



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Department of Rehabilitative Services
VAC Chapter Number:	22VAC30-20-90
Regulation Title:	Provision of Vocational Rehabilitation Services
Action Title:	Amend Order of Selection for Vocational Rehabilitation Services
Date:	April 14, 2003

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

Enter Statement Here In the event that the full range of vocational rehabilitation services cannot be provided to all eligible individuals who apply for services because of insufficient resources, an order of selection system may be implemented by the commissioner following consultation with the State Rehabilitation Council and the board. The order of selection shall determine those persons for whom services may be purchased. It shall be the policy of the department to encourage referrals and applications of all persons with disabilities and, to the extent resources permit, provide services to all eligible persons.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

Enter Statement Here On _____ the Commissioner of the Department of Rehabilitative Services adopted amendments to existing regulations entitled “Provision of Vocational Rehabilitation Services” Order of Selection for Services (22 VAC 30-20-90). These amendments do not differ from the proposed regulations published in Volume 19, Issue 11 of the Virginia Register of Regulations on February 10, 2003.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

Enter Statement Here
Code of Virginia 51.5-14

Public Law 105-220 105th Congress The Rehabilitation Act of 1973 as amended in 1998

Office of Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulations and it comports with applicable state and federal law.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

Enter Statement Here

In the event that the full range of vocational rehabilitation services cannot be provided to all persons determined to be eligible because of insufficient resources, this intended regulation will allow the Department of Rehabilitative

Services to enter into an Order of Selection to provide services to eligible individuals in an efficient and economical manner.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action’s detail.

Enter Statement Here

Eligible individuals will be placed into one of four separate priority categories based on the severity or significance of their disabilities. Eligible individuals with the most significant disabilities will be served first. As resources become available, the next priority category will be opened, and vocational rehabilitation services will be provided to all eligible individuals within that open priority category. This regulation is needed to provide vocational rehabilitation services to the most significantly disabled when resources are limited to point of not being able to serve all eligible individuals.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term “issues” means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

Enter Statement Here

1. The primary disadvantage this proposed regulation may have to individual citizens is that it may require some eligible persons with disabilities to be placed on a waiting list for vocational rehabilitation services. 2. The advantage to the agency is that it will allow the agency to provide services to the most significantly disabled in the event resources are limited. The disadvantage to the agency is that it will not be able to provide services to all eligible individuals and may disrupt relationships with referral sources.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

Enter Statement Here

NONE

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

Enter Statement Here

NONE

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

Enter Statement Here

NONE

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Enter Statement Here

The proposed regulation may result in eligible individuals experiencing a delay in receiving vocational rehabilitation services due to a lack of available resources. This may delay some eligible individuals from becoming economic self-sufficient and may decrease the disposable family incomes of these individuals. However, the proposed regulation will allow the Department of Rehabilitative Services to allot limited resources to provide vocational rehabilitation services to individuals with the most significant disabilities.