

# Department of Rehabilitation Services

## Summary of Proposed Administrative Rule Revisions 2020

The following rules only contain the revised division name change for Visual Services and the Disability Determination.

### Chapter 1. Administrative Operations

612:1-5-1. Overview of the department [AMENDED]

612:1-5-3. Division of ~~Visual Services~~ for the Blind and Visually Impaired (~~DVS~~) (DSBVI) [AMENDED]

612:1-5-4. Disability Determination ~~Division~~ Services (~~DDD~~) (DDS) [AMENDED]

### Chapter 10. Vocational Rehabilitation and ~~Visual Services~~ for the Blind and Visually Impaired [AMENDED]

612:10-1-1. Purpose [AMENDED]

612:10-1-3. Basic philosophy of rehabilitation programs [AMENDED]

612:10-1-3.1. Procedural exceptions [AMENDED]

612:10-1-3.2. Pilot projects [AMENDED]

612:10-1-5. Confidentiality [AMENDED]

612:10-1-6. Due Process [AMENDED]

612:10-1-7. Purchase of services and goods for individuals with disabilities [AMENDED]

612:10-3-2. Consideration of comparable services and benefits [AMENDED]

612:10-3-3. Client participation in services cost and financial status determination [AMENDED]

612:10-3-4. Services exempt from client participation in service costs [AMENDED]

612:10-7-2. Field staff responsibilities [AMENDED]

612:10-7-3. Client responsibilities [AMENDED]

612:10-7-21.1. Processing incoming referrals [AMENDED]

612:10-7-21.2. Information and referral system [AMENDED]

612:10-7-24.2. Assessment for determining eligibility [AMENDED]

612:10-7-25.1. Order of selection [AMENDED]

612:10-7-50. Eligibility Status [AMENDED]

612:10-7-51. Individualized Plan for Employment [AMENDED]

612:10-7-87. Actions requiring supervisor's approval [AMENDED]

612:10-7-98. General guidelines for physical and mental restoration services [AMENDED]

612:10-7-130. Maintenance [AMENDED]

612:10-7-142. General guidelines for training services [AMENDED]

612:10-7-149. College and university training [AMENDED]

612:10-7-152. Payment of tuition and fees at colleges and universities [AMENDED]

- 612:10-7-158. Training for individuals in custody of the Department of Corrections [AMENDED]
- 612:10-7-161. Public and private vocational schools [AMENDED]
- 612:10-7-162. Textbooks, supplies, training tools and equipment [AMENDED]
- 612:10-7-183. Ongoing support services [AMENDED]
- 612:10-7-184. Extended services [AMENDED]
- 612:10-7-201. Rehabilitation teaching services [AMENDED]
- 612:10-7-205. Services to persons who are deaf-blind [AMENDED]
- 612:10-7-206. Assistive technology services for individuals with visual impairments [AMENDED]
- 612:10-7-216. Tools, occupational equipment, initial stocks and supplies [AMENDED]
- 612:10-7-245. Definitions [AMENDED]
- 612:10-11-7. Administrative review [AMENDED]

## Chapter 15. Oklahoma Library for the Blind and Physically Handicapped

- 612:15-1-3. Library functions and legal basis [AMENDED]

## Chapter 20. Special Schools

- 612:20-3-5. Departmental resources [AMENDED]

## Chapter 25. Business Enterprise Program

- 612:25-2-5. Definitions [AMENDED]
- 612:25-4-14. Training for new or potential licensed managers [AMENDED]

The following administrative rules contain the additional requested revisions for the 2020 rule cycle.

## Chapter 1. Administrative Operations

612:1-3-2. The Director of Rehabilitation Services [AMENDED]. The proposed revisions updates departments that are directly supervised by the Director.

612:1-3-2.1. The Chief of Staff of Rehabilitation Services [AMENDED]. The proposed revisions updates departments who report to the Chief of Staff in the Director's absence.

612:1-3-10. Final signature authority [AMENDED]. The proposed revisions updates antiquated language, VS and DDD division name change and job title change.

612:1-15-1. Purpose and distribution of the manual [AMENDED]. Added citation that governs the administrative rules process. This citation was removed from 612:3-5-1.

612:1-15-4. Definitions [NEW]. This rule is moved from 612:3-5-2. This new rule provides the process for administrative rules and internal policy.

612:1-15-5. Revision of administrative rules and internal policy [NEW]. This rule is moved from 612:3-5-12. This new rule provides the process for administrative rules and internal policy.

612:1-18-1. Purpose. [NEW]. This rule is moved from 612:3-5-2.

612:1-18-10. Program Standards [NEW]. This rule is moved from 612:3-5-29.

612:1-18-20. Case Review [NEW]. This rule is moved from 612:3-5-35.

## Chapter 3. Management Services Division

612:3-5-1. Purpose [Revoked]. This rule is relocated to new rule 612:1-18-1.

612:3-5-2. Definitions [Revoked]. This rule is relocated to new rule 612:1-15-4.

612:3-5-12. Policy [Revoked]. This rule is relocated to new rule 612:1-15-5.

612:3-5-29. Program Standards [REVOKED]. This rule is relocated to new rule 612:1-18-10.

612:3-5-35. Case Review [REVOKED]. This rule is relocated to new rule 612:1-18-20.

## Chapter 10. Vocational Rehabilitation and Visual Services for the Blind and Visually Impaired

612:10-1-2. Definitions [AMENDED]. Added definition: "Prior Approval" refers to the receipt of approval from the granting authority prior to issuing the authorization for the purchase of goods and services. Update Visual Services name change to Services for the Blind and Visually Impaired.

612:10-1-7. Purchase of services and goods for individuals with disabilities [AMENDED]. Added language under section (a) for pre-employment transition services for students with disabilities regardless of whether the student has applied or been determined eligible for vocational rehabilitation services.

612:10-7-1. Overview of Vocational Rehabilitation and Visual Services for the Blind and Visually Impaired [AMENDED]. Updates clarify when prior approval is required from RSA.

612:10-7-2.3.1 Work Experience [NEW]. New rule addition will assist Counselors in distinguishing between On the Job Training and Work Experience.

612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services [AMENDED]. Revised language under section (h) (6) removal of antiquated language and clarified the general terminology for learning disabilities

612:10-7-31. Transfer of cases [AMENDED]. Updates to section (b) add language provides further instructions between the transferring and receiving counselor to keep the client's services from being interrupted.

612:10-7-55. Job Ready [AMENDED]. Revisions clarifies what is required to move a case into Job Ready status.

612:10-7-150. Continued eligibility for college or university training [AMENDED]. Revised language for clarification on maintaining the minimum GPA in client's major field of study.

612:10-7-199. Reader/recording services [AMENDED]. Revisions provide further clarification on when and how to provide Reader Services.

612:10-7-220. Vehicle modification services [AMENDED]. Updates clarify when prior approval is required from RSA.

612:10-7-221. Housing Modification [AMENDED]. Updates clarify when prior approval is required from RSA.

612:10-7-233. Special consideration in state government employment for persons with severe disabilities [AMENDED]. Updates the citation of OAC 530:10-9-100 to OAC 260:25-9-100.

612:10-7-242. Pre-Employment Transition Services [AMENDED]. Revisions provides clarification as to who is a student with a disability under WIOA.

612:10-9-5. Vocational rehabilitation [NEW]. This rule was originally 612:10-9-38. This rule is being moved into another section and requires renumbering.

#### Chapter 10: The following rules are being revoked:

- 612:10-9-15. Case status [REVOKED]
- 612:10-9-17. Application Status [REVOKED]
- 612:10-9-18. Closure from Application [REVOKED]
- 612:10-9-19. Eligibility Status [REVOKED]
- 612:10-9-20. Service Status [REVOKED]
- 612:10-9-21. Successful Closure [REVOKED]
- 612:10-9-22. Unsuccessful Closure after IPE Initiation [REVOKED]
- 612:10-9-24. Closed from Eligibility Status [REVOKED]
- 612:10-9-25. Post-Employment Service Status [REVOKED]
- 612:10-9-26. Post Employment Closure Status [REVOKED]
- 612:10-9-32. Diagnosis and evaluation [REVOKED]
- 612:10-9-38. Vocational rehabilitation [REVOKED]

612:10-11-1. Purpose [AMENDED]. Revisions removed antiquated language.

612:10-13-21. Code of ethics [AMENDED]. Revisions removed of antiquated language.

#### Chapter 15: Oklahoma Library for the Blind and Physically Handicapped

612:15-5-2. Suspension procedures [AMENDED]. Updated job title and Visual Services name change to Services for the Blind and Visually Impaired.

#### Chapter 20: Special Schools

612:20-3-38. Use of alcohol, drugs and controlled substances by employees (Drug-Free Workplace) [AMENDED]. Updated citation Title 63 O.S. 2-10 to Title 63 O.S. 2-101 under section (c).

612:20-9-2. Grants for Support Service Providers [NEW]. Rule implemented on Support Service Providers (SSP).

#### Chapter 25: Business Enterprise Program

The BEP rules listed in Chapter 25 were previously reviewed by the commission during the 2018 December meeting and subsequently approved during the 2019 March meeting. These rules were also previously reviewed by E-Team. The BEP rules did not receive RSA approval during the allotted time and were withdrawn on April 9, 2019.

The BEP rules were withdrawn during the allotted time and were not permanently changed through the Office of Administrative Rules (OAR) rulemaking process. These rules will continue to be resubmitted each rule year until RSA approval is received within the allotted time. The only change to the BEP rules is the division name change of Visual Services becoming Services to the Blind and Visually Impaired in 612:25-2-5 and

612:25-4-14. This will be the only additional change within the previously reviewed BEP rules.

612:25-2-5. Definitions [AMENDED]. The proposed rule adds the following definitions: BEP License, Emergency Satellite, Existing Manager, Extenuating Circumstances, Gross Sales, Management, Merchandise Loan, Notify, Satellite Manager, Satellite Performance Evaluation, Teaming Partner Agreement, Temporary Variance, Third Party Vendor and Timely submission. Removal of the following definitions: Permanent BEP License, Probationary BEP License, Probationary Licensee. Updated language on the following definitions: Emergency and Gross receipts,

612:25-4-14. Training for new or potential licensed managers [AMENDED]. The proposed rule added language to include a background check for Oklahoma sales tax regarding BEP applicants. Removal of antiquated language.

612:25-4-25 Management of BEP equipment and fixtures [AMENDED]. The proposed rule adds language criteria to establish a business enterprise.

612:25-4-27 Initial inventory and supplies [AMENDED]. The proposed changes includes guidelines for a merchandise loan, establishing timeframe for repayment, outstanding merchandise loans, approval of BEP Operations Coordinator for satellite facilities and existing managers, purchasing outgoing manager's inventory.

612:25-4-53 Assignment and transfer [AMENDED]. Proposed change adds language to clarify the transfer policy regarding the competitive selection process.

612:25-4-55 Qualifications [AMENDED]. The proposed revision clarifies language regarding eligibility to obtain an Oklahoma Tax Permit. Removed antiquated language.

612:25-4-57 Applicant Selection Committee [AMENDED]. Removal of antiquated language.

612:25-4-58 Annual and Performance Evaluations [AMENDED]. Proposed rule revision adds language merchandise loan payments.

612:25-4-59 Interview, Selection Process and Scoring [AMENDED]. Rule revision replaces 50 percent to 70 percent for the minimum a candidate can score.

612:25-4-61 Satellite business enterprise locations [AMENDED]. Proposed change adds language for a new business enterprise vacated by the existing private vendor and requests for immediate service that do not allow time for the normal selection process. Added Guidelines for current licensed managers regarding scores, monthly reports and payments, and current standing with the OTC.

612:25-6-1 Licensing requirements for managing a business enterprise [AMENDED]. Updated language.

612:25-6-2 Standards for licensed managers [AMENDED]. Raised replacement costs from \$25.00 to \$50.00 when the licensed manager or employees is negligent.

612:25-6-2.1 Probation [AMENDED]. Removed antiquated language.

612:25-6-3 Grounds for suspension or termination of a license [AMENDED]. Added language to clarify the manager may be suspended or terminated if the manager negotiates or act on behalf of the SLA, failure to pay for merchandise purchased from another licensed manager, has not actively worked as a licensed manager in the BEP for 2 years.

612:25-6-15 Setting aside of funds [AMENDED]. Updated language.

612:25-6-16 Criteria to establish a business enterprise [AMENDED]. Updated language.

612:25-6-18 Establishing new licensed managers in business enterprises [AMENDED]. Added procedures for outgoing licensed managers:

612:25-6-22 Monthly reports [AMENDED]. Removed antiquated language. Added language for submission times and returned checks.

612:25-6-33 Organization and operation of the Elected Committee of Licensed Managers [AMENDED]. Removed antiquated language.