

Department of Employment and Economic Development**Proposed Permanent Rules Relating to State Services for the Blind; Workforce Development; Senior Services****3325.0100 PURPOSE AND SCOPE.**

[For text of subp 1, see M.R.]

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

[For text of subps 3 and 4, see M.R.]

3325.0110 DEFINITIONS.

[For text of subps 1 to 5, see M.R.]

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

[For text of subps 7 to 12, see M.R.]

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

individual providing services to an applicant or eligible individual under ~~an agreement~~ a written contract with SSB is considered a community rehabilitation program for the purposes of part 3325.0470.

[For text of subps 12b to 14, see M.R.]

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

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

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

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

All signature requirements placed on an applicant or eligible individual by this chapter are satisfied by the signature of an applicant's or eligible individual's designated representative. All written notices which must be provided to an applicant or eligible individual under this chapter must be provided to the applicant's or eligible individual's designated representative unless providing the information would violate the Minnesota Data Practices Act.

[For text of subps 16 to 35, see M.R.]

Subp. 36. [See repealer.]

[For text of subps 37 to 87, see M.R.]

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

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

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

[For text of subps 89 and 90, see M.R.]

3325.0165 DEVELOPMENT OF INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE).

[For text of subps 1 and 2, see M.R.]

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

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

H. if SSB intends to institute a suspension, reduction, or termination of vocational rehabilitation services contained in an eligible individual's IPE because the eligible individual did not meet agreed-upon obligations contained in the IPE, or because the eligible individual has experienced life-changing events preventing the eligible individual from meeting agreed-upon obligations in the IPE, SSB must:

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

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

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

I. if SSB intends to close an individual's record of service in addition to the termination of vocational rehabilitation services, SSB must only follow the process outlined in part 3325.0190, subpart 4; and

F. J. an IPE for a student with a disability receiving special education services is developed:

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

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

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

[For text of subp 5, see M.R.]

3325.0175 CONTENT OF IPE.

[For text of subps 1 to 3, see M.R.]

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

3325.0180 SCOPE OF SERVICES.

SSB provides the following services to vocational rehabilitation eligible individuals subject to the conditions specified in part 3325.0420 in the most integrated setting that is appropriate for the service involved and is consistent with the informed choice of the individual:

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

3325.0190 CLOSING THE RECORD OF SERVICES.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Notice of closing the record of services.** If an ~~eligible~~ individual's record of services is to be closed for reasons other than successful rehabilitation under subpart 2, or death, SSB shall notify the ~~eligible~~ individual of the proposed closing of the record of services ~~in accordance with part 3325.0165, subpart 3, item H. The record of services must contain a summary or description of the information or circumstances upon which the closure decision was based. If the closure decision was based on the eligible individual's refusal to accept or use necessary services provided by SSB, the record of services must include a description of the efforts made by SSB to encourage the eligible individual's participation in the vocational rehabilitation process.~~ SSB must:

A. send notice to the individual by certified mail of the proposed closing of the record of services at least ten working days prior to the effective date of the proposed closing of the record of services;

B. provide in the notice the basis for and effective date of the proposed closing of the record of services;

C. provide in the notice a summary of the individual's appeal rights under part 3325.0478; and

D. provide in the notice a description of and information on the client assistance program.

The record of services must contain a summary or description of the information or circumstances upon which the closure decision was based. If the closure decision was based on the eligible individual's refusal to accept or use necessary services provided by SSB, the record of services must include a description of the efforts made by SSB to encourage the eligible individual's participation in the vocational rehabilitation process.

3325.0205 ACCESSING INDEPENDENT LIVING PROGRAM REHABILITATION SERVICES.

[For text of subp 1, see M.R.]

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

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

[For text of subps 3 to 7, see M.R.]

3325.0240 INDEPENDENT LIVING CUSTOMER SERVICE RECORD (ILCSR).

[For text of subps 1 and 2, see M.R.]

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

the eligible individual's rehabilitation potential and service needs, and consistent with the eligible individual's informed choice.

[For text of subps 4 and 5, see M.R.]

3325.0420 CONDITIONS OF SERVICE.

[For text of subp 1, see M.R.]

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

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

D. All rehabilitation services must be provided in the most cost-effective manner possible, consistent with the individual's needs and informed choice.

[For text of subps 3 to 15, see M.R.]

Subp. 16. Rehabilitation technology-assistive technology services. This subpart governs the provision of rehabilitation technology-assistive technology services.

A. The provision of rehabilitation technology-assistive technology services must be followed by training in the use of assistive technology by an individual qualified to provide rehabilitation technology-assistive technology services.

B. Rehabilitation technology-assistive technology training services must be provided by a person who has demonstrated a mastery of rehabilitation technology-assistive technology services and the ability to teach assistive technology to blind or deafblind persons. Rehabilitation technology-assistive technology services include:

(1) using screen reader (via speech or braille output) or screen magnification programs to access an operating system, word processing, e-mail, and Internet browser applications; and

(2) operating other current or emerging electronic aids and devices.

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

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

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

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

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

Subp. 2. **Services subject to financial participation.** ~~An applicant or~~ Based on an eligible individual's family income, an eligible individual may be required to participate in paying the cost of all rehabilitation services not exempted from financial participation under subpart 1.

[For text of subps 3 to 6, see M.R.]

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

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

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

[For text of items B to F, see M.R.]

[For text of subps 8 to 10, see M.R.]

3325.0470 STANDARDS FOR COMMUNITY REHABILITATION PROGRAMS.

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

[For text of subps 2 to 8, see M.R.]

3325.0478 REVIEW AND MEDIATION OF DETERMINATIONS.

[For text of subps 1 to 5, see M.R.]

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

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

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

[For text of subitems (1) to (6), see M.R.]

REPEALER. Minnesota Rules, parts 3325.0110, subpart 36; 3325.0120, subparts 3 and 4; and 3325.0205, subparts 3 and 4, are repealed.