



Virginia  
Regulatory  
Town Hall

## Final Regulation Agency Background Document

<b>Agency Name:</b>	Department for the Blind and Vision Impaired
<b>VAC Chapter Number:</b>	70
<b>Regulation Title:</b>	Provision of Services in Rehabilitation Teaching
<b>Action Title:</b>	Amend to Eliminate Unnecessary detail and Update Visual Eligibility and Certification of Eligibility
<b>Date:</b>	01/04/2002

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*Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed.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or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed.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

The regulation provides both eligibility requirements and services that are provided under the Department's Rehabilitation Teaching Program. The Department is making content changes to eliminate unnecessary detail and bring the regulation up to date in the areas of visual eligibility, certification of eligibility, financial participation guidelines and incorporating the new agency name.

**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

I hereby approve the foregoing Regulatory Review Summary. I certify that this final regulatory action has completed all the requirements of the Code of Virginia § 9-6.14:7.1, of the Administrative Process Act.

01/04/2002

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W. Roy Grizzard, Jr., ED.D  
Commissioner

**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 § 63.1-85(7) (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.1-85>) mandates the Commissioner to promulgate regulations to carry out the provisions of this title. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and it comports with applicable state and/or 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.*

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Enter Statement Here

This regulation has not been updated since 1990. The Department proposes making content changes to eliminate unnecessary detail and bring it up to date in the areas of visual eligibility and certification of eligibility and financial participation. Since these sections deal with substantive rights and benefits of individuals, they are essential in protecting the health, safety and welfare of citizens.

**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.*

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Enter Statement Here

The sections dealing with Certification of Eligibility determination and Certification of Ineligibility have been combined into one section, Eligibility Determination. This new section clarifies the eligibility process. The Financial Participation section has been rewritten. It addresses the current Department practice of applying a financial needs assessment for rehabilitation teaching services so that consumers who have sufficient resources may contribute toward the cost of their individualized plan of services.

**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.*

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Enter Statement Here

There are no disadvantages to the public or the Commonwealth with the changes proposed.

**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

There were no changes made to the text of the proposed regulation since its publication.

**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

The Department received no comments during the public comment period.

**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

The Department proposes making content changes to eliminate unnecessary detail and bring it up to date in the areas of visual eligibility, certification of eligibility, financial participation guidelines, and incorporating the new agency name, Department for the Blind and Vision Impaired. Under the section Certification of Eligibility, the requirement that a paper certificate be placed in the case file is eliminated. Details of eligibility determination will now be reflected in a case narrative. Financial participation guidelines were expanded to specify that goods and services will be provided at no cost to the legally blind consumer if the family income is less than 100% of the federally estimated median income for Virginia. Allowable deductions were added to adjust family income. The proposed changes require that the consumer contribute the adjusted amount over median income toward cost of goods or services identified in their plan of services. The proposed changes require that consumers must be both legally blind and demonstrate financial need in order to receive any purchased goods or services other than a low vision exam. Since these sections deal with substantive rights and benefits of individuals, they are essential in protecting the health, safety and welfare of citizens.

**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.*

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Enter Statement Here

Amending this regulation will have no impact on the institution of the family and family stability.