 F. low vision services; with the following limitations:

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

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

53.18 G. maintenance;

53.19 H. ~~note-taking services;~~

53.20 I. ~~reader services;~~

53.21 ~~J.~~ H. referral services;

53.22 ~~K.~~ ~~restoration services;~~

53.23 ~~L. I.~~ services to family members identified in part 3325.0110, subpart 72, ~~items~~
53.24 ~~B, C, and E~~ up to a limit of \$300 per period of eligibility;

54.1 ~~M. J. telecommunications, sensory, and other technological aids and devices;~~
54.2 and rehabilitation technology with the following limitations:

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

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

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

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

54.10 ~~N. K.~~ transportation services.

54.11 Subp. 2. **Adjustment of limitations.** Expenditure limitations imposed by subpart
54.12 1 must be adjusted by the director on an annual basis according to the requirements of
54.13 this subpart.

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

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

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

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

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

55.4 **3325.0260 ~~TERMINATION~~ CLOSING THE RECORD OF SERVICES.**

55.5 Subpart 1. ~~Conditions for refusing services to referrals, applicants, and~~
 55.6 ~~unrehabilitated clients~~ Closing the record of services of an eligible individual who
 55.7 has not achieved independent living goals. ~~SSB may refuse to provide or terminate the~~
 55.8 ~~provision of services to a referral, applicant, or unrehabilitated independent living client~~
 55.9 ~~only if the referral, applicant, or client~~ The record of services of an eligible individual who
 55.10 has not achieved independent living goals must be closed when the individual:

55.11 A. does not satisfy the eligibility conditions of the program identified in part
 55.12 3325.0210; or

55.13 B. ~~has left the state or been impossible~~ not responded to multiple and varied
 55.14 attempts to contact by telephone at work, at home, or at the person's last known place of
 55.15 employment the individual and has not responded to correspondence requesting a response
 55.16 mailed to the person's last known address and containing a specific notification that the
 55.17 failure to respond within 15 calendar days of mailing the notice shall result in ~~the refusal~~
 55.18 ~~to provide or termination of the provision of services; or~~ closure of the record of services;

55.19 C. has died; or

55.20 D. has refused to comply with any of the requirements of parts ~~3325.0120~~
 55.21 3325.0205 to 3325.0470 or with any terms or conditions in the client's ~~written~~ eligible
 55.22 individual's plan; or

55.23 E. has refused to accept or use the independent living rehabilitation services
 55.24 necessary to ~~rehabilitate the client~~ achieve the identified independent living goals.
 55.25 Before terminating or refusing to provide services based on this condition, the client's
 56.1 ~~rehabilitation counselor~~ SSB direct service staff shall explain to the client eligible
 56.2 individual the purpose of the program and the services to be provided and shall encourage
 56.3 the client's eligible individual's participation.

56.4 Subp. 2. **Conditions for ~~terminating the provision of services to rehabilitated~~**
 56.5 **clients closing the record of services of an eligible individual who has achieved**
 56.6 **independent living goals**. ~~SSB shall terminate services being provided to an independent~~
 56.7 ~~living client due to rehabilitation of the client if the client has achieved the intermediate~~
 56.8 ~~rehabilitation objectives and rehabilitation goal identified in the client's written plan~~
 56.9 ~~and if the client~~ The record of services of an eligible individual who has achieved and
 56.10 maintained independent living goals for a period of 30 calendar days must be closed
 56.11 if the eligible individual:

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

56.13 B. ~~needs less personal assistance~~ maintains or increases the individual's
 56.14 independence in one or more of the following areas:

56.15 (1) ~~personal hygiene and grooming~~ management and daily living skills;

56.16 (2) ~~eating and meal preparation for oneself;~~

56.17 (3) ~~(2)~~ communicating; or

56.18 (4) ~~(3)~~ traveling.

56.19 Subp. 3. **Consultation prior to ~~termination~~ closing the record of services**. If SSB
 56.20 expects to ~~terminate~~ discontinue services a ~~client~~ eligible individual is receiving under
 56.21 a ~~written~~ plan for any reason, SSB must, before ~~termination~~ closing the record of services,
 56.22 offer the client eligible individual an opportunity to discuss the anticipated ~~termination in~~

56.23 ~~accordance with the Code of Federal Regulations, title 34, section 365.36(d)(1) closing~~
 56.24 ~~of the record of services.~~

57.1 Subp. 4. **Notice of ~~termination~~ closing the record of services and amendment**
 57.2 **to ~~written plan~~.** If a client's an eligible individual's services are to be terminated
 57.3 discontinued for reasons other than successful rehabilitation under subpart 2, except for
 57.4 death, SSB shall notify the ~~client~~ eligible individual and amend the ~~client's written~~ eligible
 57.5 individual's plan to reflect the ~~termination~~ closing of the record of services. The notice and
 57.6 amendment must contain a summary or description of the information or circumstances
 57.7 upon which the ~~termination~~ decision was based and a summary of the ~~client's~~ eligible
 57.8 individual's appeal rights under ~~parts 3325.0480 and 3325.0490~~ part 3325.0478 and a
 57.9 description of services available from and how to contact the client assistance program. If
 57.10 the ~~termination~~ decision was based on the ~~client's~~ eligible individual's refusal to accept
 57.11 or use necessary services provided by SSB, the amendment must include a description
 57.12 of the efforts made by SSB to encourage the ~~client's~~ eligible individual's participation in
 57.13 the rehabilitation process.

57.14 **3325.0270 ~~CASE RECORD OF SERVICES.~~**

57.15 SSB shall maintain for each ~~applicant and client~~ individual a case record of services
 57.16 that contains the information required under ~~the Code of Federal Regulations, title 34,~~
 57.17 ~~section 365.35~~ parts 3325.0205 to 3325.0478.

57.18 **3325.0420 ~~CONDITIONS OF SERVICE.~~**

57.19 Subpart 1. **Source of services.**

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

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

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

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

58.4 B. Subject to subparts 3 to 14 and informed choice, SSB shall must ensure that
58.5 each ~~client~~ eligible individual receives only the available rehabilitation services necessary
58.6 to enable the ~~client~~ eligible individual to achieve the ~~client's intermediate rehabilitation~~
58.7 ~~objectives and rehabilitation goal~~ eligible individual's employment or independent living
58.8 ~~outcome~~ except:

58.9 A. (1) SSB shall must not provide a rehabilitation service, other than a
58.10 diagnostic ~~evaluation~~ assessment service, to a ~~client~~ an eligible individual unless the
58.11 service is identified in a ~~written plan~~ the IPE or ILCSR; and

58.12 B. (2) SSB shall must not provide a rehabilitation service to a ~~client~~ an
58.13 eligible individual if the ~~client's~~ eligible individual's school district is legally obligated to
58.14 provide the service ~~unless the school district's provision of the service would not meet the~~
58.15 ~~rehabilitation needs of the client as determined by SSB in which case SSB shall provide~~
58.16 ~~the service until the school district agrees to provide an adequate level of the service or is~~
58.17 ~~specifically ordered to do so in an administrative or judicial proceeding~~ consistent with an
58.18 interagency agreement with the Minnesota Department of Education that identifies each
58.19 party's roles, responsibilities, and financial obligations.

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

58.22 Subp. 3. **Communication center services.** SSB shall must provide communication
58.23 center services to a person, regardless of whether the person is a ~~client~~ an eligible

58.24 individual, if the person provides SSB with written documentation signed by a physician,
58.25 optometrist, or other "competent authority" as defined in the Code of Federal Regulations,
59.1 title 36, section ~~701.10(b)(2)~~ 701.6(b)(2), stating that the person has a physical disability
59.2 that prevents the person from reading standard printed material.

59.3 Subp. 4. **Interpreter services.** ~~Items A and B govern the provision of interpreter~~
59.4 ~~services.~~

59.5 A. ~~SSB may provide interpreter services to a client only if the client is~~
59.6 ~~diagnosed as deaf by an audiologist or a physician skilled in diseases of the ear.~~

59.7 B. Interpreter services may be provided only for communication needs that
59.8 ~~result from implementing the client's written plan to conduct a diagnostic assessment or in~~
59.9 implementation of the eligible individual's IPE or ILCSR.

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

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

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

59.17 Subp. 6. [See repealer.]

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

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

60.1 B. Note-taking services may only be provided for note-taking needs ~~that result~~
60.2 to conduct a diagnostic assessment or from implementing the client's written eligible
60.3 individual's employment plan.

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

60.6 A. SSB ~~shall~~ must provide outdoor cane travel instruction to ~~a client~~ an eligible
60.7 individual who is legally blind unless:

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

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

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

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

60.23 C. Orientation and mobility training of ~~a client~~ an eligible individual must
60.24 give the ~~client~~ eligible individual an opportunity to travel without the instructor and on
60.25 increasingly difficult routes to help the ~~client~~ eligible individual develop confidence in

61.1 the ~~client's~~ eligible individual's ability to travel independently. Orientation and mobility
61.2 training of legally blind ~~clients~~ eligible individuals who have some remaining vision must
61.3 include the use of sleepshades unless an orientation and mobility specialist or a person
61.4 described in item B determines that because of age or one or more nonvisual disabilities
61.5 the use of sleepshades would be unsafe.

61.6 Subp. 9. [See repealer.]

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

61.8 A. SSB may provide reader services to ~~a client~~ an eligible individual only if:

61.9 (1) the reading requirements result from implementation of the ~~client's~~
61.10 ~~written plan~~ eligible individual's IPE; and

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

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

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

61.20 A. SSB ~~shall~~ must provide ~~a client~~ an eligible individual with instruction
61.21 leading to proficiency in braille unless the ~~client~~ eligible individual can read print with
61.22 enough proficiency to successfully complete the ~~client's written~~ eligible individual's plan
61.23 or unless the ~~client~~ eligible individual has a medical condition which prevents the ~~client~~
61.24 eligible individual from reading braille.

62.1 B. Braille instruction must be provided by a rehabilitation teacher or a person
62.2 who has demonstrated a mastery of ~~grade-2~~ contracted braille and the ability to teach
62.3 ~~grade-2~~ contracted braille to blind persons. The director ~~shall~~ must determine whether a
62.4 person is qualified in these areas by considering all of the following factors:

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

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

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

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

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

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

62.23 (2) the ~~client's~~ eligible individual's condition constitutes, contributes to, or,
62.24 if not corrected, is likely to constitute or contribute to a substantial ~~handicap~~ impediment
62.25 to employment; and

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

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

63.6 C. SSB ~~shall~~ must not pay for experimental medical supplies or procedures.
63.7 Experimental supplies or procedures means:

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

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

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

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

63.18 A. SSB may provide transportation services only for transportation requirements
63.19 that result from implementing the client's written plan ~~are necessary to enable an applicant~~
63.20 or eligible individual to be determined eligible for or participate in the vocational
63.21 rehabilitation or independent living program.

63.22 B. SSB ~~shall~~ must provide the least expensive mode of transportation that
63.23 serves the ~~client's~~ eligible individual's rehabilitation needs and accommodates any
63.24 nonvisual disability related limitations the ~~client~~ eligible individual may have. When a
63.25 private ~~automobile or van~~ vehicle is the mode of transportation identified in the ~~client's~~

64.1 ~~written~~ eligible individual's plan, SSB shall ~~must~~ pay parking fees and mileage at the rate
 64.2 established for state of Minnesota employees in the current managerial plan published by
 64.3 the Minnesota Department of Management and Budget. This document is incorporated
 64.4 by reference and is not subject to frequent change. It is available for inspection at ~~the~~
 64.5 ~~Minnesota State Law Library~~ SSB's headquarters office.

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

64.9 Subp. 14. **Vocational training services.** SSB may provide tuition ~~and~~ supplies,
 64.10 maintenance, and transportation to a client an eligible individual for training at an
 64.11 institution of higher learning only if there is evidence that the ~~client~~ eligible individual
 64.12 is capable of completing the required coursework or degree program. Tuition, supplies,
 64.13 maintenance, and transportation paid by SSB for training at a private or non-Minnesota
 64.14 institution of higher learning must not exceed ~~the tuition~~ those amounts charged by
 64.15 Minnesota public colleges, universities, or technical and community colleges offering the
 64.16 same program nearest the eligible individual's residence unless the necessary training
 64.17 is not available to the eligible individual at a public Minnesota institution. ~~When a~~
 64.18 ~~client attends a non-Minnesota institution, SSB shall not pay more for maintenance and~~
 64.19 ~~transportation than SSB would otherwise be required to pay in covering these costs for the~~
 64.20 ~~client's attendance at an institution located in Minnesota unless the necessary training is~~
 64.21 ~~not available at a Minnesota institution.~~

64.22 **3325.0430 SIMILAR COMPARABLE SERVICES AND BENEFITS;**
 64.23 **VOCATIONAL REHABILITATION.**

64.24 Subpart 1. **Scope.** ~~Similar~~ Comparable services and benefits which would contribute
 64.25 toward and not interfere with ~~a client's~~ an eligible individual's vocational rehabilitation
 64.26 must be used if available to ~~a client~~ an eligible individual or members of ~~a client's~~ an

65.1 eligible individual's family for all rehabilitation services identified in the ~~client's written~~
 65.2 ~~plan~~ eligible individual's IPE except:

65.3 A. ~~diagnostic evaluation services provided for the purpose of determining~~
 65.4 ~~vocational rehabilitation potential unless provided as part of an extended evaluation~~
 65.5 assessment for determining eligibility and vocational rehabilitation needs;

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

65.8 C. referral services;

65.9 D. ~~vocational training services other than tuition and materials for training at~~
 65.10 ~~institutions of higher learning~~ rehabilitation technology;

65.11 E. ~~job placement~~ job-related services; or

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

65.13 Subp. 2. **Client Eligible individual responsibilities.** ~~A client shall~~ An eligible
 65.14 individual must, with the assistance of the ~~client's~~ eligible individual's vocational
 65.15 rehabilitation counselor, participate in the search for and use of ~~similar~~ comparable
 65.16 services and benefits as follows:

65.17 A. Before receiving physical and mental restoration services other than
 65.18 nonprescription low vision aids, ~~a client shall~~ an eligible individual must file a claim or
 65.19 application for coverage with the ~~client's~~ eligible individual's health insurer, if any. If the
 65.20 ~~client~~ eligible individual has no health insurance or if the physical and mental restoration
 65.21 services provided are not covered by the ~~client's~~ eligible individual's health insurance, the
 65.22 ~~client shall~~ eligible individual must apply to a local human services agency for medical
 65.23 assistance under Minnesota Statutes, chapter 256B.

65.24 B. Before receiving any rehabilitation service other than those identified in
 65.25 subpart 1, items A to F, ~~a client shall~~ an eligible individual must apply or provide evidence

66.1 of having already applied for any state or federal assistance program for which the ~~client's~~
 66.2 eligible individual's vocational rehabilitation counselor determines the ~~client~~ eligible
 66.3 individual may be eligible.

66.4 C. Before receiving vocational training services in an institution of higher
 66.5 learning, ~~a client shall~~ an eligible individual must apply for educational grants ~~sufficient~~ to
 66.6 cover the costs of tuition, supplies, and living expenses.

66.7 D. ~~The application for or use of similar benefits for restoration services or~~
 66.8 ~~maintenance shall not be required if the application or use would significantly delay~~
 66.9 ~~the provision of these services to the detriment of the client~~ If comparable services and
 66.10 benefits exist under any other program, but are not available to the eligible individual at
 66.11 the time needed to ensure the progress of the individual toward achieving the employment
 66.12 outcome in the individual's IPE, SSB must provide vocational rehabilitation services until
 66.13 those comparable services and benefits become available.

66.14 Subp. 3. **Relation to financial need eligibility.** The extent to which ~~similar~~
 66.15 comparable services and benefits are available to ~~a client~~ an eligible individual must be
 66.16 determined before determining the degree of financial participation required of the ~~client~~
 66.17 eligible individual under part 3325.0440.

66.18 **3325.0435 SIMILAR BENEFITS; INDEPENDENT LIVING SERVICES.**

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

66.23 A. advocacy services;

66.24 B. communication center services;

67.1 C. diagnostic assessment for determining eligibility and independent living
 67.2 rehabilitation needs; and

67.3 D. referral services.

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

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

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

67.15 **3325.0440 FINANCIAL PARTICIPATION BY CLIENTS ELIGIBLE**
 67.16 **INDIVIDUALS IN THE VOCATIONAL REHABILITATION PROGRAM.**

67.17 Subpart 1. **Services exempted from financial participation.** Regardless of a client's
 67.18 an eligible individual's income, SSB shall ~~must~~ not require client eligible individual
 67.19 financial participation for the following services:

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

67.22 B. vocational rehabilitation counseling and other adjustment to blindness
 67.23 services;

67.24 C. ~~job placement~~ job-related services;

67.25 D. referral services;

68.1 E. interpreter and note-taking services ~~for the deaf-blind~~;

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

68.3 H. maintenance or transportation services needed by a ~~client~~ an eligible
68.4 individual to obtain adjustment to blindness services;

68.5 I. reader services;

68.6 J. ~~telecommunications, sensory, and other technological aids and devices~~
68.7 rehabilitation technology, other than ~~those~~ technology which can be classified as low
68.8 vision aids, up to a cumulative value of \$3,000; and

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

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

68.13 Subp. 3. **Basis for determining the degree of financial participation required.**
68.14 The degree of financial participation required of a ~~client~~ an eligible individual is
68.15 determined on the basis of the ~~client's~~ eligible individual's monthly and annual family
68.16 income in relation to the most recent estimate of Minnesota median income levels as
68.17 adjusted for family size using the adjustment methodology specified in the Code of
68.18 Federal Regulations, title 45, section 96.85. This estimate is published annually by the
68.19 United States Department of Health and Human Services in the Federal Register. The
68.20 applicable sections of the Federal Register are incorporated by reference.

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

68.23 A. ~~A client~~ an eligible individual whose monthly family income is equal to or
68.24 less than the state median monthly income as adjusted for family size ~~is not required to~~
68.25 ~~pay any portion of the cost of the rehabilitation services which the client receives;~~

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

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

69.6 Subp. 5. **Financial participation required.** ~~A client~~ An eligible individual whose
69.7 monthly family income is more than the state median monthly income as adjusted for
69.8 family size ~~shall~~ must pay for rehabilitation services provided under the ~~client's written~~
69.9 ~~plan~~ eligible individual's IPE an amount equal to the percentage by which the ~~client's~~
69.10 eligible individual's family income exceeds the adjusted median income. Example: If a
69.11 ~~client's~~ an eligible individual's monthly family income exceeds the state median monthly
69.12 income adjusted for the ~~client's~~ eligible individual's family size by ten percent, the ~~client~~
69.13 ~~shall~~ eligible individual must pay ten percent of the cost of rehabilitation services provided
69.14 under the ~~client's written plan~~ eligible individual's IPE; SSB would pay 90 percent.

69.15 Subp. 6. **Limitation on financial participation.** Financial participation by ~~a client~~
69.16 an eligible individual in any month shall not exceed ten percent of the ~~client's~~ eligible
69.17 individual's monthly family income as most recently determined by SSB or the difference
69.18 between the ~~client's~~ eligible individual's monthly family income and the state median
69.19 monthly income adjusted for the ~~client's~~ eligible individual's family size₂ whichever is less.

69.20 Subp. 7. **Variance.** ~~A client~~ An eligible individual who is unable to pay for
69.21 rehabilitation services to the extent required by subparts 4 and 5 because of unusual
69.22 financial circumstances may apply to the director for a variance in the determination of the
69.23 ~~client's~~ eligible individual's required financial need participation as follows:

69.24 A. A request for a variance must be submitted in writing by the ~~client~~ eligible
69.25 individual or the ~~client's~~ eligible individual's legal representative. The request must
69.26 provide the director with evidence describing the ~~client's~~ eligible individual's unusual

70.1 financial situation. If additional information is required by the director to determine
70.2 eligibility for a variance, SSB ~~shall~~ must, within 15 calendar days after receiving the
70.3 written request, inform the ~~client~~ eligible individual in writing of the specific additional
70.4 information required.

70.5 B. The director ~~shall~~ must determine whether the ~~client~~ eligible individual is
70.6 eligible for a variance and notify the ~~client~~ eligible individual of the determination in
70.7 writing within 30 calendar days after the director receives all the information required
70.8 under item A. The written notification must:

70.9 (1) specify whether the ~~client~~ eligible individual is eligible for a variance;

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

70.11 (4) inform the ~~client~~ eligible individual of review and appeal rights under
70.12 ~~parts 3325.0480 and 3325.0490~~ part 3325.0478; and

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

70.14 C. The director ~~shall~~ must grant a variance only if the ~~client~~ eligible individual
70.15 demonstrates that it would be impossible for the ~~client~~ eligible individual to make the
70.16 cost contributions required under subparts 5 and 6 without using the ~~client's~~ eligible
70.17 individual's savings because of:

70.18 (1) court ordered financial obligations of the ~~client~~ eligible individual;

70.19 (2) legal financial obligations incurred by the ~~client~~ eligible individual prior
70.20 to being found eligible to receive rehabilitation services from SSB; or

70.21 (3) extraordinary expenditures for necessities such as food, shelter,
70.22 clothing, or medical care the ~~client~~ eligible individual is required to make because of
70.23 illness or disability.

70.24 D. The director ~~shall~~ must determine the amount of a ~~client's~~ an eligible
70.25 individual's variance by:

71.1 (1) calculating the sum of the ~~client's~~ eligible individual's financial
71.2 obligations and extraordinary expenditures identified in item C which make it impossible
71.3 for the ~~client~~ eligible individual to make the cost contributions required under subparts 5
71.4 and 6; and

71.5 (2) subtracting that sum from the financial participation amount the ~~client~~
71.6 eligible individual would have to pay without the variance.

71.7 E. ~~A client~~ An eligible individual who receives a variance ~~shall~~ must
71.8 immediately notify the director in writing if the ~~client's~~ eligible individual's financial
71.9 situation improves.

71.10 F. The director may review the financial situation of a ~~client~~ an eligible
71.11 individual who receives a variance at any time to determine whether the ~~client's~~ eligible
71.12 individual's financial situation continues to justify the variance.

71.13 Subp. 8. **Income verification.** If a ~~client's~~ written an eligible individual's
71.14 employment plan includes or is expected to include rehabilitation services other than
71.15 those identified in subpart 1, the ~~client~~ eligible individual must provide SSB with
71.16 written verification ~~or a signed written statement~~ of the ~~client's~~ current monthly eligible
71.17 individual's most recent annual family income and sources of income.

71.18 Subp. 9. **Annual redetermination.** SSB ~~shall~~ must redetermine at least annually, the
71.19 financial need of each ~~client and of each former client who is still making lease payments~~
71.20 ~~on equipment under part 3325.0460~~ eligible individual.

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

71.25 **3325.0445 FINANCIAL PARTICIPATION BY ELIGIBLE INDIVIDUALS IN THE**
71.26 **INDEPENDENT LIVING PROGRAM.**

72.1 Subpart 1. Services exempted from financial participation. Regardless of
72.2 an eligible individual's income, SSB must not require eligible individual financial
72.3 participation for the following services:

72.4 A. blindness services that consist of independent living counseling,
72.5 rehabilitation teaching services, and orientation and mobility services;

72.6 B. advocacy services;

72.7 C. communication center services;

72.8 D. diagnostic assessment services;

72.9 E. interpreter services;

72.10 F. low vision services with the following limitations:

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

72.13 (2) SSB must not purchase electronic magnification systems for individuals;

72.14 G. maintenance;

72.15 H. referral services;

72.16 I. services to family members identified in part 3325.0110, up to a limit of \$300
72.17 per period of eligibility;

72.18 J. rehabilitation technology with the following limitations:

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

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

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

73.1 (4) SSB must not purchase computers, related accessories, or other
 73.2 computerized aids and devices; and

73.3 K. transportation services.

73.4 Subp. 2. Services subject to financial participation. An eligible individual must
 73.5 participate in paying the cost of all rehabilitation services not exempted from financial
 73.6 participation under subpart 1.

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

73.11 **3325.0450 RECOVERY OF MONETARY ASSISTANCE OVERPAYMENTS.**

73.12 Subpart 1. **Written notification.** SSB ~~shall~~ must notify ~~a client~~ an eligible individual
 73.13 in writing as soon as possible after discovering that the ~~client~~ eligible individual has
 73.14 received monetary assistance from SSB in excess of that to which the ~~client~~ eligible
 73.15 individual is entitled under parts 3325.0100 to ~~3325.0490~~ 3325.0478. The written
 73.16 notification must:

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

73.18 C. inform the ~~client~~ eligible individual of appeal rights under ~~parts 3325.0480~~
 73.19 ~~and 3325.0490~~ part 3325.0478;

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

73.21 E. be signed and dated by the ~~client's rehabilitation counselor~~ eligible
 73.22 individual's appropriate SSB staff person.

73.23 Subp. 2. **Repayments.** Overpayments of maintenance benefits or other monetary
 73.24 assistance caused by ~~client or the eligible individual~~, SSB error, or by ~~a client's~~ an eligible
 73.25 individual's inability or refusal to continue implementing a written plan an IPE or ILCSR
 74.1 must be repaid by the ~~client~~ eligible individual in a lump sum or in monthly payments of
 74.2 not less than ten percent of the incorrect payment or five percent of the ~~client's~~ eligible
 74.3 individual's monthly family income, whichever is less. If the ~~client~~ eligible individual
 74.4 does not repay erroneous overpayments in accordance with this subpart, SSB may exercise
 74.5 its recoupment rights under Minnesota Statutes, section ~~248.091, subdivision 1~~ 248.11.

74.6 **3325.0460 PROVISION PURCHASE, TRANSFER, AND RECOVERY**
 74.7 **MAINTENANCE OF EQUIPMENT.**

74.8 Subpart 1. **Scope.** For purposes of this part, the term "equipment" includes
 74.9 occupational equipment, occupational tools, ~~and telecommunications, sensory, and other~~
 74.10 ~~technological aids and devices provided to a client~~ software, and rehabilitation technology
 74.11 purchased for the permanent use of an eligible individual by SSB as part of the client's
 74.12 ~~written plan~~ an IPE or ILCSR.

74.13 Subp. 2. [See repealer.]

74.14 Subp. 3. [See repealer.]

74.15 Subp. 4. [See repealer.]

74.16 Subp. 5. [See repealer.]

74.17 Subp. 6. **Transfer of title.** SSB ~~shall~~ must transfer legal title of equipment leased
 74.18 ~~under this part to a client or former client if the following conditions are satisfied: to~~
 74.19 an eligible individual when the equipment is purchased for the eligible individual's
 74.20 permanent use. SSB must transfer equipment to former eligible individuals within one
 74.21 year after the effective date of this part.

74.22 A. ~~five calendar years have elapsed since the client or former client signed~~
74.23 ~~the lease under subpart 2;~~

74.24 B. ~~the client or former client has met the financial obligations under part~~
74.25 ~~3325.0440;~~

75.1 C. ~~the client or former client continues to want and need the equipment for~~
75.2 ~~employment; and~~

75.3 D. ~~the client or former client has not requested or received a lease extension~~
75.4 ~~under subpart 7.~~

75.5 Subp. 7. [See repealer.]

75.6 Subp. 8. **Maintenance responsibility.** ~~SSB shall be responsible for regular~~
75.7 ~~maintenance and repair of equipment leased under this part unless title to the equipment~~
75.8 ~~has been transferred to the client or other party under subpart 6. SSB must include, as part~~
75.9 ~~of the purchase of equipment, an initial maintenance or service agreement, or extended~~
75.10 ~~warranty, if available. SSB may forego such inclusion if the eligible individual expressly~~
75.11 ~~and unequivocally objects to it at time of purchase. Upon transfer of title, it is the sole~~
75.12 ~~responsibility of the eligible individual to maintain and repair the equipment.~~

75.13 Subp. 9. **Employer responsibility.** ~~SSB shall~~ must not provide an employed ~~client~~
75.14 ~~eligible individual~~ with equipment that the ~~client's~~ eligible individual's employer normally
75.15 provides to employees. If the equipment is not normally provided by the employer, SSB
75.16 ~~shall~~ or the eligible individual may ask the client's employer to pay all or a portion of
75.17 ~~the cost of equipment needed by the client. SSB and the client shall~~ eligible individual,
75.18 ~~subject to financial participation requirements in part 3325.0440, must contribute toward~~
75.19 ~~the cost of equipment only to the extent the client's~~ eligible individual's employer refuses
75.20 to contribute.

75.21 Subp. 10. [See repealer.]

75.22 Subp. 11. **Abuse or neglect of equipment.** SSB shall ~~shall~~ must not provide additional
75.23 equipment to a ~~client~~ an eligible individual if the ~~client~~ eligible individual has a history of
75.24 abuse or neglect ~~with respect to~~ of equipment previously provided to the ~~client~~ eligible
75.25 individual by SSB. History of abuse or neglect means that on two or more occasions
75.26 equipment provided to a ~~client~~ an eligible individual has sustained, by reason of acts or
76.1 omissions of the ~~client~~ eligible individual, damage beyond that which would result from
76.2 normal use.

76.3 **3325.0470 STANDARDS FOR COMMUNITY REHABILITATION FACILITIES**
76.4 **PROGRAMS.**

76.5 Subpart 1. **Written operating agreement.** SSB shall ~~shall~~ must execute written operating
76.6 agreements with each community rehabilitation facility program from which SSB
76.7 purchases rehabilitation services for ~~clients~~ applicants and eligible individuals unless the
76.8 facility community rehabilitation program has a current operating agreement with the
76.9 department or the rehabilitation agency of another state. The agreement must be signed by
76.10 the director of the facility community rehabilitation program, or the sole proprietor, if an
76.11 individual, and the director of SSB and must contain, at a minimum, assurances that the
76.12 facility community rehabilitation program will comply with the standards established in
76.13 subparts 2 to 8. ~~No rehabilitation facility may be reimbursed for services purchased by~~
76.14 ~~SSB unless the facility~~ SSB may only purchase services from a community rehabilitation
76.15 program that meets the standards established in subparts 2 to 8. Individuals providing
76.16 rehabilitation services under an operating agreement with SSB are excluded from meeting
76.17 standards in subparts 3 and 6, item D.

76.18 Subp. 2. **Applicable state and federal laws.** Community rehabilitation facilities
76.19 programs must comply with all applicable state and federal laws, including the Minnesota
76.20 Government Data Practices Act, Minnesota Statutes, chapter 13. Applicant and eligible
76.21 individual records must be stored under lock with reasonable protection against fire,
76.22 water damage, and other hazards.

76.23 Subp. 3. **Representation and employment of the blind.** The governing bodies of
76.24 community rehabilitation facilities programs for the blind and visually ~~disabled~~ impaired
76.25 must include blind or visually ~~disabled~~ impaired persons. ~~Facilities shall~~ Community
76.26 rehabilitation programs must make and document affirmative attempts to employ blind
77.1 persons, including blind persons with additional impairments such as combined vision and
77.2 hearing loss, at all levels of employment.

77.3 Subp. 4. **Evaluation of ~~facility~~ community rehabilitation program effectiveness.**
77.4 ~~Facilities~~ Community rehabilitation programs must have systematic procedures for
77.5 evaluating program effectiveness. ~~Facility~~ Community rehabilitation program staff ~~shall~~
77.6 must periodically review aggregate data on the progress and outcome of ~~clients~~ eligible
77.7 individuals served. The results of effectiveness evaluations must be available to the
77.8 governing body and staff of the ~~facility, facility staff~~ community rehabilitation program,
77.9 SSB, and the public.

77.10 Subp. 5. [See repealer.]

77.11 Subp. 6. **~~Curriculum for Adjustment to blindness training services.~~** ~~Facilities~~
77.12 Community rehabilitation programs and individuals who provide training services for the
77.13 blind and visually ~~disabled~~ impaired must ~~have educational curriculums for the provision~~
77.14 ~~of adjustment to blindness services which~~ comply with the requirements of items A to E.

77.15 A. The ~~curriculum~~ services must include a class or activities designed to help
77.16 ~~clients~~ eligible individuals develop a positive attitude toward blindness. If the ~~facility~~
77.17 community rehabilitation program serves ~~deaf-blind clients~~ deafblind eligible individuals,
77.18 the ~~facility's curriculum~~ community rehabilitation program's services must include a class
77.19 ~~or session~~ activities designed to develop a positive attitude about being both blind and deaf.

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

77.23 C. Consistent with ~~a client's written plan~~ an eligible individual's IPE or ILCSR,
77.24 all ~~clients~~ eligible individuals must be provided with the opportunity to engage in a wide
77.25 range of activities for the purpose of building self-confidence and overcoming doubts
78.1 and fears concerning what blind persons can do, or what deafblind persons can do,
78.2 if applicable.

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

78.6 E. The ~~curriculum~~ services must include a requirement that ~~clients~~ eligible
78.7 individuals use the alternative technique skills they are learning outside of the facility
78.8 and training setting to manage their own lives in ~~areas of cooking, shopping, financial~~
78.9 ~~matters, housekeeping, and upkeep of clothing~~ the activities of daily living and use of
78.10 rehabilitation technology.

78.11 Subp. 7. **Progress reports.** ~~Facilities~~ Community rehabilitation programs must
78.12 provide ~~SSB with~~ timely written reports ~~each month~~ as required by SSB concerning the
78.13 progress of ~~clients~~ eligible individuals in the development of self-confidence ~~and, the~~
78.14 performance of ~~self-care~~ activities of daily living, and the use of rehabilitation technology,
78.15 if applicable.

78.16 Subp. 8. **Location of community rehabilitation facilities programs.** SSB shall
78.17 ~~not~~ may purchase services from a ~~facility~~ community rehabilitation program located
78.18 outside ~~the state of Minnesota~~ unless only if:

78.19 A. the ~~client~~ eligible individual needs rehabilitation services which are not
78.20 available at community rehabilitation facilities programs within Minnesota;

78.21 B. the ~~client's~~ eligible individual's residence is geographically closer to a ~~facility~~
78.22 community rehabilitation program outside Minnesota than it is to any ~~facility~~ community
78.23 rehabilitation program within Minnesota; or

78.24 C. the ~~client~~ eligible individual expressly indicates that adjustment to blindness
78.25 training is wanted at a ~~facility~~ community rehabilitation program outside the state. If
79.1 a ~~client~~ an eligible individual obtains training at a non-Minnesota ~~facility~~ community
79.2 rehabilitation program under this item, SSB ~~shall~~ must not pay more for the ~~client's~~
79.3 eligible individual's training, maintenance, and transportation than it would otherwise pay
79.4 for the ~~client's~~ eligible individual's training, maintenance, and transportation at the ~~facility~~
79.5 community rehabilitation program located in Minnesota which would be the least costly
79.6 for the ~~client~~ eligible individual to attend.

79.7 **3325.0478 REVIEW AND MEDIATION OF DETERMINATIONS.**

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

79.18 Subp. 2. **Review and mediation options.** SSB must contact the appellant within
79.19 five calendar days following receipt of the request and explain review and mediation
79.20 options. SSB must also provide the appellant a description of services available from and
79.21 information on how to contact the client assistance program, established under Code
79.22 of Federal Regulations, title 34, section 370, to assist the appellant in the review of
79.23 determinations. An appellant may request one or more of the following options: informal
79.24 review, mediation, or impartial hearing. If the appellant is dissatisfied with the results of

79.25 an informal review or mediation, or chooses an impartial hearing initially, an impartial
80.1 hearing must commence within 60 calendar days of the request in subpart 1 unless the
80.2 parties agree to a specific extension of time.

80.3 Subp. 3. **Communication.** If the appellant is disabled in communication, then
80.4 SSB must appoint an interpreter, consistent with Minnesota Statutes, sections 546.42 to
80.5 546.44. Review and mediation process information, decisions and reports, agreements
80.6 if applicable, and any required supporting documentation resulting from a request under
80.7 subpart 1 must be provided to the appellant in writing. Consistent with the informed choice
80.8 of the appellant, review and mediation proceedings and related communication must be
80.9 provided in the native language of the appellant, supplemented as necessary by other
80.10 appropriate modes of communication including the use of auxiliary aids and services.

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

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

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

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

80.24 (2) an informal review of written materials with a review conference.
80.25 Supervisory staff conducting the informal review must consider all written and oral

81.1 evidence presented from the time the request for review is received until the final decision
81.2 is made.

81.3 C. The final decision regarding the informal review must be made by the
81.4 reviewing supervisory staff either within ten calendar days following the request for
81.5 an informal review of written materials only, or within ten calendar days following
81.6 the conclusion of an informal review conference, unless the parties agree to a specific
81.7 extension of time. The supervisory staff conducting the informal review must notify the
81.8 appellant in writing by mail of the informal review decision. The informal review decision
81.9 must contain a summary of the nature and basis of the decision and the appellant's review
81.10 rights under this part.

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

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

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

81.23 C. Mediation discussions are confidential and may not be used as evidence in
81.24 any subsequent due process hearings or civil proceedings, and the parties may be required
81.25 to sign a confidentiality pledge prior to the commencement of mediation. Any agreement
81.26 resulting from mediation must be in writing with the assistance of the mediator, signed by

82.1 both parties, and copies provided to both parties. SSB must pay for the cost of mediation,
82.2 but is not required to pay for any costs related to the representation of an appellant.

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

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

82.7 B. The hearing must be initiated and conducted according to parts 1400.5100 to
82.8 1400.8400; Minnesota Statutes, sections 14.57 to 14.62; and Code of Federal Regulations,
82.9 title 34, part 361.57(e).

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

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

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

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

82.24 (3) The commissioner may not overturn or modify the impartial hearing
82.25 officer's decision, or any part of the decision, that supports the position of the appellant

83.1 unless the commissioner concludes, based on clear and convincing evidence, that the
83.2 decision of the impartial hearing officer is clearly erroneous on the basis of being contrary
83.3 to the approved state plan, federal law and regulations, or state rules and policies that
83.4 are consistent with federal requirements.

83.5 (4) The commissioner must make an independent, final decision within
83.6 30 calendar days of the request after reviewing the entire hearing record and provide the
83.7 decision in writing, including a full report of the findings and the statutory, regulatory, or
83.8 policy grounds for the decision to both parties.

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

83.12 (6) Any party dissatisfied with the commissioner's decision after reviewing
83.13 the impartial hearing officer's decision may bring a civil action with respect to the matter
83.14 in dispute.

83.15 **REPEALER.** (a) Minnesota Rules, parts 3325.0100, subpart 4; 3325.0110, subparts 8, 9,
83.16 18, 19, 23, 24, 25, 32, 34, 42, 43, 48, 52, 56, 57, 61, 62, 63, 64, 68, 69, 70, 71, 73, 74,
83.17 75, 79, 82, 85, 86, 89, and 90; 3325.0140, subparts 4, 5, 6, and 7; 3325.0150, subpart
83.18 4; 3325.0160; 3325.0170; 3325.0220, subpart 6; 3325.0280; 3325.0290; 3325.0300;
83.19 3325.0310; 3325.0320; 3325.0330; 3325.0340; 3325.0350; 3325.0360; 3325.0370;
83.20 3325.0380; 3325.0390; 3325.0400; 3325.0410; 3325.0420, subparts 6 and 9; 3325.0460,
83.21 subparts 2, 3, 4, 5, 7, and 10; 3325.0470, subpart 5; 3325.0480; and 3325.0490, are
83.22 repealed.

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