



Periodic Review / Retain Regulation Agency Background Document

Agency name	Department of Rehabilitative Services
Virginia Administrative Code (VAC) citation	__22__ VAC_30__ -_30__
Regulation title	Provision of Independent Living Services
Document preparation date	September 23, 2008

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 36 (2006) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Code of Virginia 51.5-14

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

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

The Department of Rehabilitative Services considered repealing the regulation and relying on the state contract and federal regulations to regulate service providers and protect client rights. However, retaining the state regulation will enable clients to access the state judicial system in an appeal, and will make the state-funded program consistent with the federal program.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comments received. No informal group was formed.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 36, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The existing regulations for Independent Living Services comply with the current federal regulations and provide that state-funded Centers for Independent Living are regulated in a manner similar to federally funded Centers. Maintaining the existing regulations will continue to enhance consumer rights and reduce consumer cost for services.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The Department of Rehabilitative Services is recommending that the regulation stay in effect without change.

Family impact

Please provide an analysis of the regulation’s impact on the institution of the family and family stability.

The existing regulations consider only the client’s income – and not family’s income- if the client is age 18 or older. This encourages personal responsibility, self-determination, and independence on the part of adults with disabilities that live with parents. It also increases the disposable family income by not using the financial resources of client’s family members to pay for client’s services.

Individuals receiving Worker’s Compensation or Veterans’ Disability benefits are exempt from the financial needs test. In addition, some services are provided at “no cost”. Both of these provisions facilitate access to needed services and increase disposable income for individuals with disabilities.