



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation
Agency Background Document

Agency Name:	Virginia Department of Rehabilitative Services
VAC Chapter Number:	22 VAC 30
Regulation Title:	Provision of Vocational Rehabilitation Services
Action Title:	Amendment to existing regulations
Date:	October 31, 2000

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

Note agency actions exempt pursuant to § 9-6.14:4.1(B) do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

22 VAC 30-20-10. Definitions. New definitions added
22 VAC 30-20-20. Processing referrals and applications. Criteria for processing referral has changed. Time provisions for providing eligibility are added.
22 VAC 30-20-30. Sections on assessment for determining eligibility and priority for services have been combined.
22 VAC 30-20-40. Eligibility requirements. Presumption of benefit statement. Applicants who meet basic eligibility requirements are presumed to be able to benefit from services unless clear and convincing evidence demonstrates otherwise. Social Security beneficiaries are presumed to meet basic eligibility requirement

Existing data shall be used to determine eligibility unless it is unavailable, insufficient, or inappropriate.

22 VAC 30-20-50. Evaluation of vocational rehabilitation potential. Information on preliminary and thorough diagnostic study is relocated 22 VAC 30-20-40.

22 VAC 30-20-60. Extended evaluation for individuals with severe disabilities. Includes statement that an extended evaluation must be conducted to determine if there is clear and convincing evidence that the individual cannot benefit from vocational rehabilitation services. Only services that can be provided in extended evaluation are those necessary to determine if the individual can benefit from VR services and those to determine the scope of services needed to achieve an employment outcome. Description of clear and convincing evidence is provided

22 VAC 30-20-70. Certification of eligibility. No change

22VAC30-20-80. Procedures for ineligibility determination. If an individual is determined to be ineligible for VR services, the individual or the individuals representative must be notified in writing supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the. Such notification must also be supplemented with the appropriate form of communication according to the the individual will be provided with a description of the services available from the Client Assistance Program under the Department for the Rights of Virginians with Disabilities and information on how to contact the program. The case will be reviewed by the DRS within a year of being closed as incapable of achieving an employment outcome and annually thereafter as requested by the individual. The applicant's case cannot be closed prior to making an eligibility determination

22 VAC 30-20-90. Order of selection for services.: No substantial change

22 VAC 30-20-100. The individualized written rehabilitation program (IWRP) procedures. Includes time lines for the accomplishment of IWRP Goals. Copy of IWRP and amendment shall be provided in the appropriate mode of communication to individual and individual's representative as appropriate. IWRPs for special education students must take into consideration the individualized education plan. Timelines for reviews are given.

22 VAC 30-20-110. Individualized written rehabilitation program (IWRP) content. States that goals and services are to be consistent with the informed choice of the individual. Dates for achieving objectives have been change to time frames.

22VAC30-20-120. Scope of vocational rehabilitation services for individuals. Adds that services shall be consistent with the informed choice of the individual. Describes individual services more in depth

22 VAC 30-20-130. Individuals determined to have achieved an employment outcome change from individual determined to be rehabilitated. The employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, and in most integrated setting possible. Individual must maintain employment for a period of 90 days to be considered achieving an employment outcome.

22 VAC 30-20-140. Authorization of services. No change

22 VAC 30-20-150. Written standards for facilities and providers of services. Has been included

22 VAC 30-20-160. Participation of individuals in the cost of services based on financial need. Statement added that policies must be applied uniformly to all individuals in similar circumstances; the policies may require different levels of need for different geographic regions in the state, but must be applied uniformly to all individuals within each geographic region; and the policies must ensure that the level of an individual's participation in the cost of vocational rehabilitation services is reasonable, based on the individual's financial need, including consideration of any disability-related expenses paid by the individual, and not so high as to effectively deny the individual a necessary service. Aid to Families with Dependent Children changed to Temporary Assistance for Needy Families (TANF). Similar benefits changed to comparable benefits.

22 VAC 30-20-170. Availability of comparable services and benefits. Description of comparable benefits and when they must be used is included.

22 VAC 30-20-180. [Repealed]

22 VAC 30-20-181. Review of rehabilitation counselor or coordinator determinations. No change

22VAC30-20-190. Protection, use, and release of personal information. No change

22 VA C 30-20-200. Review of extended employment. The case of all individuals placed in extended employment must be reviewed annually. This review or reevaluation must include input from the individual or, in an appropriate case, the individual's representative to determine the interests, priorities, and needs of the individual for employment in an integrated setting in the labor market. Maximum effort shall be made by the state unit to identify vocational rehabilitation services, reasonable accommodation, and support services to place the individual in the most integrated setting possible consistent with

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.

On 2/15/00 the Commissioner of the Department of Rehabilitative Services adopted amendments to existing regulations entitled “Provision of Vocational Rehabilitation Services” (22 VAC 30-20-10 through 22 VAC 30-20-200). These amendments do not differ materially from the related federal regulations 34 CFR Part 361 State Vocational Rehabilitation Services Program

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.

These regulations will encourage the economic self-sufficiency of persons with disabilities by assisting them to become employed and enabling them to contribute to the financial support of their families.