



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	22VAC30 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:	Enter Date

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

In the event that the full range of vocational rehabilitation services cannot be provided to all persons determined to be eligible because of unavailable 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.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Code of Virginia 51.5-14

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+51.5-14>

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

[http://frwebgate.access.gpo.gov/cgi-](http://frwebgate.access.gpo.gov/cgi-bin/useftp.cgi?IPaddress=162.140.64.21&filename=publ220.105&directory=/diskc/wais/data/105_cong_public_laws)

[bin/useftp.cgi?IPaddress=162.140.64.21&filename=publ220.105&directory=/diskc/wais/data/105 cong public laws](http://frwebgate.access.gpo.gov/cgi-bin/useftp.cgi?IPaddress=162.140.64.21&filename=publ220.105&directory=/diskc/wais/data/105_cong_public_laws)

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

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.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The Department of Rehabilitative Services will implement an order of selection as a last resort to allot limited resources. A departmental task force has been convened to recommend other methods of conserving resources that may be considered by the Department. These recommendations will be implemented as appropriate according to state and federal law. However, if resources continue to be limited after these recommendations have been implemented, and order of selection will be necessary.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent 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.

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.