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Final Regulation Agency Background Document

Agency name	Department for the Blind and Vision Impaired
Virginia Administrative Code (VAC) citation(s)	22 VAC <u>45-50</u>
Regulation title(s)	Regulation Governing Provision of Services in Vocational Rehabilitation
Action title	Repeal existing regulations and promulgate new regulations
Date this document prepared	3-30-2016

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The proposed regulations incorporate updated federal language, remove agency policy language, eliminate one section that is not necessary to ensure compliance with federal regulations, separates one section into two separate sections to provide greater clarification, and combines two sections that were duplicative. Due to the extensive changes, the Department proposes to repeal (22 VAC 45-50) and promulgate new regulations (22 VAC 45-51.)

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the “Definition” section of the regulations.

Department for the Blind and Vision Impaired (DBVI)
Individualized Plan for Employment (IPE)

Statement of final agency action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

Department for the Blind and Vision Impaired added two words “or Optometrists” to 22VAC45-51-40(D)(1)(b) Eligibility for Vocational Rehabilitation Services, following agency review of the 17 public comments made during Stage 2. All seventeen public commenters made the same recommendation and the agency agreed with those recommendations.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including: 1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable; and 2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person’s overall regulatory authority.

Code of Virginia § 51.5-65 authorizes the Commissioner to promulgate regulations to carry out the provisions of this title.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

This proposed action repeals existing regulations (22 VAC 45-50) concurrently with the promulgation of new regulations (22 VAC 45-51) in order to update Virginia’s Regulations Governing Provision of Services in Vocational Rehabilitation. The action ensures that blind, visually impaired, and deafblind citizens receiving vocational rehabilitation services from the DBVI have accurate and clearly articulated regulations regarding vocational rehabilitation services that are consistent with federal regulations.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both.

22 VAC 45-50 is outdated and subsequently inconsistent with federal regulations. 22 VAC 45-51 updates existing regulations from the Federal Regulations (34 CFR Part 361), incorporates the name changes for two agencies, removes Department for the Blind and Vision Impaired policy language, removes one section that is not necessary to ensure compliance with federal regulations, separates one section into two separate sections to provide greater clarification and combines two other sections that were duplicative. Additionally, the new regulations are easier to read and understand.

Issues

Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary 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 indicate.

The proposed regulatory action poses no disadvantages to the public or the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

The proposed regulations are not more restrictive than federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

There are no localities particularly affected by the proposed regulations.

Family impact

Please assess the impact of this 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.

Blind, visually impaired, and deafblind citizens, their family members, consumer groups, state and local government entities, and others in the Commonwealth will benefit from the promulgation of these new regulations which are easier to understand than the existing regulations. The proposed regulations accurately explain the vocational rehabilitation services available to eligible Virginian's.

Changes made since the proposed stage

Please list all changes that made to the text of the proposed regulation and the rationale for the changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. *Please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
22 VAC 45-51-40	The new requirement provides for qualified Optometrists to provide expert opinion that an individual with a rapidly progressive eye condition will have functional limitation related to employment that will cause the individual to required specialized services in order to enter into, regain or maintain employment.	Addition of the words "or Optometrists" in the 22 VAC 45-51-40 (D)(1)(b).	Optometrists are fully qualified to diagnose rapidly progressive eye conditions.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate. Please distinguish between comments received on Town Hall versus those made in a public hearing or submitted directly to the agency or board.

Commenter	Comment	Agency response
David Tang	Include Optometrist in 22VAC45-51-40 (D)(1)(b)	DBVI concurs and addition has been made in 22VAC45-51-40 (D)(1)(b)
Christina Giles, Northern VA Doctors of Optometry	Optometrist and/or ophthalmologist can diagnose eye disease(s); both professions are adequately qualified to make sure diagnoses. At times optometrists are more accessible than ophthalmologists (especially in rural areas) and therefore it would benefit the public/patients to have the	DBVI concurs and addition has been made in 22VAC45-51-40 (D)(1)(b)

	flexibility to visit either profession. Revise 22VAC45-51-40 (D)(1)(b) to include Optometrists.	
Dr. Robert M. Allen, President-Elect - Virginia Optometric Association	22VAC45-51-40 (Eligibility for vocational rehabilitation services), section D. 1. b. needs to be revised to include optometrists. Evaluating, diagnosing and monitoring rapidly progressive eye conditions are a basic part of optometry's clinical training and their authorized scope of practice. Further, this reflects services offered by optometrists throughout Virginia. Patient access will clearly be improved by inclusion of this language as optometrists are far more geographically distributed than their ophthalmology colleagues	DBVI concurs and addition has been made in 22VAC45-51-40 (D)(1)(b)
Gene Sweetnam, O.D	Optometrists should be included in the wording of 22VAC45-51-40 Eligibility for Voc Rehab. Optometrists diagnose and treat eye disease and quite frankly are now the primary gatekeeper for eye care and treatment. Please reconsider and add Optometrists.	DBVI concurs and addition has been made in 22VAC45-51-40 (D)(1)(b)
Jen Weigel, OD, FAAO	Regarding 22VAC45-51-40. Eligibility for Vocational Rehabilitation Services. Section D1b should state that the eye disease should be diagnosed by a qualified ophthalmologist AND/OR OPTOMETRIST. Optometrists are the leading eye care providers, serving a much wider proportion of the people living in the Commonwealth of Virginia compared to ophthalmologists; the profession is fully capable of diagnosing most all diseases that would qualify a patient for vocational rehabilitation services.	DBVI concurs and addition has been made in 22VAC45-51-40 (D)(1)(b)
Christine Cook, O.D., F.A.A.O., The Eye Specialists, Ltd.	Optometrists should be included in the wording of 22VAC45-51-40 Eligibility for Voc Rehab. The wording should be amended to include optometrists who are trained to diagnose and manage eye diseases and visual impairments, including rapidly progressing conditions and are uniquely qualified to assess and provide low vision devices Including Optometrists also expands access to services for Virginians.	DBVI concurs and addition has been made in 22VAC45-51-40 (D)(1)(b)
Dr. Jenny	Revision to 22VAC45-51-40 Item D.b.	DBVI concurs and addition has been made

<p>Alsop, Midlothian Optometric Center</p>	<p>I am in favor of 22VAC45-51-40 as long as a change is made to include "Optometrists" in D. subset b. Doctors of optometry are trained in the diagnosis and treatment of eye disease, and are trained in handling patients with visual disabilities or low vision. It is therefore appropriate for this inclusion.</p>	<p>in 22VAC45-51-40 (D)(1)(b)</p>
<p>Lisa V. Gontarek, OD</p>	<p>In regard to 22VAC45-51-10. Definitions. Optometrists and ophthalmologists should be included and optometrists are actually more likely to have specialized low vision and vision rehabilitation training. 22VAC45-51-40 Eligibility for vocational rehabilitation services (section D.1.b.) should be changed to include optometrists. Optometric training certainly includes examination, diagnosis, monitoring, and management of many eye conditions that may lead to progressive vision loss. Optometrists are readily accessible across Virginia.</p>	<p>Optometrists are included in the section 22 VAC 45-51-10. DBVI concurs and addition has been made in 22VAC45-51-40 (D)(1)(b)</p>
<p>Dr Scott Mann, Invision Optometrists</p>	<p>Clarifications governing provision of service in vocational rehabilitation. Section 22VAC45-51-10. Definitions should include Optometrists practicing the profession as defined by 54.1-3200 Code of Virginia and as regulated by the Board of Optometry 18VAC105-20. Section 22VAC45-51-40 D1b should revised to include optometrists. These clarifications are consistent with training of and services provided by optometrists. The large geographic footprint of optometry throughout the State of Virginia will insure better access for patients.</p>	<p>Optometrists are included in the section 22 VAC 45-51-10. DBVI concurs that Optometrists should be included in the Eligibility for Services section of these proposed regulations and addition has been made in 22VAC45-51-40 (D)(1)(b)</p>
<p>Walter Whitley</p>	<p>Optometrists and Ophthalmologists should both be included in 22VAC45-51-40 (Eligibility for vocational rehabilitation services), section D. 1. b. Optometrists are licensed to evaluate, diagnose, and monitor rapidly progressive eye conditions which is a part of our clinical training and scope of practice.</p>	<p>DBVI concurs that Optometrists should be included in the Eligibility for Services section of these proposed regulations and addition has been made in 22VAC45-51-40 (D)(1)(b)</p>

<p>Lucas Spiker</p>	<p>I support the corrected clarifying inclusion of optometrists and ophthalmologists in 22VAC45-51-10 definitions.</p> <p>To improve patient access, 22VAC45-51-40 should include optometrists. (ie. "... in the opinion of a qualified optometrist or ophthalmologist.") Optometrists have a greater geographic distribution than ophthalmologists and are clinically trained in evaluating, diagnosing, and monitoring rapidly progressive eye conditions.</p>	<p>DBVI concurs that Optometrists should be included in the Eligibility for Services section of these proposed regulations and addition has been made in 22VAC45-51-40 (D)(1)(b)</p>
<p>Dr. Jennifer E. Davis</p>	<p>Corrections on Voc Rehab: Definitions and Eligibility Sections. The revised definitions 22VAC45-51-10 reflect the current scope and training of doctors of optometry. To improve patient access and greater availability of DBVI services, 22VAC45-51-40 D.1. subsection b needs to change to include optometry.</p>	<p>Optometrists are included in the section 22 VAC 45-51-10.</p> <p>DBVI concurs that Optometrists should be included in the Eligibility for Services section of these proposed regulations and addition has been made in 22VAC45-51-40 (D)(1)(b)</p>
<p>Adam Parker, OD</p>	<p>Clarification of eye doctor services I support inclusion of Optometrists in section D.1.b of regulation 22VAC45-55-40. Optometrists as well as Ophthalmologists are trained to be specialized in low vision. This will greatly enhance patient access to a qualified eye care practitioner.</p>	<p>DBVI concurs that Optometrists should be included in the Eligibility for Services section of these proposed regulations and addition has been made in 22VAC45-51-40 (D)(1)(b)</p>
<p>Colonial Eye Care</p>	<p>Clarification of eye doctor service I support the inclusion of both ODs and MDs 22vac45-51-10 definitions. They reflect recognize the scope of practice of ODs who are clinical trained in low vision and rehab services. 22vac45-51-40, section D.1.b. needs to be revised to include Optometrist.</p>	<p>DBVI concurs that Optometrists should be included in the Eligibility for Services section of these proposed regulations and addition has been made in 22VAC45-51-40 (D)(1)(b)</p>
<p>Dora Adamopoulos, OD</p>	<p>Clarification of eye doctor services I'd like to add my support to the corrected <i>clarifying inclusion</i> of both optometrists and ophthalmologists in 22VAC45-51-10 definitions. In order to be accurate and improve access for patients 22VAC45-51-40, (Eligibility for vocational rehabilitation services) section D.1.b. needs to be revised to include optometrists, who by clinical training are more likely to be</p>	<p>DBVI concurs that Optometrists should be included in the Eligibility for Services section of these proposed regulations and addition has been made in 22VAC45-51-40 (D)(1)(b)</p>

	<p>specialized in low vision and vision rehabilitation services. Evaluating, diagnosing, and monitoring rapidly progressive eye conditions are part of the optometry's clinical training, their authorized scope, and reflects services offered by optometrists throughout Virginia. With much greater geographic distribution of optometrists, this revision will clearly improve patient access.</p>	
<p>Bruce B. Keeney, Sr. Legal Counsel VA Optometric Association</p>	<p>Corrections to Definitions and Eligibility Sections of Proposed Regs on Voc Rehab The Virginia Optometric Association (VOA) strongly supports updating the definitions found in 22VAC45-51-10. Not only do they reflect Virginia statute, but reflect the current scope and clinical training of doctors of optometry. Such is critically important in that low vision services are largely provided by optometrists. In the eligibility for vocational rehabilitation services, specifically 22VAC45-51-40 D.1. subsection b. needs to be corrected by including optometry, indicating "in the opinion of a qualified optometrist or ophthalmologist." Doing so complies with the definition section, reflects optometrists' scope of practice and clinical training to evaluate, diagnose, monitor and when applicable treat "rapidly progressive eye conditions." With optometrists having much wider geographic distribution in Virginia and that approximately 70% of the public relies on optometrists for their eye and vision care, this correction will clearly improve patient access and result in greater availability of DBVI services to those eligible and in need.</p>	<p>DBVI concurs that Optometrists should be included in the Eligibility for Services section of these proposed regulations and addition has been made in 22VAC45-51-40 (D)(1)(b)</p>
<p>Gerald Neidigh, Immediate Past Pres of VOA</p>	<p>In support of this update but Comment on obvious oversight in this language. I support this new language and clarification of this code is needed. The correction that is needed within 22VAC45-51-40 is in section D.1.b. This needs to be revised to include</p>	<p>DBVI concurs that Optometrists should be included in the Eligibility for Services section of these proposed regulations and addition has been made in 22VAC45-51-40 (D)(1)(b)</p>

	<p>optometrists. Evaluating, diagnosing, and monitoring rapidly progressive eye conditions are part of optometry's clinical training, authorized scope, and reflects services offered by optometrists all over Virginia.</p>	
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All changes made in this regulatory action

Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections. Explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
22 VAC45-50-10	22VAC45-51-10	(Definitions) Includes and defines words and terms that are used throughout the DBVI VR regulations	(Definitions.) Definitions are updated and expanded to provide greater clarification and understanding of terms referenced in the regulations.
22 VAC45-51-20	22VAC45-51-20	(Processing Referrals and Applications) Referral and Eligibility A. Certain items of information are required in order to open a case record on individuals who are referred for rehabilitation services. The Vocational Rehabilitation Program shall open a case record on every individual who is referred and regarding whom the required items of information are known. B. A referred individual regarding whom the Vocational Rehabilitation Program has the required items of information and who requests in writing consideration for eligibility for the Vocational Rehabilitation Program shall be considered an applicant. All applicants	(Protection, use, and release of personal information.) Section renamed. Requires DBVI to safeguard the confidentiality of all personal client information, including photographs; ensures that information be used only for the purpose directly connected with the administration of the DBVI vocational rehabilitation program. DBVI may release information upon written request; release personal information to an organization, agency, or individual engaged in audit, evaluation, or research only for purposes directly connected with the administration of the vocational rehabilitation program; upon written consent of the individual or, if appropriate, the individual's representative. DBVI may release personal information to another agency or organization for its program purposes; releases any personal information required by federal and state laws or regulations; releases personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by federal or state laws and regulations and in response to an order issued by a judge, magistrate, or other

		are informed regarding the availability of the Client Assistance Program.	authorized judicial officer; upon the request of the U.S. Secretary of Education or his designee, DBVI shall release to the Governor or his designee a complete and certified copy of the case record including transcripts of the fair hearing decision for the purpose of the Governor's review of the final decision. Necessary for compliance with the federal regulation. Language refers to "requirements" or "regulations" rather than "grant."
22VAC45-50-30	22VAC45-51-30	(Eligibility for Vocational Rehabilitation Services) Details that DVH (now known as DBVI) is the agency that provides vocational rehabilitation services to individuals with visual impairments. Discusses federal requirements necessary for individuals to be eligible for VR services.	(Processing of referrals and application.) Section renamed. Simplifies appropriate steps in applying for VR services. Necessary for compliance with federal regulations. Language refers to "requirements" or "regulations" rather than "grant."
22VAC45-50-40.	22VAC45-51-40	(Evaluation of Vocational Rehabilitation Potential; Preliminary Diagnostic Study) Describes assessments and evaluations that may be used to determine eligibility for services and professionals who may provide these assessments and evaluations.	(Eligibility for vocational rehabilitation services.) Section renamed and details the eligibility that must be met for services, such as, blind or visually impaired; blindness or visual impairment must constitute or result in a significant impediment to employment; individual must require vocational rehabilitation services to prepare for, secure, retain, or regain employment; and individual must be able to benefit in terms of an employment outcome from the provision of vocational rehabilitation services. Necessary for compliance with the federal regulations. Language refers to "requirements" or "regulations" rather than "grant." [Adds qualified Optometrists to provide expert opinion that an individual with a rapidly progressive eye condition will have functional limitation related to employment that will cause the individual to required specialized services in order to enter into, regain or maintain employment.]
22VAC45-50-50.	22VAC45-51-50	(Evaluation of Vocational Rehabilitation Potential; Thorough	(Comprehensive assessment of qualification for individualized plans for employment.) Section is renamed and addresses the assessment the DBVI

		<p>Diagnostic Study) Describes the medical, psychological, vocational, education, and other factors relating to employment and rehabilitation needs and outlines what types of specialized reports or assessments that may be used to ascertain barriers to employment.</p>	<p>shall administer to make a determination of the employment outcome and nature and scope of vocational rehabilitation services to be included in the individuals individualized plan for employment. Necessary for compliance with the federal regulations. Language refers to “requirements” or “regulations” rather than “grant.”</p>
22VAC45-50-60.	22VAC45-51-60	<p>(Order of Selection for Services) Describes the actions DBVI will take when unable to serve all potentially eligible individuals due to insufficient funds.</p>	<p>(Order of selection for services.) Discusses actions DBVI will take when unable to serve all potentially eligible individuals due to insufficient funds. An order of selection for services shall be implemented: DBVI will consult with the State Rehabilitation Council regarding (i) the need to establish an order of selection, (ii) establishment of categories in the order of selection, (iii) establishment of criteria for each category, and (iv) administration of the order of selection; conduct a public hearing prior to implementation of the order of selection; continue to provide services to all individuals currently receiving services under an Individualized Plan for Employment. Necessary for compliance with federal regulations. Language refers to “requirements” or “regulations” rather than “grant.”</p>
22VAC45-50-70.	22VAC45-51-70	<p>(Services to Handicapped American Indians) Describes that vocational rehabilitation services will be provided to handicapped American Indians.</p>	<p>(Scope of vocational rehabilitation services for individuals who are blind or vision impaired.) Section renamed. Vocational rehabilitation services shall be available to assist individuals who are blind or visually impaired in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the individual’s strengths, resources, priorities, concerns, abilities, capabilities, and interests. Language refers to “requirements” or “regulations” rather than “grant.”</p>
22VAC45-50-80.	22VAC45-51-80	<p>(Scope of State Unit Program; Vocational Rehabilitation Services for Individuals) Describes the scope of vocational rehabilitation services, including evaluation to</p>	<p>(Development of the individualized plan for employment.) Section renamed. Requires DBVI to conduct an assessment for determining vocational rehabilitation needs, if appropriate, for each eligible individual or, if DBVI is operating under an order of selection, for each eligible individual to whom DBVI is</p>

		determine eligibility, that may be provided to individuals receiving services from the agency,	able to provide services. The purpose of this assessment is to determine the employment outcome and the nature and scope of vocational rehabilitation to be included in the individualized plan for employment (IPE) DBVI shall assure that an IPE is developed and implemented in a timely manner for each individual determined to be eligible for vocational rehabilitation services or, if DBVI is operating under an order of selection for each eligible individual to whom DBVI is able to provide services; and services shall be provided in accordance with the provisions of the IPE. Requires the IPE to be designed to achieve the specific employment outcome selected by the individual consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and to the maximum extent appropriate, result in employment in an integrated setting. Language refers to "requirements" or "regulations" rather than "grant."
22VAC45-50-90.	22VAC45-51-90	(Supported Employment Services) Describes Supported employment services available to individuals who were traditionally not eligible for vocational rehabilitation services.	(Provision of services for individuals who are blind or visually impaired.) Section renamed. Specifies the provision of vocational rehabilitation services be based on the rehabilitation needs of each individual as identified in that individual's IPE and shall be consistent with the individual's informed choice. DBVI shall not place arbitrary limits on the nature and scope of vocational rehabilitation services to be provided to the individual to achieve an employment outcome. Necessary for compliance with the federal regulations. Language refers to "requirements" or "regulations" rather than "grant."
22VAC45-50-100.	22VAC45-51-100	(The Individualized Written Rehabilitation Program: Procedures) Describes the Program Procedures and Reviews requirements for the development and implementation of the Individualized Written Rehabilitation Program.	(Participation of individuals in the cost of services based on financial need and use of comparable services and benefits.) Section renamed. Requires DBVI to consider the financial need of eligible individuals who receive rehabilitation services; identifies the specific rehabilitation services to be exempt from a determination of the availability of comparable services and benefits; to consider the financial needs of eligible individuals using a financial need test; the financial need test shall

			provide for certain allowances and exclusions; annually, make a determination of the financial contribution of the individual. Necessary for compliance with the federal regulations. Language refers to "requirements" or "regulations" rather than "grant."
22VAC45-50-110.	22VAC45-51-110	<p>(Rates of Payment) Describes policies governing rates of payment regarding Medical fees, College fees, Obligations of sheltered workshops or other rehabilitation facilities for vocational evaluation and adjustment, Maintenance, Transportation , Interpreter service for deaf-blind, and Reader services. Also describes vendor's acceptance of an authorized fee from the medical fee schedule that shall be considered a payment in full for medical services and the vendor's acceptance of an authorized fee for a nonmedical service that is considered payment in full for that service unless mutually agreed otherwise by the vendor, the client, and the Vocational Rehabilitation Program of the Department.</p>	<p>(Participation of individuals in use of comparable services and benefits.) Section renamed. Specifies that prior to providing any vocational rehabilitation services to an eligible individual, or to members of the individual's family, DBVI shall determine whether comparable services and benefits exist under any other program and whether those services and benefits are available to the individual unless such a determination would interrupt or delay the progress of the individual toward achieving the employment outcome identified in the individualized plan for employment; an immediate job placement; or the provision of vocational rehabilitation services to any individual who is determined to be an extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional. Necessary for compliance with the federal regulations. Language refers to "requirements" or "regulations" rather than "grant."</p>
22VAC45-50-120.	22VAC45-51-120	<p>(Participation by Handicapped Individuals in the Cost of Vocational Rehabilitation Services) Describes financial need and subsequent participation in certain services by the individual receiving those services.</p>	<p>(Periodic review of ineligibility determinations.) Section renamed. Specifies that when DBVI determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an IPE is no longer eligible for services DBVI shall: make a determination of ineligibility only after providing the individual, or as appropriate, the individual's representative, with an opportunity for</p>

			<p>full consultation; inform the individual in writing, supplemented as necessary by other modes of communication consistent with the informed choice of the individual, of the ineligibility determination including reasons for that determination; the means by which the individual may express and seek remedy for dissatisfaction, including the procedures for review of determinations by DBVI; provide the individual with a description of services available from the Client Assistance Program established in the Virginia Office for Protection and Advocacy. Necessary for compliance with the federal regulation. Language refers to “requirements” or “regulations” rather than “grant.”</p>
22VAC45-50-130	22VAC45-51-130	<p>(Appeal Procedures) Describes the rights afforded to any resident of Virginia who has a complaint pertaining to services to a review and a fair hearing</p>	<p>(Periodic review of extended employment.) Section renamed. Specifies that DBVI shall annually review and reevaluate the status of each individual with a disability who has achieved an employment outcome either in an extended employment setting or in a community rehabilitation program or in any other employment setting in which the individual is compensated in accordance with section 14(c) of the Fair Labor Standards Act for 2 years after the individual achieves the employment outcome (and thereafter if requested by the individual or, if appropriate, the individuals representative) to determine the interests, priorities, and needs of the individual with respect to competitive employment or training for competitive employment. Language refers to “requirements” or “regulations” rather than “grant.”</p>
22VAC45-50-140.	22VAC45-51-140	<p>(Protection, Use, and Release of Personal Information) Describes the policy of the agency to consider all personal information about prospective clients, current clients, and past clients as confidential information.</p>	<p>(Review of determinations made by DBVI.) Section renamed. Specifies that an applicant or eligible individual who is dissatisfied with any determination made by DBVI that affects the provision of vocational rehabilitation services may request, or, if appropriate, may request through the individual’s representative, a timely review of that determination. Requires DBVI to develop an informal process for resolving a request for review and provides the applicant or eligible individual with mediation or a formal hearing. Necessary for compliance with the federal regulations.</p>

			Language refers to “requirements” or “regulations” rather than “grant.”
22VAC45-50-150.		<p>(Periodic Review of Extended Employment in Rehabilitation Facilities) Specifies that DVH annually reviews and reevaluates the status of handicapped clients it has placed in employment in rehabilitation facilities to determine their potential for placement or training for future placement in the competitive labor market. These reviews and reevaluations are conducted by administrative staff. Where potential for competitive labor market placement or training is found, a referral is made to the appropriate rehabilitation counselor.</p>	