



OKLAHOMA
Rehabilitation Services

Commission for Rehabilitation Services

➤ **Commissioners Theresa Flannery, Wes Hilliard
and Jace Wolfe**

Regular Meeting
and Video Conferencing

3535 NW 58th Street, Suite 200
Oklahoma City, OK

January 10, 2022

Empowering Oklahomans with Disabilities

**State of Oklahoma
Commission for Rehabilitation Services
January 10, 2022
10:30 a.m.**

Oklahoma Department of Rehabilitation Services
3535 NW 58th Street, Suite 200
Oklahoma City, OK
and
Videoconferencing
Zoom link: <https://zoom.us/j/91407075502>
Phone: 1-669-900-9128
Webinar ID: 914 0707 5502

Theresa Flannery, Commission Chair
Jace Wolfe, Commission Vice-Chair
Wes Hilliard, Commission Member

Sign Language Interpreters are provided for public accessibility

- | | | |
|----|---|-------------------------|
| 1. | Call to Order and Roll Call | Theresa Flannery, Chair |
| 2. | Statement of Compliance with Open Meeting Act | Commission Assistant |

REPORTS

PAGE #

- | | | | |
|----|--|---|----------|
| 3. | Presentation of 2021 Oklahoma Commission for Rehabilitation Services | Theresa Flannery
Chair | |
| 4. | Executive Director's report with possible Commission discussion. The report includes Executive Director's participation in meetings; and updates on WIOA Unified State Plan; AWARE, case reviews and Program Standards and Statistical Research. | Melinda Fruendt
Executive Director | 4 |
| 5. | Priority Group Updates with possible Commission discussion. Report includes status of all Priority Groups I, II and III. | Mark Kinnison
Director Vocational
Rehabilitation Services | |
| 6. | Financial report with possible Commission discussion, FY 2021, and FY 2022 as of November 30, 2021. | Kevin Statham
Chief Financial Officer | 7 |

- | | | | |
|----|---|---|-----------|
| 7. | Personnel Activity report with possible Commission discussion, as of December 31, 2021. The activity report has current FTE status. | Tom Patt
Director
Human Resource | 22 |
| 8. | DRS Administrative Rules and Policies with possible Commission discussion. The report includes 2022 Proposed Administrative Rules and 2022 Summary of Rule Revisions. | Tina Calloway
Administrative
Programs Officer | 28 |

ACTION ITEMS

- | | | | |
|-----|--|--|------------|
| 9. | Review and discussion with possible vote for approval of the December 13, 2021 Commission for Rehabilitation Services regular meeting minutes. | Theresa Flannery
Chair | 181 |
| 10. | Review and discussion with possible vote for approval of the December 2021 donations to the Oklahoma Library for the Blind and Physically Handicapped | Kevin Treese
Program Manager
OLBPH | 188 |
| 11. | Review and discussion with possible vote for approval of the December 2021 donations to the Oklahoma School for the Blind. | Rita Echelle
Superintendent
OSB | 190 |
| 12. | Review and discussion with possible vote for approval of the December 2021 donations to the Oklahoma School for the Deaf. | Chris Dvorak
Superintendent
OSD | 192 |
| 13. | New Business (“Any matter not known about or which could not have been reasonably foreseen prior to the time of posting.” 25 O.S. § 311). | Theresa Flannery
Chair | |
| 14. | Announcements
Next Meeting:
Monday, February 14, 2022 at 10:30
3535 NW 58 th Street
2 nd Floor
Oklahoma City, OK 73112 | Theresa Flannery
Chair | |
| 15. | Public Comments. <i>(Under Oklahoma Open Meeting Laws, the Oklahoma Commission for Rehabilitation Services cannot respond to or discuss any public comment on a matter not on today’s agenda.)</i> | Public | |
| 16. | Adjournment | Theresa Flannery
Chair | |

EXECUTIVE DIRECTOR'S REPORT

Oklahoma Department of Rehabilitation Services
EXECUTIVE DIRECTOR REPORT
January 10, 2022

Executive

December

14 – Director and Jennifer Hardin met with Senator Kirt.

15 – WIOA Core Partner meeting.

16-20 – Director on Enforced Leave

21-31 – Annual Leave

January

4 – VR/SBVI Performance Team Meeting.

5 – Director and Julie Lackey made an Inclusive Post-Secondary Education (IPSE) call to other states interested.

7 – Human Services Cabinet Meeting.

Public Comment Period Open for WIOA Unified State Plan – Stephanie Roe

As part of requirements from the U.S. departments of Labor and Education, the Oklahoma Office of Workforce Development, Oklahoma Employment Security Commission, Oklahoma Department of Career and Technology Education, and Oklahoma Department of Rehabilitation Services will be completing a two-year modification to the Workforce Innovation and Opportunity Act (WIOA) State Plan. The plan is due March 15, 2022 to the U.S. Department of Labor.

All comments must be submitted in writing to oklaworks@okcommerce.gov to be considered. Those who comment should use the subject heading State Plan 2021. The plan can be found at www.oklahomaworks.gov/stateplanmod.

Three public Meetings about the plan will be held:

- January 7, 2022, 9:15 a.m., at OSU-OKC, Student Center, Pruitt Suite, 900 N. Portland Ave. Oklahoma City, 73017
- January 21, 2022, 11 a.m., at (Tulsa Technology Center, Conference Center meeting room, 801 E. 91st Street, Tulsa, 74132
- January 28, 2022, 1 p.m., Virtual Meeting.
See www.oklahomaworks.gov/stateplanmod for details.

Process Improvement – Lyuda Polyun AWARE

The AWARE team continues to work on revamping the training program for AWARE users, in conjunction with DRS professional development staff.

The project to move AWARE to being hosted by Alliance Enterprises rather than by OMES is quickly moving toward completion. The go-live date for Alliance hosting is scheduled for early 2022. Also anticipated is the implementation of an on-line self-referral/customer portal once after the hosted project is completed.

Another project to begin in 2022 is to utilize a web-portal hosted by the University of Missouri, that will be used to more efficiently and automatically, capture pre-employment transition services for Federal reporting for the RSA-911. This will replace a time-consuming, manual process.

Case Review

The QA team initiated an OPEN case review for December. December primarily was used as a training and adjustment period to become familiar with the new instrument and Guide and work out the reporting process; therefore, a smaller pull was done. Open cases will be reviewed for two consecutive months followed by a closed case review and so forth. The review process was coordinated with the Field Coordinators input and approval. The intent of open case review is to allow the Counselor's an opportunity to be informed and fix problem areas prior to case closure when applicable.

Review of a potential closure warning letter for successful closures was done at the Field Coordinators request.

Program Standards, Statistical Research

The research staff continue to work on the Statewide Needs Assessment.

The team are continuing to work on RSA-911 data validity with the AWARE team.

***Respectfully submitted by
Melinda Freundt, Executive Director***

FINANCIAL STATUS REPORT

Department of Rehabilitation Services Financial Status Report FY 21

As of November 30 , 2021

All Programs Agency Summary

	% of Total		2021		2022		% Expended	Encumbrances	% Used
	Budget	Budget	Expenditures	Expenditures in	Expenditures in	Expenditures in			
				FY 2021	FY 2022	FY 2022			
Personnel	82,351,471.00	49.6%	72,456,012.47	551,302.97	551,302.97	551,302.97	88.7%	458,678.31	89.2%
Travel	830,074.00	0.5%	262,631.27	41,107.58	41,107.58	41,107.58	36.6%	42,774.00	41.7%
General Operating	30,763,946.43	18.5%	13,843,490.76	1,803,769.06	1,803,769.06	1,803,769.06	50.9%	5,623,198.43	69.1%
Office Furniture & Equipment	2,161,937.81	1.3%	777,495.75	158,865.94	158,865.94	158,865.94	43.3%	125,206.52	49.1%
Client / General Assistance	41,773,306.00	25.2%	23,770,678.41	2,683,915.65	2,683,915.65	2,683,915.65	63.3%	4,303,150.79	73.6%
Indirect Cost	8,176,518.70	4.9%	8,176,518.70	0.00	0.00	0.00	100.0%	0.00	100.0%
Total	166,057,253.94	100.0%	119,286,827.36	5,238,961.20	5,238,961.20	5,238,961.20	75.0%	10,553,008.05	81.3%

Department of Rehabilitation Services Financial Status Report FY 21

As of November 30 , 2021

All Programs						
Vocational Rehabilitation and Services for the Blind and Visually Impaired						
	Budget	% of Total Budget	2021		Expended	% Used
			Expenditures	Expenditures in FY 2022		
Personnel	25,028,962.00	33.8%	21,243,545.72	85,547.41	85.2%	313,693.98
Travel	578,200.00	0.8%	206,160.32	32,193.89	41.2%	0.00
General Operating	12,398,766.50	16.7%	5,966,818.66	578,704.40	52.8%	2,529,564.18
Office Furniture & Equipment	590,594.00	0.8%	187,684.41	32,089.25	37.2%	0.00
Client / General Assistance	32,417,327.00	43.7%	17,301,420.56	2,354,994.30	60.6%	1,950,613.04
Indirect Cost	3,094,481.50	4.2%	3,094,481.50	0.00	100.0%	0.00
Total	74,108,331.00	100.0%	48,000,111.17	3,083,529.25	68.9%	4,793,871.20

Vocational Rehabilitation Grant						
	Budget	% of Total Budget	2021		Expended	% Used
			Expenditures	Expenditures in FY 2022		
Personnel	22,322,425.00	32.4%	19,007,837.04	45,397.11	85.4%	41,816.59
Travel	557,200.00	0.8%	196,529.71	31,027.57	40.8%	0.00
General Operating	11,409,098.47	16.6%	5,433,453.74	521,244.99	52.2%	2,355,991.22
Office Furniture & Equipment	400,450.00	0.6%	87,530.64	30,493.25	29.5%	0.00
Client / General Assistance	31,329,424.00	45.5%	16,609,593.83	2,235,788.56	60.2%	1,583,383.68
Indirect Cost	2,836,121.53	4.1%	2,836,121.53	0.00	100.0%	0.00
Total	68,854,719.00	100.0%	44,171,066.49	2,863,951.48	68.3%	3,981,191.49

Department of Rehabilitation Services Financial Status Report FY 21

As of November 30 , 2021

All Programs		2021		2022		%	
Oklahoma School for the Blind		Budget	Expenditures	Expenditures in FY 2022	Expended	Encumbrances	% Used
		% of Total Budget	Expenditures	Expenditures in FY 2022	Expended	Encumbrances	% Used
Personnel	6,376,484.00	66.7%	5,900,214.46	70,077.05	93.6%	11,894.50	93.8%
Travel	53,000.00	0.6%	10,600.59	4,940.52	29.3%	0.00	29.3%
General Operating	2,153,282.82	22.5%	1,100,509.94	186,519.89	59.8%	660,895.27	90.5%
Office Furniture & Equipment	326,638.81	3.4%	192,074.26	75,972.93	82.1%	823.00	82.3%
Client / General Assistance	73,000.00	0.8%	28,451.50	20.00	39.0%	0.00	39.0%
Indirect Cost	577,425.77	6.0%	577,425.77	0.00	100.0%	0.00	100.0%
Total	9,559,831.40	100.0%	7,809,276.52	337,530.39	85.2%	673,612.77	92.3%

Department of Rehabilitation Services Financial Status Report FY 21

As of November 30 , 2021

All Programs		2021		2022		%	
Oklahoma School for the Deaf		Budget	Expenditures	Expenditures in FY 2022	Expended	Encumbrances	% Used
		% of Total Budget	Expenditures	Expenditures in FY 2022	Expended	Encumbrances	% Used
Personnel	7,787,361.00	45.9%	7,140,727.25	58,262.41	92.4%	10,039.46	92.6%
Travel	40,974.00	0.2%	12,248.59	856.23	32.0%	279.20	32.7%
General Operating	6,828,559.62	40.2%	1,492,202.71	587,906.71	30.5%	590,647.87	39.1%
Office Furniture & Equipment	1,129,459.00	6.7%	331,266.81	46,524.73	33.4%	124,383.52	44.5%
Client / General Assistance	468,979.00	2.8%	214,413.57	45,498.74	55.4%	48,333.14	65.7%
Indirect Cost	721,153.92	4.2%	721,153.92	0.00	100.0%	0.00	100.0%
Total	16,976,486.54	100.0%	9,912,012.85	739,048.82	62.7%	773,683.19	67.3%

Department of Rehabilitation Services Financial Status Report FY 21

As of November 30 , 2021

		All Programs					
		Disability Determination Services					
	Budget	% of Total Budget	Expenditures	Expenditures in FY 2022	% Expended	Encumbrances	% Used
Personnel	36,322,769.00	65.6%	31,796,378.25	298,941.19	88.4%	72,059.12	88.6%
Travel	104,900.00	0.2%	19,796.95	1,686.18	20.5%	42,494.80	61.0%
General Operating	6,288,313.43	11.4%	3,455,906.66	202,165.54	58.2%	1,346,507.78	79.6%
Office Furniture & Equipment	59,432.00	0.1%	29,015.12	2,785.02	53.5%	0.00	53.5%
Client / General Assistance	8,814,000.00	15.9%	6,226,392.78	283,402.61	73.9%	2,304,204.61	100.0%
Indirect Cost	3,778,085.57	6.8%	3,778,085.58	0.00	100.0%	-0.01	100.0%
Total	55,367,500.00	100.0%	45,305,575.34	788,980.54	83.3%	3,765,266.30	90.1%

Department of Rehabilitation Services Financial Status Report FY 21

As of November 30 , 2021

	All Programs		2021		2022		%	
	Budget	% of Total Budget	Expenditures	Expenditures in FY 2022	Expended	Encumbrances	% Used	
Personnel	6,835,895.00	68.1%	6,375,146.79	38,474.91	93.8%	50,991.25	94.6%	
Travel	53,000.00	0.5%	13,824.82	1,430.76	28.8%	0.00	28.8%	
General Operating	3,095,024.06	30.8%	1,828,052.79	248,472.52	67.1%	495,583.33	83.1%	
Office Furniture & Equipment	55,814.00	0.6%	37,455.15	1,494.01	69.8%	0.00	69.8%	
Client / General Assistance	0.00	0.0%	0.00	0.00	0.0%	0.00	0.0%	
Indirect Cost	5,371.94	0.1%	5,371.94	0.00	100.0%	0.00	100.0%	
Total	10,045,105.00	100.0%	8,259,851.49	289,872.20	85.1%	546,574.58	90.6%	

Department of Rehabilitation Services Financial Status Report FY 21

As of November 30 , 2021

Personnel
Salary Expense
Insurance Premium -Health-Life, etc
FICA-Retirement Contributions
Travel
Travel - Agency Direct
Travel - Reimbursements
General Operating
AFP Encumbrances
Bond Indebtness and Expenses
Buildings-Purchase, Construction and Renovation
General Operating
Inter/Intra Agency Payment for Personal Services
Maintenance & Repair
Miscellaneous Administration Fee
Professional Services
Production, Safety, Security
Refunds, Indemnities, Restitution
Rent Expense
Scholarships, Tuition and Other Incentive-Type Payments
Shop Expense
Specialized Supplies & Materials
Office Furniture & Equipment
Library Equipment & Resources
Office Furniture & Equipment
Client / General Assistance
Social Service and Assistance Payments
Indirect Cost

Department of Rehabilitation Services Financial Status Report FY 22

As of November 30 , 2021

Agency Summary

	Budget		Expenditures		Expended		Encumbrances		% Used	
	% of Total				%				%	
	Budget	Budget	Expenditures	Expenditures	Expended	Expended	Encumbrances	Encumbrances	% Used	% Used
Personnel	84,266,785.00	51.6%	30,449,319.50	30,449,319.50	36.1%		53,706,469.50	53,706,469.50	99.9%	99.9%
Travel	422,339.00	0.3%	165,130.34	165,130.34	39.1%		46,714.46	46,714.46	50.2%	50.2%
General Operating	29,091,413.52	17.8%	5,850,482.44	5,850,482.44	20.1%		15,929,311.78	15,929,311.78	74.9%	74.9%
Office Furniture & Equipment	1,203,035.90	0.7%	240,835.40	240,835.40	20.0%		215,484.04	215,484.04	37.9%	37.9%
Client / General Assistance	38,317,091.00	23.5%	9,539,429.78	9,539,429.78	24.9%		26,236,592.78	26,236,592.78	93.4%	93.4%
Indirect Cost	9,883,353.00	6.1%	3,607,332.85	3,607,332.85	36.5%		6,276,020.15	6,276,020.15	100.0%	100.0%
Total	163,184,017.42	100.0%	49,852,530.31	49,852,530.31	30.5%		102,410,592.71	102,410,592.71	93.3%	93.3%

Department of Rehabilitation Services Financial Status Report FY 22

As of November 30 , 2021

All Programs						
Vocational Rehabilitation and Services for the Blind and Visually Impaired						
	% of Total			%		
	Budget	Budget	Expenditures	Expended	Encumbrances	% Used
Personnel	25,223,461.00	36.3%	8,514,481.78	33.8%	16,703,650.20	100.0%
Travel	229,900.00	0.3%	119,574.77	52.0%	0.00	52.0%
General Operating	10,838,853.00	15.6%	3,080,122.44	28.4%	6,473,288.02	88.1%
Office Furniture & Equipment	378,699.00	0.5%	110,873.74	29.3%	24,628.19	35.8%
Client / General Assistance	29,081,179.00	41.8%	7,150,791.62	24.6%	19,620,665.18	92.1%
Indirect Cost	3,795,911.00	5.5%	1,384,177.55	36.5%	2,411,733.45	100.0%
Total	69,548,003.00	100.0%	20,360,021.90	29.3%	45,233,965.04	94.3%

Vocational Rehabilitation Grant						
	% of Total			%		
	Budget	Budget	Expenditures	Expended	Encumbrances	% Used
Personnel	22,559,616.00	34.7%	7,602,569.29	33.7%	14,957,711.18	100.0%
Travel	217,000.00	0.3%	116,151.67	53.5%	0.00	53.5%
General Operating	10,227,810.00	15.7%	2,932,263.00	28.7%	6,057,072.12	87.9%
Office Furniture & Equipment	149,337.00	0.2%	50,012.49	33.5%	3,579.09	35.9%
Client / General Assistance	28,369,667.00	43.6%	7,040,523.40	24.8%	19,200,385.41	92.5%
Indirect Cost	3,534,966.00	5.4%	1,274,283.95	36.0%	2,260,682.05	100.0%
Total	65,058,396.00	100.0%	19,015,803.80	29.2%	42,479,429.85	94.5%

Department of Rehabilitation Services Financial Status Report FY 22

As of November 30 , 2021

All Programs		Oklahoma School for the Blind				
	% of Total			Encumbrances	% Used	
	Budget	Budget	Expenditures			Expended
Personnel	6,418,418.00	74.0%	2,546,129.67	39.7%	3,872,288.33	100.0%
Travel	31,000.00	0.4%	4,912.42	15.8%	0.00	15.8%
General Operating	1,183,018.00	13.6%	301,287.18	25.5%	829,309.66	95.6%
Office Furniture & Equipment	332,305.00	3.8%	33,734.45	10.2%	116,351.85	45.2%
Client / General Assistance	73,000.00	0.8%	9,540.32	13.1%	0.00	13.1%
Indirect Cost	630,439.00	7.3%	262,362.78	41.6%	368,076.22	100.0%
Total	8,668,180.00	100.0%	3,157,966.82	36.4%	5,186,026.06	96.3%

Department of Rehabilitation Services Financial Status Report FY 22

As of November 30 , 2021

All Programs		Oklahoma School for the Deaf		%		%	
	Budget	% of Total Budget	Expenditures	Expended	Encumbrances	% Used	% Used
Personnel	7,877,779.00	42.5%	2,720,072.97	34.5%	5,107,860.30	99.4%	99.4%
Travel	40,439.00	0.2%	22,965.14	56.8%	12,823.78	88.5%	88.5%
General Operating	9,029,608.00	48.7%	380,641.00	4.2%	4,311,775.80	52.0%	52.0%
Office Furniture & Equipment	418,561.90	2.3%	81,070.28	19.4%	64,145.00	34.7%	34.7%
Client / General Assistance	348,912.00	1.9%	65,735.44	18.8%	115,290.00	51.9%	51.9%
Indirect Cost	821,405.00	4.4%	284,337.59	34.6%	537,067.41	100.0%	100.0%
Total	18,536,704.90	100.0%	3,554,822.42	19.2%	10,148,962.29	73.9%	73.9%

Department of Rehabilitation Services Financial Status Report FY 22

As of November 30 , 2021

All Programs		Disability Determination Services				
	% of Total		%			
	Budget	Budget	Expenditures	Expended		Encumbrances
Personnel	37,632,354.00	67.0%	13,912,909.20	37.0%	23,719,533.03	100.0%
Travel	79,500.00	0.1%	9,388.84	11.8%	33,890.68	54.4%
General Operating	4,983,599.00	8.9%	1,034,424.84	20.8%	2,783,732.54	76.6%
Office Furniture & Equipment	35,268.00	0.1%	9,724.76	27.6%	2,715.46	35.3%
Client / General Assistance	8,814,000.00	15.7%	2,313,362.40	26.2%	6,500,637.60	100.0%
Indirect Cost	4,629,279.00	8.2%	1,674,419.93	36.2%	2,954,859.07	100.0%
Total	56,174,000.00	100.0%	18,954,229.97	33.7%	35,995,368.38	97.8%

Department of Rehabilitation Services Financial Status Report FY 22

As of November 30 , 2021

All Programs		%		%			
DRS Support Services		Budget	Budget	Expenditures	Expended	Encumbrances	% Used
Personnel	7,114,773.00	69.4%	2,755,725.88	38.7%	4,303,137.64	99.2%	
Travel	41,500.00	0.4%	8,289.17	20.0%	0.00	20.0%	
General Operating	3,056,335.52	29.8%	1,054,006.98	34.5%	1,531,205.76	84.6%	
Office Furniture & Equipment	38,202.00	0.4%	5,432.17	14.2%	7,643.54	34.2%	
Client / General Assistance	0.00	0.0%	0.00	0.0%	0.00	0.0%	
Indirect Cost	6,319.00	0.1%	2,035.01	32.2%	4,283.99	100.0%	
Total	10,257,129.52	100.0%	3,825,489.21	37.3%	5,846,270.93	94.3%	

Department of Rehabilitation Services Financial Status Report FY 22

As of November 30 , 2021

Personnel
Salary Expense
Insurance Premium -Health-Life, etc
FICA-Retirement Contributions
Travel
Travel - Agency Direct
Travel - Reimbursements
General Operating
AFP Encumbrances
Bond Indebtness and Expenses
Buildings-Purchase, Construction and Renovation
General Operating
Inter/Intra Agency Payment for Personal Services
Maintenance & Repair
Miscellaneous Administration Fee
Professional Services
Production, Safety, Security
Refunds, Indemnities, Restitution
Rent Expense
Scholarships, Tuition and Other Incentive-Type Payments
Shop Expense
Specialized Supplies & Materials
Office Furniture & Equipment
Library Equipment & Resources
Office Furniture & Equipment
Client / General Assistance
Social Service and Assistance Payments
Indirect Cost

PERSONNEL ACTIVITY REPORT

PERSONNEL ACTIVITY REPORT AS OF DECEMBER 31, 2021

FILLED AND VACANT POSITIONS

Personnel Activity = 3 vacant positions filled / 38 positions in Announcement or Selection Process

Division	Title/PIN	Date Vacated	Location	Begin date	End date	Ann. #	Action/Incumbent	Date Filled
MSD	HR Programs Manager / 0698	12/01/2021	MSD PDU	11/19/2021	11/23/2021	22-035.1	Craig Glasscock	12/01/2021
MSD	Material Management Specialist / 1060	11/20/2021	MSD/CDS	12/10/2021	12/27/2021	22-039	Applicant list sent	12/30/2021
FSD	Accountant / 1124	12/11/2021	FSD	12/06/2021	12/20/2021	22-038	Applicant list sent	12/22/2021
DDS	Disability Determination Specialist / 0179	11/30/2021	DDS	12/17/2021	12/27/2021	22-041	Applicant list sent	12/30/2021
DDS	Disability Determination Specialist / 0628	07/01/2021	DDS	11/01/2021	11/05/2021	22-032	Applicant list sent	11/10/2021
OSB	Direct Care Specialist / 0421, 0576	12/01/2021	OSB	11/17/2021	12/2/2021	22-036	Currently Open	
OSB	Police Officer / 0787	10/01/2021	OSB	10/14/2021	10/27/2021	22-031	Jason Jenkins	12/01/2021
OSD	HR Management Specialist / 0117	12/01/2021	OSD	11/10/2021	11/24/2021	22-034	Applicant list sent	12/09/2021
OSD	Secretary / 1045	10/01/2018	OSD	10/28/2021	11/10/2021	22-024.1	Applicant list sent	11/15/2021
OSD	Teaching Assistant / 0182	08/19/2021	OSD	09/27/2021	Continuous	22-026	Currently Open	
OSD	Direct Care Specialist / 0028	05/19/2021	OSD	08/18/2021	Continuous	22-003.1	Currently Open	
OSD	LPN, 2603 / 0549	04/22/2021	OSD	08/23/2021	Continuous	22-007.1	Currently Open	
OSD	Teaching Assistant / 0182	08/19/2021	OSD	08/03/2021	08/16/2021	22-009	Applicant list sent	08/18/2021
OSD	Counselor, 2240 / 1028	08/06/2021	OSD	09/14/2021	Continuous	22-016.1	Currently Open	
OSD	Teacher / 0192	07/31/2021	OSD	02/09/2021	Continuous	21-046	Currently Open	
VR	Vocational Rehabilitation Specialist / 0821	12/04/2021	VR13 – McAlester	12/06/2021	Continuous	22-037	Currently Open	
VR	Vocational Rehabilitation Specialist / 0104	11/08/2021	VR31 – OKC	11/08/2021	Continuous	22-033	Currently Open	
VR	Programs Field Representative / 0363	02/01/2021	VR95 – OKC	10/01/2021	10/14/2021	22-029	Applicant list sent	10/18/2021

VR	Vocational Rehabilitation Specialist / 0948	09/16/2021	VR05 – Weatherford	09/03/2021	09/03/2021	Continuous	Currently Open
VR	Rehabilitation Technician / 0726	09/01/2021	VR80 – Tulsa	09/03/2021	Continuous	22-019	Currently Open
VR	Behavioral Health Clinician / 0467	08/14/2021	VR23 - OKC	09/08/2021	Continuous	22-021	Currently Open
VR	Business Services liaison / 0827, 1059	07/16/2021 10/30/2021	TBD	09/27/2021	10/11/2021	22-028	Applicant list sent 10/13/2021
VR	Vocational Rehabilitation Specialist / 0228	07/01/2021	VR67 -Tulsa	10/13/2021	Continuous	21-085.1	Currently Open
VR	Vocational Rehabilitation Specialist / 1190	03/27/2021	VR08 – Enid	04/28/2021	05/25/2021	21-073	Currently Open
VR	Vocational Rehabilitation Specialist / 0764	03/06/2021	VR02 – Altus	08/16/2021	Continuous	21-069.2	Currently Open
VR	Rehabilitation Technician / 1050	10/19/2019	VR66 – Tulsa	04/09/2021	Continuous	21-060	Currently Open
VR	Vocational Rehabilitation Specialist / 0478	03/01/2021	VR12 – Lawton	11/30/2021	Continuous	21-056.1	Currently Open
VR	Vocational Rehabilitation Specialist / 0516	08/01/2019	VR80 – Tulsa	07/28/2021	Continuous	21-054.1	Currently Open
VR	Vocational Rehabilitation Specialist / 0567	09/01/2020	VR67 – Tulsa	12/22/2020	Continuous	21-028.1	Currently Open
VR	Vocational Rehabilitation Specialist / 1077	10/01/2019	VR07 – Durant	08/06/2021	Continuous	21-006.2	Currently Open
VR	Vocational Rehabilitation Specialist / 0627	07/08/2020	VR18 – Muskogee	08/18/2021	Continuous	21-007.2	Currently Open
SBVI	Rehabilitation of the Blind Specialist / 0275	01/01/2021	SBVI90 – OKC	12/14/2021	12/30/2021	22-040	Currently Open
SBVI	Library Technician / 0008	08/28/2021	SBVI 72 – OKC	09/15/2021	09/28/2021	22-023	Applicant list sent 09/30/2021
SBVI	Vocational Rehabilitation Specialist / 0981	09/25/2021	SBVI 60 – Lawton	12/16/2021	12/29/2021	22-027.1	Currently Open
SBVI	Vocational Rehabilitation Specialist / 0669	05/29/2021	SBVI 69 – Weatherford	12/16/2021	12/29/2021	21-080.4	Currently Open
SBVI	Rehabilitation of the Blind Specialist / 0218	09/01/2020	SBVI 91 - Tulsa	01/29/2021	Continuous	21-042	Currently Open
SBVI	Business Manager / 0785	02/01/2020	SBVI 33 – BEP	08/04/2020	Continuous	21-009	Currently Open
SBVI	Vending Machine Technician / 0167	02/20/2020	SBVI 33 – BEP	08/31/2020	Continuous	21-014	Currently Open

SBVI	Vending Facility Business Consultant / 0003	10/01/2021	SBVI 33 – OKC BEP	09/09/2021	Continuous	22-020	Currently Open
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Waiting for E-List = Waiting to receive electronic applicant log from HCM.
 Pending Approval= Waiting for unclassified appointments to be approved by director and cabinet secretary to establish an effective date

NOTE:

RESIGNATIONS/RETIREMENTS/SEPARATIONS = 6

As of December 31, 2021

SUPPORT SERVICES DIVISION (Executive/MSD/FSD)

Retirement = 1
1 = 38 years 1 month

Resignation = 1
1 = 5 years 1 month

DIVISION OF VOCATIONAL REHABILITATION

Resignation = 1
1 = 11 years 1 month

SERVICES FOR THE BLIND AND VISUALLY IMPAIRED DIVISION

None

OKLAHOMA SCHOOL FOR THE BLIND

Resignation = 1
1 = 1 month

OKLAHOMA SCHOOL FOR THE DEAF

None

DISABILITY DETERMINATION SERVICES

Retirement = 1
1 = 29 years 3 months

Resignation = 1
1 = 2 years 3 months

CURRENT FTE STATUS FY 2022

FTE as of December 31, 2021

<u>DIVISION</u>	<u>BUDGETED FTE</u>	<u>FILLED</u>	<u>PENDING</u>	<u>EXEMPT FTE</u>	<u>TOTAL FILLED PLUS PENDING MINUS EXEMPT FTE</u>
Support Services (Executive/MSD/FSD)	79.3	72.00	2.00	(1.00)	73.00
Vocational Rehabilitation	237.8	202.00	16.00	(4.00)	214.00
Services for the Blind and Visually Impaired	113.5	96.00	8.00	(3.00)	101.00
VR/SBVI-DP	2.00	2.00	0.00	(0.00)	2.00
Oklahoma School for the Blind	99.0	95.00	2.00	0.00	97.00
Oklahoma School for the Deaf	127.3	109.00	8.00	0.00	117.00
Total (NON-EXEMPT)	658.9	576.00	36.00	(8.00)	604.00
Disability Determination Services (EXEMPT)	395.3	354.00	2.00	(354.00)	356.00
TOTAL NON-EXEMPT & EXEMPT	1054.2	930.00	38.00	(370.00)	960.00

FY 22 Budgetary Limit = 1255

*** Authorized agency FTE limit does not include Executive Fellow and SWIP appointments**

- ROUTING TO: Melinda Fruendt, Director
 Kevin Statham, Chief Financial Officer
 Randy Weaver, Chief of Operations
 Tom Patt, Human Resources Program Director
 Dana Tallon, Public Information Manager II
 Carol Brown, Executive Assistant
 Rosemarie Chitwood, Secretary V
 Brett Jones, Public Information Officer III

**DRS PROPOSED
ADMINISTRATIVE
RULE REVISIONS**

CHAPTER 1. ADMINISTRATIVE OPERATIONS

**SUBCHAPTER 15. DEPARTMENT MANUAL, RULES, AND DECLARATORY
RULINGS**

1 **612:1-15-3. Petitions for rule changes and declaratory rulings [AMENDED]**

2 (a) **Petition for rule changes.** An interested person may petition the Department
3 requesting the promulgation, amendment, or repeal of a rule. Any such petition must be
4 submitted to the Director in writing, clearly stating the requested action. If the petition is
5 for an amendment or repeal of a rule, it must specify the rule by the OAC designation.
6 The petition must also state the reasons for the requested change, including any
7 adverse impact such change or lack of change would have on individuals or
8 organizations the rule affects.

9 (b) **Response to petition for rule changes.** Upon receipt of a petition as described in
10 Subsection (a) of this Section, the Director will initiate study of the requested change
11 through whatever means he or she deems appropriate. ~~If the Department formally acts~~
12 ~~upon the petition, the petitioner will be advised of the action in writing as specified by~~
13 ~~the Director.~~ In accordance with 75 O.S. 305, ~~if the Department does not initiate~~
14 ~~rulemaking proceedings within 30 calendar days of the petition's submission, the~~
15 ~~petition shall be deemed to have been denied.~~ within thirty (30) days after submission of
16 the petition, either:

17 (1) the Department will initiate rulemaking proceedings, or

18 (2) the Director will provide the petitioner a written response and explain why such
19 proceedings were not initiated.

20 (c) **Petition for declaratory ruling.** Any person, agency, or organization may ask for a
21 declaratory ruling as to the applicability of a rule or group of rules, or of an order, made
22 by the Department. Such a request is submitted to the Director of DRS in writing. The
23 request will specify the rule(s) in question by OAC designation. A description of the
24 circumstances, rule, policy, or procedure believed to be affected by the DRS rule(s) is
25 given in enough detail to make a reasonable judgement as to the rule's effect and
26 applicability. The request should also include a description of the effect or applicability
27 of the DRS rule(s) as seen by the petitioner, if possible.

28 (d) **Response to a request for declaratory ruling.** Upon receipt of a petition as
29 described in Subsection (c) of this Section, the Director will initiate study of the
30 requested declaratory ruling through whatever means he or she deems appropriate. A
31 response to the request, including a possible refusal to issue a declaratory ruling, will be
32 prepared at the Director's order no later than 90 days after receipt of the request. The
33 response will inform the petitioner of the right to a judicial review in the manner provided
34 for in 75 O.S., Section 317 through 323.

**CHAPTER 10. VOCATIONAL REHABILITATION AND SERVICES FOR THE
BLIND AND VISUALLY IMPAIRED**

SUBCHAPTER 1. GENERAL PROVISIONS

1 **612:10-1-2. Definitions [AMENDED]**

2 The following words and terms, when used in this Chapter, shall have the following
3 meaning, unless the context clearly indicates otherwise:

4 **"Act"** means the Rehabilitation Act [29 USC 701 et seq.].

5 **"ADL"** Activities of Daily Living often refer to the routine activities carried out for
6 personal hygiene and health (including bathing, dressing, feeding) and for operation of a
7 household.

8 **"Applicant"** means an individual who has completed and signed an agency
9 application form or has otherwise requested vocational rehabilitation services; who has
10 provided information necessary to initiate an assessment to determine eligibility and
11 priority for services; and who is available to complete the assessment process.

12 **"Appropriate modes of communication"** means specialized aids and supports
13 that enable an individual with a disability to comprehend and respond to information that
14 is being communicated. Appropriate modes of communication include, but are not
15 limited to, the use of interpreters, open and closed captioned videos, specialized
16 telecommunications services and audio recordings, Brailled and large print materials,
17 materials in electronic formats, augmentative communication devices, graphic
18 presentations, and simple language materials.

19 **"Assessment for determining eligibility and vocational rehabilitation needs"**
20 means, as appropriate in each case a review of existing data to determine if an
21 individual is eligible for vocational rehabilitation services; and to assign priority for an
22 order of selection described in 34 CFR 361.36 in the States that use an order of
23 selection; and to the extent necessary, the provision of appropriate assessment
24 activities to obtain necessary additional data to make the eligibility determination and
25 assignment.

26 **"Assistive technology"** means technology designed to be utilized in an assistive
27 technology device or service.

28 **"Assistive technology device"** means any item, piece of equipment, or product
29 system, whether acquired commercially, modified, or customized, that is used to
30 increase, maintain, or improve functional capabilities of individuals with disabilities.

31 **"Assistive technology service"** means any service that directly assists an
32 individual with a disability in the selection, acquisition, or use of an assistive technology
33 device.

34 **"Best correction"** refers to the use of standard eyeglasses or contact lenses and
35 does not include the use of bioptic telescopic systems or specialized lenses which
36 cannot be worn by the individual on a sustained basis.

37 **"Blind"** means persons who are blind within the meaning of the State Law relating
38 to Vocational Rehabilitation. Legal blindness means a visual acuity of 20/200 or less in
39 the better eye with best correction, or a visual field of 20 degrees or less.

40 **"Client"** means an individual found eligible and receiving services under the Act.

41 **"Community rehabilitation program"** (CRP) means a program that directly
42 provides or facilitates the provision of vocational rehabilitation services to individuals
43 with disabilities, and provides singly or in combination, services for an individual with a
44 disability to enable the individual to maximize opportunities for employment, including
45 career advancement.

46 **"Comparable services and benefits"** means services that are provided or paid for
47 in whole or in part by other Federal, state or local public agencies, health insurance or
48 employee benefits, and are available to the individual at the time needed to ensure the
49 progress of the individual toward achieving the employment outcome in the individual's
50 individualized plan for employment in accordance with 34 CFR 361.53, and
51 commensurate to the services that the individual would otherwise receive from the
52 designated State vocational rehabilitation agency. For the purposes of this definition,
53 comparable services and benefits do not include awards and scholarships based on
54 merit.

55 **"Compensatory training"** means training required before the client can enter a
56 formal training program or employment, such as pre-vocational or personal adjustment
57 training.

58 **"Competitive integrated employment"** means full or part-time work that is
59 compensated at or above minimum wage, offers an individual with a disability benefits
60 and opportunities for advancement comparable to those offered to employees in similar
61 positions, and is performed in a setting where the individual with a disability interacts
62 with persons without disabilities to the same extent that employees who are not
63 individuals with disabilities and who are in comparable positions interact with these
64 persons. Specific criteria defining competitive integrated employment are detailed in 34
65 CFR 361.5(c)(9)."

66 **"Consumer Independence Support Services" (CISS)** are defined as providing
67 independent living assessment, intensive counseling, community integration, and
68 housing modifications to further assist individuals with severe disabilities in achieving
69 independence.

70 **"Continuity of Services"** means once an individual is selected for services in
71 accordance with administrative rules, regardless of the priority category from which the
72 individual was selected, the individual will receive the necessary purchased services,
73 including post-employment services.

74 **"Counselor"** means the qualified vocational rehabilitation professional, who is an
75 employee of the designated state unit, and who has primary responsibility for the
76 management of an individual's rehabilitation services record of service, including
77 determination of eligibility, service planning and management, counseling and guidance,
78 and determination of successful or unsuccessful rehabilitation. Counselor is equivalent
79 to such terms as VR/SBVI Specialist and VR/SBVI Coordinator.

80 **"Credential Attainment"** means the percentage of those clients enrolled in an
81 education or training program (excluding those in OJT and customized training) who
82 attained a recognized postsecondary credential or a secondary school diploma, or its
83 recognized equivalent, during participation in or within one year after exit from the
84 program. Under the WIOA, workforce agencies are required to report this percentage
85 during participation in or within one year after closure of the case. This is based on the
86 sub-regulatory guidance related to the implementation and operation of the performance

87 accountability system under section 116 of WIOA and the implementing regulations in
88 34 CFR parts 361 subpart E.

89 **"Customized employment"** means competitive integrated employment, for an
90 individual with a significant disability, that is based on an individualized determination of
91 the unique strengths, needs and interests of the individual; designed to meet the
92 specific abilities of the individual and the business needs of the employer; and carried
93 out using flexible strategies such as those detailed in 34 CFR 361.5(c) (11).

94 **"Department"** unless otherwise indicated in the text, means the Department of
95 Rehabilitation Services as constituted in 74 O.S., Section 166.1 et seq.

96 **"DRS"** means the Department of Rehabilitation Services.

97 **"DVR"** means the Division of Vocational Rehabilitation.

98 **"DSBVI"** means the Division of Services for the Blind and Visually Impaired.

99 **"Electronic Case Management System"** means a "system of records" which is a
100 group of any records under the control of any agency from which information is retrieved
101 by the name of the individual or by some identifying number, symbol, or other identifying
102 particular assigned to the individual.

103 **"Eligible individual"** means an applicant for vocational rehabilitation services who
104 meets the eligibility requirements of 34 CFR 361.42(a).

105 **"Employment and Retention"** (E&R) means short-term job coach support for
106 individuals with severe disabilities who require assistance preparing for, obtaining, and
107 maintaining employment.

108 **"Employment outcome"** means, with respect to an eligible individual, entering,
109 advancing in, or retaining full-time or part-time competitive integrated employment as
110 defined in 34 CFR §361.5(c) (9) (including customized employment, self-employment,
111 telecommuting, or business ownership), or supported employment as defined in 34 CFR
112 §361.5(c) (53), that is consistent with an individual's unique strengths, resources,
113 priorities, concerns, abilities, capabilities, interests, and informed choice. (Note: As
114 specified in federal rule, a designated State unit may continue services to individuals
115 with uncompensated employment goals on their approved individualized plans for
116 employment prior to the effective date of the final federal regulations until June 30,
117 2017, unless a longer period of time is required based on the needs of the individual
118 with the disability, as documented in the individual's service record.)

119 **"Extended employment"** means work in a non-integrated or sheltered setting for a
120 public or private nonprofit agency or organization that provides compensation in
121 accordance with the Fair Labor Standards Act.

122 **"Extended period of time"** means, with respect to duration of vocational
123 rehabilitation, services that are expected to extend at least 6 months from eligibility.

124 **"Extended services"** means ongoing support services provided to individuals with
125 the most significant disabilities, including youth with the most significant disabilities,
126 after the time-limited vocational rehabilitation services have been completed and job
127 stabilization has been achieved. They consist of specific services, including natural
128 supports, needed to maintain the supported employment placement. Extended services

129 are paid from funding sources other than DRS and are specifically identified in the IPE,
130 except that DRS may provide and pay for extended services for youth with the most
131 significant disabilities for a period not to exceed 4 years or extend beyond the date
132 when the youth reaches age 25.

133 **"Extreme medical risk"** means a risk of substantially increasing functional
134 impairment or risk of death if medical services including mental health services, are not
135 provided expeditiously.

136 **"Family member"** means for purposes of receiving vocational rehabilitation
137 services in accordance with 34 CFR 361.48(b)(9), means an individual who either is a
138 relative or guardian of an applicant or eligible individual; or lives in the same household
139 as an applicant or eligible individual; who has a substantial interest in the well-being of
140 that individual; and whose receipt of vocational rehabilitation services is necessary to
141 enable the applicant or eligible individual to achieve an employment outcome.

142 **"Functional capacities"** means a client's assets, strengths, and resources which
143 maintain or increase the individual's ability to work. Functional capacities include
144 mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or
145 work skills.

146 **"Functional limitations"** means physical or mental conditions, emergent from a
147 disability, which impair, interfere with, or impede one or more of an individual's
148 functional capacities.

149 **"Higher education"** means universities, colleges, community/junior colleges,
150 vocational schools, technical institutes, or hospital schools of nursing.

151 **"Highly challenged"** describes a client receiving supported employment services
152 who, due to the nature of the disability, requires a greater level of support from the job
153 coach to achieve and maintain employment.

154 **"IEP"** means Individualized Education Program as required by the Individuals with
155 Disabilities Education Act.

156 ~~**"Independent Living (IL) Core Services"** is defined as information and referral
157 services; independent living skills training; peer counseling; individual and systems
158 advocacy; and services that facilitate the transition of individuals with significant
159 disabilities from institutions to community-based residences, assist individuals at risk of
160 entering institutions to remain living in the community, and assist the transition to
161 postsecondary life for youth with significant disabilities who were eligible for special
162 education and are no longer in school.~~

163 ~~**"Independent Living Services"** as defined in the Rehabilitation Act, 29 USC
164 Section 705 (17) and (18), include IL core services and counseling, housing
165 procurement and modifications, personal assistance, mobility training, rehabilitation
166 technology, life skills training, interpreters, readers, transportation, community
167 integration, supported living, physical rehabilitation, aids and devices, social and
168 recreational opportunities, and other services that are necessary and not inconsistent
169 with the Act's provisions related to independent living.~~

170 **"Individual with a disability"** means an individual who has a physical or mental
171 impairment; whose impairment constitutes or results in a substantial impediment to

172 employment; and who can benefit in terms of an employment outcome from the
173 provision of vocational rehabilitation services.

174 **"Individual with a severe disability"** means with respect to eligibility for the state's
175 Optional Program for Hiring Applicants with Disabilities, an individual who has a
176 physical or mental impairment which seriously limits one or more functional capacities
177 (such as mobility, communication, self-care, self-direction, interpersonal skills, work
178 tolerance, or work skills) in terms of an employment outcome.

179 **"Individual with a significant disability"** means an individual with a disability:

180 (A) who has a severe physical or mental impairment that seriously limits one or
181 more functional capacities (such as mobility, communication, self-care, self-
182 direction, interpersonal skills, work tolerance, or work skills) in terms of an
183 employment outcome;

184 (B) whose vocational rehabilitation can be expected to require multiple
185 vocational rehabilitation services over an extended period of time; and

186 (C) who has one or more physical or mental disabilities resulting from
187 amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy,
188 cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia,
189 respiratory or pulmonary dysfunction, mental illness, intellectual disability,
190 multiple sclerosis, muscular dystrophy, musculoskeletal disorder, neurological
191 disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal
192 cord conditions, sickle cell anemia, specific learning disability, end-stage renal
193 disease or other disability or combination of disabilities determined on the basis
194 of an assessment for determining eligibility and vocational rehabilitation needs
195 to cause comparable substantial functional limitation.

196 **"Individual with the most significant disability"** means an individual with a
197 significant disability who meets the designated State unit's criteria for an individual with
198 a most significant disability. These criteria must be consistent with the requirements in
199 34 CFR 361.36(d)(1) and (2):

200 (A) who has a severe physical or mental impairment that seriously limits three
201 or more functional capacities in terms of an employment outcome;

202 (B) whose vocational rehabilitation can be expected to require multiple
203 vocational rehabilitation services over an extended period of time; and

204 (C) who has one or more physical or mental disabilities resulting from
205 amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy,
206 cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia,
207 respiratory or pulmonary dysfunction, mental illness, intellectual disability,
208 multiple sclerosis, muscular dystrophy, musculoskeletal disorder, neurological
209 disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal
210 cord conditions, sickle cell anemia, specific learning disability, end-stage renal
211 disease or other disability or combination of disabilities determined on the basis
212 of an assessment for determining eligibility and vocational rehabilitation needs
213 to cause comparable substantial functional limitation.

214 **"Individual's representative"** means any representative chosen by an applicant or
215 eligible individual, as appropriate, including a parent, guardian, other family member, or

216 advocate, unless a representative has been appointed by a court to represent the
217 individual, in which case the court-appointed representative is the individual's
218 representative.

219 **"Integrated setting"** means:

220 (A) With respect to the provision of services, a setting typically found in the
221 community in which applicants or eligible individuals interact with non-disabled
222 individuals other than non-disabled individuals who are providing services to
223 those applicants or eligible individuals.

224 (B) With respect to an employment outcome, means a setting typically found in
225 the community where the employee with a disability interacts, for the purpose of
226 performing the duties of the position, with other employees within the particular
227 work unit and the entire work site, and, as appropriate to the work performed,
228 other persons (e.g., customers and vendors) who are not individuals with
229 disabilities (not including supervisory personnel or individuals who are providing
230 services to such employee) to the same extent that employees who are not
231 individuals with disabilities and who are in comparable positions interact with
232 these persons.

233 **"Intercurrent (acute) conditions"** means an illness or injury occurring during the
234 actual course of an individual's rehabilitation which, if not cared for, will complicate or
235 delay achievement of the client's employment outcome as identified in the client's IPE.

236 **"IPE"** means the Individualized Plan for Employment.

237 **"Job Club"** is a structured learning experience for a client to build skills in self-
238 assessment, resume development, job search and research strategies, and interview
239 techniques to assist the person to enter a career of their choice.

240 **"Job Coach/Employment Training Specialist"** means a qualified individual
241 providing support services to eligible individuals in supported employment and
242 employment and retention programs. Services directly support the eligible individual's
243 work activity including marketing and job development, applied behavioral analysis, job
244 and work site assessment, training and worker assessment, job matching procedures,
245 and teaching job skills.

246 **"Long-term treatment"** means medical or psychological treatment that is expected
247 to last more than three months.

248 **"Maintenance"** means monetary support provided to an individual for expenses,
249 such as food, shelter, and clothing, that are in excess of the normal expenses of the
250 individual and that are necessitated by the individual's participation in an assessment for
251 determining eligibility and vocational rehabilitation needs or the individual's receipt of
252 vocational rehabilitation services under an individualized plan for employment.

253 **"Measurable Skill Gains (MSG)"** are a measure of the documented progress
254 (academic, technical, occupational, or other) that a client makes in a training or
255 education program toward obtaining a recognized postsecondary credential. This
256 progress is reported throughout the life of the case. Examples of a valid skill gain would
257 be the documented completion of a high school semester or a minimum of 12 college
258 hours successfully completed over a one year period.

259 **"Milestones"** means a payment system that reimburses a vendor based on
260 incentives and outcomes. The vendor is paid when the client completes pre-defined
261 checkpoints on the way to a desired employment goal.

262 **"Multiple services"** means the counseling and guidance provided as a routine part
263 of case management plus two or more VR services. Comparable benefits and/or
264 services can count toward meeting the definition of multiple services. Services routinely
265 provided as a package do not count as multiple services for the purpose of determining
266 the presence of a significant disability, even if two or more services are included in the
267 package.

268 **"Natural supports"** means any assistance, relationships or interactions that allow a
269 person to maintain employment in ways that correspond to the typical work routines and
270 social interactions of other employees. Natural supports may be developed through
271 relationships with people or put into place by the adaptation of the work environment
272 itself, depending on the support needs of the person and the environment.

273 **"Occupational license"** means any license, permit, or other written authority
274 required by a state, city or other governmental unit to be obtained in order to enter an
275 occupation.

276 **"OMES-DCAM"** means Office of Management & Enterprise Services-Division of
277 Capital Assets Management, which sets thresholds for State Purchasing guidelines.

278 **"Ongoing support services"** means services specified in the IPE according to
279 individual need, which support and maintain an individual with the most significant
280 disabilities in supported employment. Sponsored ongoing support services are provided
281 from the time of placement until the individual is stabilized on the job. Ongoing support
282 services are provided by one or more extended services providers, or by natural
283 supports, following transition throughout the individual's term of employment.

284 **"Other Qualified Rehabilitation Personnel"** means qualified rehabilitation
285 personnel who, in addition to rehabilitation counselors, are necessary to facilitate the
286 accomplishment of the employment outcomes and objectives of an individual (Section
287 100(a)(3)(E) of the Act.) Other qualified rehabilitation personnel include, but are not
288 limited to, rehabilitation teachers of the blind who are certified at the national level.

289 **"Package of services"** means several services which are usually provided
290 together for the same purpose. The services in a package are usually, but not always,
291 from the same category of services (see definition of multiple services, this section).
292 Examples include, but are not limited to: surgery, anesthesia, and hospitalization; or
293 personal computer, software, and peripheral equipment.

294 **"Personal assistance services"** means a range of services including, among
295 other things, training in managing, supervising, and directing personal assistance
296 services, provided by one or more persons, that are designed to assist an individual
297 with a disability to perform daily living activities on or off the job that the individual would
298 typically perform without assistance if the individual did not have a disability. The
299 services are also designed to increase the individual's control in life and ability to
300 perform everyday activities on or off the job; necessary to the achievement of an
301 employment outcome; and provided only while the individual is receiving other
302 vocational rehabilitation services.

303 **"Physical and mental restoration services"** means corrective surgery or
304 therapeutic treatment that is likely, within a reasonable period of time, to correct or
305 modify substantially a stable or slowly progressive physical or mental impairment that
306 constitutes a substantial impediment to employment.

307 **"Physical or mental impairment"** means any physiological disorder or condition,
308 cosmetic disfigurement, or anatomical loss affecting one or more of the following body
309 systems: neurological, musculo-skeletal, special sense organs, respiratory (including
310 speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and
311 lymphatic, skin, and endocrine; or any mental or psychological disorder such as
312 intellectual disability organic brain syndrome, emotional or mental illness, and specific
313 learning disabilities.

314 **"Post-employment services"** means one or more of the services identified in 34
315 CFR 361.48(b) that are provided subsequent to the achievement of an employment
316 outcome and that are necessary for an individual to maintain, regain, or advance in
317 employment, consistent with the individual's unique strengths, resources, priorities,
318 concerns, abilities, capabilities, interests, and informed choice.

319 **"Pre-employment transition services"** means the required activities and
320 authorized activities specified in 34 CFR 361.48(a)(2) and (3).

321 **"Prior approval"** refers to the receipt of approval from the granting authority prior to
322 issuing the authorization for the purchase of goods and services.

323 **"Record of Service"** means any item, collection, or grouping of information about
324 an individual that is maintained by an agency, including, but not limited to, the
325 individual's education, financial transactions, medical history, and criminal or
326 employment history and that contains his name, or the identifying number, symbol, or
327 other identifying particular assigned to the individual.

328 **"Rehabilitation Act"** means the Rehabilitation Act [29 USC 701 et seq.].

329 **"Rehabilitation engineering"** means the systematic application of engineering
330 sciences to design, develop, adapt, test, evaluate, apply, and distribute technological
331 solutions to problems confronted by individuals with disabilities in functional areas, such
332 as mobility, communications, hearing, vision, and cognition, and in activities associated
333 with employment, independent living, education, and integration into the community.

334 **"Rehabilitation technology"** means the systematic application of technologies,
335 engineering methodologies, or scientific principles to meet the needs of, and address
336 the barriers confronted by, individuals with disabilities in areas that include education,
337 rehabilitation, employment, transportation, independent living, and recreation. The term
338 includes rehabilitation engineering, assistive technology devices, and assistive
339 technology services.

340 **"SBVI"** means the Division of Services for the Blind and Visually Impaired,
341 depending upon the context.

342 **"Section 504 Plan"** is a plan designed as a protection for students with disabilities
343 who may not be considered eligible for special education under IDEA in compliance with
344 Section 504 of the Rehabilitation Act of 1973 as amended.

345 **"Small business enterprises"** means a small business operated by blind or other
346 individuals with severe disabilities under the management and supervision of the state
347 DRS. Such businesses include only those selling, manufacturing, processing, servicing,
348 agricultural, and other activities which are suitable and practical for the effective
349 utilization of the skills and aptitudes of individuals who are blind or individuals who have
350 severe disabilities. Small business enterprise provides substantial gainful employment
351 or self-employment commensurate with the time devoted by the operators to the
352 business, the cost of establishing the business and other factors of an economic nature.

353 **"Sole local agency"** means a unit or combination of units of general local
354 government or one or more Indian tribes that has the sole responsibility under an
355 agreement with, and the supervision of, the State agency to conduct a local or tribal
356 vocational rehabilitation program, in accordance with the vocational rehabilitation
357 services portion of the Unified or Combined State Plan.

358 **"Student with a disability"** means, in general, an individual with a disability in a
359 secondary, postsecondary, or other recognized education program who meets the
360 requirements set forth in 34 CFR 361.5(c)(51).

361 **"Substantial impediment to employment"** means that a physical or mental
362 impairment (in the light of attendant medical, psychological, vocational, educational,
363 communication, and other related factors) hinders an individual from preparing for,
364 entering into, engaging in, advancing in, or retaining employment consistent with the
365 individual's abilities and capabilities.

366 **"Supplemental Wage Record"** means wage information used to determine both
367 employment status and wages within a reporting period. This information is required
368 when wage information cannot be obtained through other means such as the Oklahoma
369 Employment Security Commission. The requirement to make the effort to obtain this
370 supplemental wage information is necessary to carry out the accountability
371 requirements under Section 116 of the Workforce Innovation and Opportunity Act.

372 **"Support Service Providers "** (SSP) means a Support Service Provider,
373 commonly referred to as an SSP, is a specially trained individual who provides access
374 to the community for people who are deaf-blind. The SSP is responsible for human
375 guide assistance and facilitation of communication for the deaf-blind person.

376 **"Supported employment"** (SE) means competitive integrated employment,
377 including customized employment, or employment in an integrated work settings in
378 which an individual with a most significant disability, including a youth with a most
379 significant disability, is working on a short-term basis toward competitive integrated
380 employment that is individualized, and customized, consistent with the unique strengths,
381 abilities, interests, and informed choice of the individual, including with ongoing support
382 services for individuals with the most significant disabilities who meet the requirements
383 set forth in 34 CFR 361.5(c)(53).

384 **"Supported employment services"** means ongoing support services, including
385 customized employment, and other appropriate services needed to support and
386 maintain an individual with a most significant disability, including a youth with a most
387 significant disability, in supported employment that are:

388 (A) Organized and made available, singly or in combination, in such a way as to
389 assist an eligible individual to achieve competitive integrated employment;

390 (B) Based on a determination of the needs of an eligible individual, as specified in
391 an individualized plan for employment;

392 (C) Provided by the designated State unit for a period of time not to exceed 24
393 months, unless under special circumstances the eligible individual and the
394 rehabilitation counselor jointly agree to extend the time to achieve the employment
395 outcome identified in the individualized plan for employment; and

396 (D) Following transition, as postemployment services that are unavailable from an
397 extended services provided and that are necessary to maintain or regain the job
398 placement or advance in employment.

399 **"Transition services"** means, for a student or a youth with a disability, a
400 coordinated set of activities designed within an outcome-oriented process that promotes
401 movement from school to post-school activities, including postsecondary education,
402 vocational training, competitive integrated employment, supported employment,
403 continuing and adult education, adult services, independent living, or community
404 participation. Transition services (1) are based upon the individual student's or youth's
405 needs, preferences and interests; (2) include instruction, community experiences, the
406 development of employment and other post-school adult living objectives, and, if
407 appropriate, acquisition of daily living skills and functional vocational evaluation; (3)
408 promote or facilitate the achievement of the employment outcome identified in the
409 student's or youth's individualized plan for employment; and (4) include outreach to and
410 engagement of the parents, or, as appropriate, the representative of such a student or
411 youth with a disability.

412 **"Transportation"** means travel and related expenses that are necessary to enable
413 an applicant or eligible individual to participate in a vocational rehabilitation services,
414 including expenses for training in the use of public transportation vehicles and systems.

415 **"Vocational rehabilitation services"**, if provided to an individual, means those
416 services listed in 34 CFR 361.48; and if provided for the benefit of groups of individuals,
417 means those services listed in 34 CFR 361.49.

418 **"VR"** means the Division of Vocational Rehabilitation, or the more general term
419 vocational rehabilitation services, depending upon the context.

420 **"Youth with a disability"** means an individual with a disability who is not younger
421 than 14 years of age; or older than 24 years of age. Youth with disabilities means more
422 than one youth with a disability.

SUBCHAPTER 3. CLIENT PARTICIPATION IN COST OF SERVICES

1 **612:10-3-3. Participation of individuals in cost of services based on financial**
2 **need [AMENDED]**

3 (a) DRS has chosen to consider the financial need of eligible individuals or individuals
4 who are receiving services through the trial work experiences under 34 CFR 361.42 (e)
5 for purposes of determining the extent of their participation in the costs of vocational
6 rehabilitation services, other than those services identified in paragraph (c) in this
7 section according to the criteria set forth in 34 CFR 361.54 (b) (1-2).

8 (b) DVR and DSBVI requires the client to participate in the cost of some vocational
9 rehabilitation services if the client and/or client's family income exceeds the established
10 basic living requirement for the applicable family size. Any client whose available family
11 income exceeds the applicable basic living requirements is required to apply the
12 monthly surplus to the cost of services during each 30 day period services are provided.

13 (c) A basic living requirement has been established for different size family groups. A
14 family member is an individual who is a relative or guardian of an applicant or eligible
15 individual. Basis living requirements are based on 200% of the Federal poverty level
16 adjusted annually for family size. The standard is intended to cover only the necessities
17 of food, shelter, utilities, clothing, transportation, and incidentals to give the counselor
18 some criteria by which to measure the financial need of a client. To qualify as
19 independent from the family group, the client must meet on of the following criteria:

20 (1) Beneficiary of Titles II (federal old age, survivors, and disability insurance
21 benefits) or XVI (SSI);

22 (2) At least 24 years of age and single;

23 (3) A ward of the court and in custody of DHS;

24 (4) Married and maintaining a separate household;

25 (5) Meets the criteria for temporary housing as described (7) of this section or;

26 (6) The counselor ~~verifies~~ has adequate documentation to verify the client has the
27 financial resources to demonstrate self-sufficiency and ~~the client declares that~~ no
28 family contributions are available.

29 (7) An eligible individual whose disability has resulted in the need to live with family
30 or friend, and as appropriate the individual's spouse and dependent children, will be
31 considered as a separate household regardless of living arrangements.

32 (A) Verification of family membership should be based upon whatever
33 available information most accurately documents family membership according
34 to the definition given in this administrative rule.

35 (B) Examples of acceptable verification include the latest Federal income tax
36 return, payroll information, insurance policies, client report, and/or counselor
37 observation.

38 (d) The client can be provided services not based on financial needs, the following
39 services do not require a determination of financial need status:

- 40 (1) services provided to assess eligibility and priority for services (services which
41 would require the individual's participation in cost under an IPE will also require the
42 individual's participation in cost during an evaluation of the individual's ability to
43 benefit from VR services);
- 44 (2) counseling and guidance including information and support services to assist
45 an individual in exercising informed choice;
- 46 (3) referral and other services to secure needed services from other agencies,
47 including other components of the statewide workforce development system;
- 48 (4) on-the-job training, work experience, internships and apprenticeships;
- 49 (5) personal or vocational adjustment training;
- 50 (6) personal assistance services;
- 51 (7) job-related services including job search and placement assistance, job
52 retention services, follow-up services and follow-along services; under 34 CFR
53 361.48 (b) (12);
- 54 (8) compensatory training;
- 55 (9) Supported employment, employment and retention; or
- 56 (10) any auxiliary aid or service (e.g., interpreter services, reader services) that an
57 individual with a disability require under Section 504 of the Act or the American with
58 Disabilities Act (42 U.S.C. 12101, et seq.) or regulations implementing those laws,
59 in order for the individual to participate in the VR program.
- 60 (e) Any client who does not have a surplus is not required to participate in the cost of
61 services. Financial need does not exempt the client from required use of comparable
62 benefits. If a payment is required of the client, it will be made to the vendor.
- 63 (f) The counselor will re-evaluate the client's financial situation at least annually and
64 any time there is a change in the financial situation of the client or family. The amount of
65 client participation in cost is based upon the most recent determination of client's
66 financial needs at the time the IPE or amendment. If applicable, the extent of the
67 individual's participation in paying for the cost of services is identified on the IPE service
68 (e.g. Family monthly income surplus will be exhausted prior to agency financial
69 contribution). **7**
- 70 (g) The client's financial needs must be verified when an IPE includes service which
71 require client participation in costs of services. **6, 7**
- 72 (h) Determination of income and liabilities will be verified and documented by the
73 counselor in the record of service when services in the IPE and amendments require
74 client participation in cost. If the individual refuses to provide the requested information,
75 DRS resources will not be used to purchase services which require client participation in
76 cost of the services.
- 77 (1) Income.

78 (A) Income generated from salaried wages will be calculated by gross earnings
79 minus federal taxes, state taxes and social security deductions. **4**

80 (B) Income generated from business or profession will be calculated by
81 adjusted gross minus additional federal and state taxes divided by 12 to
82 determine a monthly amount.

83 (C) Income received from unearned sources, such as pensions, public
84 assistance, interest, dividends, royalties, trust fund, or money payments of any
85 kind will be counted. Educational grants, stipends, or loans will not be included
86 in the calculation. If a yearly income is available, it will be divided by 12 to
87 calculate a monthly amount.

88 (2) Liabilities. When the client is making payments on any areas of liability listed
89 below, payments will be itemized. If payments are not being made on a debt, an
90 expense cannot be shown for this item. **5**

91 (A) Medical. Out-of-pocket medical payments not covered by insurance,
92 including medication and supplies, can be used as a medical expense. Monthly
93 premiums for health insurance can be included.

94 (B) Disability related expenses. Disability related expenses beyond the basic
95 living requirements may be considered, if not funded by DRS.

96 (C) Other. Court order commitments, including child support, can be counted
97 as a liability.

98 (D) Education expenses. Costs for any family member incurred only for tuition,
99 books, and fees, toward post-secondary educational expenses, not included in
100 the IPE or paid by grants, scholarships, fee waivers, etc., can be counted as a
101 liability. Only the amount of the payments can be counted as a liability.

102 (i) Case recording requirements. A statement regarding the re-evaluation of financial
103 needs must be included in the record of service. The financial review may be included in
104 the IPE review if they occur at the same time.

**SUBCHAPTER 7. VOCATIONAL REHABILITATION AND SERVICES FOR THE
BLIND AND VISUALLY IMPAIRED**

PART 3. CASE PROCESSING REQUIREMENTS

1 **612:10-7-22.1. Processing referrals and applications [AMENDED]**

2 (a) **Referrals.** DRS must establish and implement standards for the prompt and
3 equitable handling of referrals of individuals for vocational rehabilitation services,
4 including referrals of individuals made through the one-stop service delivery systems
5 under section 121 of the Workforce Innovation and Opportunity Act. The standards must
6 include timelines for making good faith efforts to inform these individuals of application
7 requirements and to gather information necessary to initiate an assessment for
8 determining eligibility and priority for services.

9 (1) Processing incoming referrals. All referrals to DVR and DSBVI will be contacted
10 by the VR counselor and appropriate action taken within 30 days, after receipt of the
11 referral information. The counselor is responsible for completing a contact by
12 telephone or in person. The counselor is responsible for providing interpreter
13 services to referrals who are deaf or non-English speaking. In situations where the
14 individual cannot be personally contacted, correspondence will be mailed to the
15 individual for informational purposes.

16 (2) Referrals to rehabilitation teachers. All individuals who are legally blind, whether
17 being served by a DVR counselor or a DSBVI counselor, will be referred to a
18 rehabilitation teacher. Rehabilitation teachers may also receive counselor referrals
19 and provide services for individuals who are not legally blind but have functional
20 limitations due to vision loss and have potential to benefit from rehabilitation
21 teaching services.

22 (b) **Application.** Once an individual has submitted an application for vocational
23 rehabilitation services, including applications made through common intake procedures
24 in one-stop centers under section 121 of the Workforce Innovation and Opportunity Act
25 (WIOA), an eligibility determination must be made within 60 days, unless exceptional
26 and unforeseen circumstances beyond the control of the designated State unit preclude
27 making an eligibility determination within 60 days and counselor and the individual
28 agree to a specific extension of time; or meets the other criteria under 34 CFR 361.41

29 (b) (1) (i-ii).

30 (1) In those instances of exceptional and unforeseen circumstance beyond the
31 control of DRS, where the eligibility determination is unable to be completed within
32 the time frame identified in (b) of this section. The QVRC, utilizing the electronic
33 case management system, will complete the Extension of Eligibility form
34 documenting the date the eligibility form was completed, the date of expected
35 eligibility determination; along with documentation of the date of when the client and
36 counselor agreed to the extension; unless a decision was made to conduct a Trial
37 Work Experience.

38 (c) **Social Security Administration (SSA) Beneficiaries' Verification.** During the
39 initial interview, the VR counselor shall advise applicants for the VR program that
40 individuals who are SSI/SSDI beneficiaries are generally presumed eligible for VR and
41 that verification of the applicant's benefit status is needed. Verification may include a
42 copy of an award letter from SSA, or a Ticket-to-Work as found in 34 CFR 361.42 (a) (3)
43 (i-ii).

44 (d) **Application Status.** While the client is in this status, the counselor will secure
45 sufficient information to make a determination of eligibility and priority group
46 assignment, determine ineligibility for vocational rehabilitation services, or to make a
47 decision to conduct a Trial Work Experience ~~or an Extended Evaluation~~. The VR

48 Professional Qualified Vocational Rehabilitation Counselor will determine whether an
49 individual is eligible for vocational rehabilitation services within a reasonable period of
50 time, not to exceed 60 days from the date of application.

51 (e) **Necessary information.** The minimum information necessary to initiate an
52 assessment to determine eligibility and priority for services consists of:

- 53 (1) individual's name;
- 54 (2) reported disability;
- 55 (3) individual's address, with finding directions when needed;
- 56 (4) individual's social security number, if available; and
- 57 (5) availability of documentation of the reported disability.

58 (f) **General Health Checklist.** The general health checklist (GHC) is a survey tool used
59 to determine what diagnostic information will be needed to assess an applicant's
60 eligibility or ineligibility. A general health checklist will be completed for each applicant.
61 The counselor/teacher in consultation with the client will decide if purchasing a medical
62 examination is necessary when the GHC indicates the presence of any condition. This
63 decision will be based upon availability of existing medical records, and the reported
64 degree of limitation to employment caused by the condition.

65 (g) **Informed Choice.** VR and DSBVI staff must assure that applicants or, as
66 appropriate, their representatives are provided information and support services to
67 assist applicants and recipients of services in exercising informed choice throughout the
68 rehabilitation process in accordance with 34 CFR 361.52.

69 (1) Informed choice and the provision of vocational rehabilitation services require
70 that communications with persons with disabilities are effective.

71 (2) DVR staff informs each applicant and recipient of services through appropriate
72 modes of communication about the availability of and opportunities to exercise
73 informed choice. Individuals with cognitive or other disabilities who require
74 assistance in exercising informed choice will be notified that support services are
75 available.

76 (h) **Case recording requirements.** Pertinent information from the initial interview and
77 applicant information forms is recorded in a narrative that is placed in the record of
78 service.

79 (1) Documentation of the process of providing informed choice information and use
80 of appropriate modes of communication is included in the record of service.

81 (2) The record must document that the applicant or representative was provided an
82 explanation of their due process rights, their rights and responsibilities as an
83 applicant, and given a copy of the CAP handout and approved client handbook.

84 (3) The record must document that the applicant was given the opportunity to
85 register to vote or change registration when applying for or receiving services, in
86 accordance with the requirements of the National Voter Registration Act of 1993.

1 **612:10-7-24.1. Basic eligibility requirements for vocational rehabilitation services**
2 **[AMENDED]**

3 (a) An individual is eligible for vocational rehabilitation services under the Rehabilitation
4 Act through the State Department of Rehabilitation Services if the individual:

5 (1) has a physical or mental impairment which for such individual constitutes or
6 results in a substantial impediment to employment;

7 (2) is determined by a qualified vocational rehabilitation counselor to require
8 vocational rehabilitation services to prepare for, secure, retain, advance in, or regain
9 employment; and

10 (3) can benefit in terms of an employment outcome from vocational rehabilitation
11 services.

12 (b) The agency presumes that an applicant with a physical or mental impairment that
13 constitutes or results in a substantial impediment to employment can benefit from
14 vocational rehabilitation services in terms of an employment outcome, unless the
15 agency demonstrates, based on clear and convincing evidence, that the individual is
16 incapable of benefiting from rehabilitation services due to the severity of the individual's
17 disability. **3**

18 (c) An individual who has a disability or is blind as determined pursuant to Titles II
19 (federal old age, survivors, and disability insurance benefits) or XVI (SSI) shall be:

20 (1) considered to have a significant disability under the order of selection; and

21 (2) presumed to be eligible for vocational rehabilitation services, **4** (provided that
22 the individual intends to achieve an employment outcome consistent with the unique
23 strengths, resources, priorities, concerns, abilities, capabilities, interests, and
24 informed choice of the individual) unless clear and convincing evidence
25 demonstrates that the individual is incapable of benefiting in terms of an
26 employment outcome from vocational rehabilitation services due to the severity of
27 the individual's disability.

28 (d) Eligibility requirements shall be applied without regard to:

29 (1) duration of residence in the state,

30 (2) type of disability,

31 (3) age, except that in serving eligible individuals below working age, the client
32 must be expected to reach working age by the time the IPE is completed, and DRS
33 will not provide services that are the responsibility of the public school system.

34 (4) gender, race, color or national origin,

35 (5) type of expected employment outcome,

36 (6) source of referral, or

37 (7) the particular service needs or anticipated cost of services required by an
38 applicant or applicant's family.

39 (e) **Disabled veterans.** Disabled veterans are eligible for vocational rehabilitation
40 services on the same basis as other individuals with disabilities subject to the following
41 restrictions:

42 (1) Disabled veterans are not provided services which can be secured from the
43 Veterans Administration (VA), unless use of VA services will cause a substantial
44 delay of services.

45 (2) Veterans receiving additional benefits under the G. I. Bill or the War Orphan Act
46 may be provided services if such services do not duplicate those being received
47 from the VA.

48 (f) **Applicants who are employed.** Employed persons who meet basic eligibility
49 requirements may be provided vocational rehabilitation services to advance in or retain
50 employment, or when the employment is not consistent with the individual's strengths,
51 resources, priorities, concerns, abilities, interests and capabilities.

52 (g) **Citizenship.** Participation in the VR program is available to citizens and nationals
53 of the United States, lawfully admitted permanent resident aliens, refugees, asylees and
54 parolees, and other immigrants authorized to work in the United States.

55 (h) **Criteria.** Some conditions have unique criteria that must be considered when
56 determining eligibility.

57 (1) **Alcoholism/Drugs.** Individuals may be eligible for vocational rehabilitation
58 services based on a substance abuse diagnosis that may be made by a qualified
59 professional. **5** Clients must be willing to undergo random alcohol/drug screening.
60 DRS does not pay for detoxification or replacement drug treatment. Documentation
61 from qualified Drug and Alcohol treatment professionals indicating that the client is
62 presently substance-free, maintaining sobriety, and actively participating in a
63 treatment or maintenance program if recommended by the treating professional
64 must be filed in the case record upon IPE development.

65 (2) **Allergies/Asthma.** Allergies/asthmatic conditions that require continuous or
66 intermittent medical intervention and result in a substantial impediment to
67 employment will be considered eligible for services. **6**

68 (3) **Deafness and Hearing Loss.** The rehabilitation professional will base
69 eligibility determination upon one of the measurement methods listed below, as
70 performed by a ~~qualified audiologist or other qualified professional~~ licensed
71 audiologist as determined by the Department. The case record must document the
72 method chosen provides the most accurate evaluation of functional hearing level for
73 the individual. The licensed audiologist will do a Comprehensive Hearing Evaluation
74 (CHE) with written recommendations for treatment. The CHE will include the type of
75 hearing aids needed with a treatment plan to maintain the maximum rehabilitation
76 for the hearing loss.

77 (4) A CHE or recommendation for hearing aids and treatment from a Hearing
78 Instrument Specialist (HIS) is not acceptable and should not be considered by the
79 rehabilitation professional in addressing the rehabilitation needs.

80 (A) **Eligibility criteria.** Eligibility criteria for each method of measurement are
81 listed in (i) through (iv) of this Subsection. An individual will also be considered
82 to have a qualifying disability when documentation indicates the hearing loss is

83 progressive and the progression is substantial enough to result in an
84 impediment to employment.

85 (i) **Average hearing loss.** Average hearing loss, which is determined by
86 computing average of the pure tone thresholds for each ear at 1000Hz,
87 2000Hz, 3000Hz and 4000Hz. An individual is considered to have a
88 qualifying disability based upon average hearing loss when:

89 (I) The hearing loss in one ear is profound (91 dB or greater) and the
90 hearing loss in the better ear is at least 15 dB; or

91 (II) The hearing loss in the better ear is 30 dB or greater.

92 (ii) **Speech recognition threshold (SRT).** An individual is considered to
93 have a qualifying disability when:

94 (I) the speech reception threshold in one ear is 91 dB or greater and is
95 at least 15 dB in the better ear; or

96 (II) the speech reception threshold in the better ear is 30 dB or greater.

97 (iii) **Speech discrimination or word recognition score.** An individual is
98 considered to have a qualifying disability when the speech discrimination or
99 word recognition score is 70% or less.

100 (iv) **Articulation index.** An individual is considered to have a qualifying
101 disability when the articulation index is 70% or less.

102 (v) Only a licensed audiologist can determine the speech
103 discrimination or word recognition and articulation index score. The
104 Vocational Rehabilitation Counselor will utilize these scores in determining
105 eligibility and identification of the functional barriers to employment.

106 (I) A Consultation by the Rehabilitation Counselor for the Deaf (RCD)
107 that the applicant has hearing loss that constitutes a physical or mental
108 impairment and the physical or mental impairment constitutes or
109 results in a substantial impediment to employment; and

110 (II) A Consultation by a Rehabilitation Counselor for the Deaf (RCD)
111 that the applicant requires vocational rehabilitation services to prepare
112 for, secure, retain, advance in, or regain employment that is consistent
113 with the individuals unique strengths, resources, priorities, concerns,
114 abilities, capabilities, interest and informed choice.

115 (B) **Severity of Hearing Loss.** All individuals who qualify as having a severe
116 hearing loss or, who are culturally Deaf and/or use Manual Communication, will
117 be referred to a Rehabilitation Counselor for the Deaf and Hard of Hearing
118 (RCD) (RCD for a consultation on severity of loss and functional limitations) The
119 RCD then will determine whether the case needs to be assigned to an RCD.
120 Relevant information provided will include copies of the initial interview narrative
121 recording, medical information, eligibility data entry form, Individualized Plan for
122 Employment, pertinent copies of case narratives and DRS application form. ~~On~~
123 ~~receipt of a referral, the RCD will contact the client and make a determination of~~

124 potential for Deaf and Hard of Hearing services. The referring counselor will be
125 informed in writing of the RCD's findings.

126 (i) **Severe Hearing Loss.** Average hearing loss, as calculated above, is
127 considered severe when:

128 (I) The hearing loss in one ear is profound (91 dB or greater) and the
129 hearing loss in the better ear is at least 31 dB; or

130 (II) The hearing loss in each ear is 55 dB or greater.

131 (ii) **Severe Speech Recognition Threshold (SRT).** An individual is
132 considered to have severe disability when;

133 (I) The SRT in one ear is 91 dB or greater and the SRT in the better
134 ear is at least 31 dB; or

135 (II) The SRT in each ear is 55 dB or greater.

136 (iii) **Severe Speech Discrimination or word recognition score.** An
137 individual is considered to have a severe disability when the speech
138 discrimination or word recognition score is 59% or less.

139 (4) **Diabetes:** The individual must require prescribed medication to control the
140 condition. Those persons whose diabetes is controlled by diet and exercise alone or
141 whose condition does not result in a substantial impediment to employment will not
142 be considered eligible. Eligible clients will be required to undergo a visual exam by a
143 licensed ophthalmologist at least once a year. Diabetes management training will be
144 incorporated into the IPE unless the client shows that he/she has previously
145 completed diabetes management training. When recommended by a physician,
146 diabetes management training will be incorporated into the IPE regardless of past
147 diabetes education received by the individual. **7,8**

148 (5) **Facial and Disfigurement Conditions.** When these conditions result in an
149 impediment to employment an individual may be eligible for VR services.

150 (6) **Learning Disabilities.** Learning disabilities is a general term that refers to a
151 group of disorders manifested by significant difficulties in the attainment and use of
152 listening, speaking, reading, writing, reasoning, or mathematical abilities. Learning
153 disabilities are identified when there are difficulties learning and using academic
154 skills, as indicated by at least one of the following occurring even with interventions:
155 Inaccurate or slow reading, difficulty understanding the meaning of what is read,
156 difficulties with spelling, difficulties with written expression, difficulties mastering
157 numbers sense, facts or calculation, and difficulties with mathematical reasoning.
158 Also, academic skills are significantly below those expected for the student's
159 chronological age and causes issues with academic and occupational performance.
160 Academic areas include, impairment in reading, impairment in written expression,
161 and impairment in mathematics. **9**

162 (7) **Mental Disorders.** Individuals may be eligible for vocational rehabilitation
163 services based on a mental health diagnosis made by a qualified professional
164 (612:10-7-98 (17)(A)(1-5)). Documentation must be filed from a qualified
165 professional indicating the client is participating in a treatment plan and in

166 compliance with all medication as prescribed. Treatment must be incorporated as a
167 service in the IPE for individuals with a mental disorder.

168 (8) **Intellectual Disability.** To be eligible, individuals having an I.Q. of 69 or below
169 and substantially limited adaptive functioning, as measured by an individual
170 intelligence test, will be considered to have a substantial disability. Individuals
171 eligible under IDEA with an I.Q. level higher than 69 may be considered to have a
172 substantial impairment provided the documentation used by the school in
173 determining eligibility under IDEA, in the counselor's judgment, confirms the
174 individual is functioning in the intellectual disability range of ability. Individuals not
175 enrolled in public school special education classes with an I.Q. higher than 69 may
176 be considered to have a substantial impairment provided appropriate
177 documentation confirms the individual is functioning in the intellectual disability
178 range of ability.

179 (9) **Height.** To be eligible, a person's stature must constitute or result in a
180 substantial impediment to employment.

181 (10) **Obesity.** To be eligible, a person must be considered obese according to a
182 recognized medical classification protocol **10** and the impairment must constitute or
183 result in a substantial impediment to employment. Some type of weight loss plan or
184 treatment for obesity must be included as a service in the IPE.

185 (11) **Visual.** Any of the following conditions may provide a basis for eligibility due
186 to visual disability:

187 (A) **Blindness.** A central visual acuity of 20/200 or less in the better eye with
188 best correction, or a limitation in the field of vision in the better eye so that the
189 widest diameter of the visual field subtends an angle of 20 degrees or less.
190 "Best correction" refers to the use of standard eyeglasses or contact lenses,
191 and does not include use of bioptic telescopic systems or any specialized
192 lenses which cannot be worn by the individual on a sustained basis.

193 (B) **Visual impairment.** A central visual acuity of 20/60 or less in the better eye
194 with best correction, or other visual condition which, for the individual, results in
195 functional limitations and constitutes a barrier to employment. Other visual
196 conditions which may result in functional limitations include, but are not limited
197 to, limited peripheral vision, extreme light sensitivity, loss of depth perception,
198 loss of stereopsis, diplopia (double vision), aphakia, total absence of color
199 discrimination or red-green deficiency, blurred vision, eye muscle and
200 movement conditions, and cortical visual impairment.

201 (C) **Progressive eye disease.** Diagnosis of a progressive sight threatening
202 disease or condition that has resulted in functional limitations for the individual
203 or is expected to progress rapidly. Progressive eye diseases which may result
204 in significant vision loss include, but are not limited to, retinitis pigmentosa,
205 diabetic retinopathy, glaucoma and macular degeneration.

206 (12) **Re-evaluation.** Individuals with chronic disabilities that can be removed with
207 little or no residual limitations will not be eligible for purchase of services other than
208 those related to the required treatment.

1 **612:10-7-24.2. Assessment for determining eligibility [AMENDED]**

2 (a) To determine whether an individual is eligible for vocational rehabilitation services:

3 (1) the counselor will use to the maximum extent possible and appropriate existing
4 data including counselor observations, education records, information provided by
5 the individual or the individual's family, and determinations made by officials of other
6 agencies; and

7 (2) to the extent necessary provide appropriate assessments, including provision of
8 goods and services during the assessment, to obtain additional documentation
9 necessary to make the determination of eligibility and priority group assignment.

10 The counselor will carefully evaluate the need to provide assistive technology
11 devices and services or worksite assessments.

12 (b) The ~~counselor~~ Qualified Vocational Rehabilitation Counselor (QVRC) will determine
13 whether an individual is eligible for vocational rehabilitation services within a reasonable
14 period of time, not to exceed 60 days after the individual has submitted an application
15 for services. This time period may be extended only when unforeseen and exceptional
16 circumstances beyond the control of the Department preclude completing the
17 determination of eligibility within the 60 days and the individual agrees a specific
18 extension of time is warranted as documented on the Need for Extension of Time to
19 Determine Eligibility form; or a trial work period ~~or an extended evaluation~~ is needed to
20 determine the individual's ability to benefit from VR services.

21 (c) Documentation that the individual has a disability which constitutes or results in an
22 impediment to employment must come from qualified professionals.

23 (d) Eligibility determinations will be expedited for applicants who have been determined
24 eligible for vocational rehabilitation services by an American Indian Vocational
25 Rehabilitation Services (AIVRS) Program. Counselors will work cooperatively with the
26 applicable American Indian VR Program to obtain pertinent diagnostic and other
27 documentation, and utilize such documentation, as appropriate, in making eligibility
28 decisions that are prompt or, whenever feasible, immediate.

29 (e) A qualified rehabilitation professional may proceed with a determination of eligibility
30 if there is an obvious and/or observable disability that results in an impediment to
31 employment. The VR specialist will document observations pertaining to the applicant's
32 disability. After making the determination of eligibility the VR specialist may authorize
33 any assessments and services necessary to further document eligibility, establish
34 priority group placement and determine rehabilitation needs for development of the
35 Individualized Plan for Employment.

36 (f) Diagnosis and evaluation are to be provided only for determination of eligibility for
37 VR services, priority group placement, and determination of VR service needs. DVR
38 and DSBVI funds are not to be used to assist an individual in establishing eligibility for
39 other programs.

40 (g) When necessary, diagnostic evaluations may be purchased at any time during the
41 life of the case.

42 (h) If an individual is determined eligible, the VR counselor will notify the individual in
43 writing. If the individual is determined to be ineligible, the counselor will notify the

44 applicant and provide information on further options in accordance with DRS policy on
45 ineligibility decisions.

46 (i) **Eligibility for supported employment.** The counselor may not find an individual
47 ineligible for supported employment services because a resource for providing extended
48 services cannot be identified. In this instance, the counselor will:

49 (1) accept the individual as eligible for VR services;

50 (2) plan VR services as appropriate, including the expected availability of extended
51 services; and

52 (3) seek out and/or help in developing the needed extended services resource.

PART 5. CASE STATUS AND CLASSIFICATION SYSTEM

1 **612:10-7-51. Individualized Plan for Employment [AMENDED]**

2 (a) **Options for developing the Individualized Plan for Employment (IPE).** The VR
3 counselor will provide the eligible individual, or the individual's authorized
4 representative, in writing and in appropriate mode of communication, with information
5 on the individual's options for developing the IPE.

6 (1) The required information will include the following:

7 (A) information on the availability of assistance, to the extent determined to be
8 appropriate by the eligible individual, or authorized representative, from a
9 qualified VR counselor in developing all or part of the IPE, and the availability of
10 technical assistance for this purpose;

11 (B) a description of the required content of the IPE;

12 (C) as appropriate:

13 (i) an explanation of agency requirements for client participation in cost of
14 services;

15 (ii) additional information requested by the individual or authorized
16 representative;

17 (iii) information on the availability of assistance in completing DVR/DSBVI
18 forms required in developing the IPE;

19 (iv) For cases involving Diabetes, Mental Disorders, and Obesity, treatment
20 must be incorporated as a service in the IPE, in accordance with DRS
21 policy rules.

22 (D) a copy of a DRS publication addressing client's rights and responsibilities.

23 (2) For cases in an open priority group, the IPE must be completed and signed as
24 soon as possible, consistent with the needs of the individual, but not more than 90
25 calendar days following the eligibility determination, unless the individual or the
26 authorized representative and the VR or SBVI counselor jointly agree to an
27 extension of time of a specific duration. The 90-day time frame for development of
28 the IPE will be applied from the date a closed priority group is reopened.

29 (b) **Vocational objective.** The primary purpose in providing vocational rehabilitation
30 services is to assist an eligible individual obtain appropriate competitive employment in
31 an integrated setting consistent with the individual's informed choice. The choice of a
32 vocational objective for an individual receiving vocational rehabilitation services must be
33 based primarily upon the individual's strengths, resources, priorities, concerns, abilities,
34 interests and capabilities, consistent with the general goal of competitive integrated
35 employment.

36 (1) **Informed choice.** The vocational objective is to be chosen with the full
37 participation of the client. The client's interests and informed choice determine his or
38 her vocational goal to the extent these factors are consistent with the client's
39 strengths, resources, priorities, concerns, abilities, interests and capabilities.

40 (2) **External conditions.** Factors such as the local labor market or local economy
41 must also be taken into consideration. However, in most cases these factors cannot
42 be used as the only basis upon which to determine whether a vocational objective is
43 appropriate.

44 (c) **General requirements for the Individualized Plan for Employment.**

45 (1) The IPE documents the client's chosen employment goal, and the planning of
46 vocational rehabilitation services which are necessary to achieve a successful
47 employment outcome. The client will be a full participant in the development of the
48 IPE or any amendments consistent with Federal and State regulations, laws, and
49 statutes. The eligible individual must be given the opportunity to exercise informed
50 choice in selecting an employment outcome, the specific VR services to be provided
51 under the plan, the service providers, and the methods for service delivery. For
52 cases in an open priority group, the IPE must be agreed to and signed by the
53 eligible individual or authorized representative, approved by a VR counselor and, as
54 appropriate, other administrators employed by DVR or DSBVI within 90 days of
55 determination of eligibility, unless the individual or the authorized representative of
56 the individual and the VR or SBVI counselor jointly agree to an extension of time of
57 a specific duration. To the maximum extent possible, the IPE is to be provided in the
58 native language or mode of communication of the individual or, as appropriate, of a
59 parent, family member, guardian, advocate, or authorized representative. It is also
60 required the client receive a copy of the plan and any subsequent amendments.

61 (2) The IPE is subject to continuous development and change. Substantial changes
62 to the IPE are documented as amendments. A substantial change is broadly
63 defined as any change in the employment objective, or in service needs or available
64 resources not accounted for in the original IPE or existing amendment(s). The
65 amount of any client participation in the cost of a service will be based upon the
66 determination of client's financial status completed at the time the relevant IPE or
67 amendment is written, and is to be stated in the IPE or amendment. If services
68 based upon financial status are included in the original IPE and/or in the
69 amendment, a new Financial Status Determination form will be completed when the
70 IPE is amended. A copy of any Amendment to an Individualized Plan for
71 Employment will be given to the client, or client's authorized representative, as
72 appropriate.

73 (3) Diagnosis related to eligibility or the IPE can be provided at any time it is
74 necessary during the life of the case.

75 (4) An IPE is not considered in effect until all required approvals have been
76 obtained in accordance with Department policy.

77 (5) Plan reviews are comprehensive reviews of the entire IPE. A plan review can be
78 done at any time, but must be done at least annually. The client must be given the
79 opportunity to review the plan and, if necessary, participate in its redevelopment
80 and agree to its terms. A financial status determination will be completed at the time
81 of plan review when the IPE includes services based upon client's financial status.

82 (d) **Content of the Individualized Plan for Employment.** The Individualized Plan for
83 Employment must include:

84 (1) a description of the specific employment outcome that is chosen by the client
85 consistent with the individual's unique strengths, resources, priorities, concerns,

86 abilities, capabilities, interests, and informed choice consistent with the general goal
87 of competitive integrated employment (except that in the case of a student or a
88 youth with a disability, the description may be a description of the individual's
89 projected post-school employment outcome), and the estimated timeframe for the
90 achievement of the employment outcome;

91 (2) a description of the specific VR services that are:

92 (A) needed to achieve the employment outcome including as appropriate, the
93 provision of assistive technology services and devices, and personal assistance
94 services, including training in the management of such services;

95 (B) provided in the most integrated setting that is appropriate for the service
96 involved and is consistent with the informed choice of the client; and

97 (C) timelines for the achievement of the employment outcome and for the
98 initiation of services.

99 (3) a description of the service provider chosen by the client or authorized
100 representative, and the methods of services delivery;

101 (4) a description of the criteria that will be used to evaluate progress toward
102 achieving the employment outcome;

103 (5) the terms and conditions of the IPE including as appropriate:

104 (A) the responsibilities of DVR or DSBVI;

105 (B) the responsibilities of the client, including:

106 (i) the client's responsibilities for the employment outcome;

107 (ii) the client's participation in paying the cost of VR services; and

108 (iii) the client's responsibility to apply for, accept, and use comparable
109 services and benefits to defray in whole or in part the cost of VR services.

110 (6) for an IPE that includes supported employment services, information identifying:

111 (A) the extended services needed by the client; and

112 (B) the source of the extended services, including natural supports, or an
113 explanation concluding there is a reasonable expectation a source will become
114 available; and

115 (C) the weekly work goal.

116 (7) if it appears they will be necessary, a statement of needed post-employment
117 services.

1 **612:10-7-57 Services interrupted, Service-I [NEW]**

2 (a) Circumstances may arise that prevent a client from participating in the established
3 IPE. These circumstances may therefore require a temporary interruption of services. A
4 case is placed in Service-I when the client is unable to participate in the IPE because of
5 circumstances beyond their control or the participant has not fulfilled requirements
6 identified by the VR agency. Service-I may be used when planned services will be
7 interrupted and there is an assumption that services may resume within a reasonable
8 period of time. Cases should not remain in interrupted status for more than 9 months.

9 (b) The Rehabilitation Counselor will perform the following actions to a case placed in
10 Service-I status:

11 (1) Contact client at least every 30 days to determine status of interruption.

12 (2) Review circumstances periodically with Supervisor to determine whether the
13 record of services should remain open or be closed, as appropriate to the individual
14 case.

15 (3) Change status when appropriate.

1 **612:10-7-58. Closed Rehabilitated [AMENDED]**

2 (a) **Use of Closed Rehabilitated status.** A case is closed as rehabilitated because the
3 client has achieved an employment outcome as a result of vocational rehabilitation
4 services. Cases closed as rehabilitated must as a minimum meet the requirements in
5 (1) through (5) of this Subsection:

6 (1) the provision of services under the individual's IPE has contributed to the
7 achievement of the employment outcome;

8 (2) the employment outcome is consistent with the individual's strengths,
9 resources, priorities, concerns, abilities, capabilities, interests, and informed choice;

10 (3) the employment outcome is in an integrated setting, consistent with the
11 individual's informed choice;

12 (4) the individual has maintained the employment outcome for a period of at least
13 90 days; and

14 (5) at the end of the appropriate period under Paragraph (4) of this Section, the
15 individual and the VR Counselor consider the employment outcome to be
16 satisfactory and agree that the individual is performing well on the job.

17 (b) **Out of state.** Clients who move out of state after services have been completed are
18 closed in rehabilitated status if the requirements in Subsection (a) of this Section can be
19 met. If those requirements cannot be met the case will be closed, not rehabilitated.

20 (c) **Successful closure prior to completion of IPE.** If employment is secured before
21 completion of the IPE, a counselor must document the conditions of substantial services
22 and suitable employment were met. If planned services are interrupted prior to
23 achieving the originally planned vocational goal, and services provided have directly
24 contributed to the employment outcome for the individual or to job retention, an IPE
25 amendment is not needed to revise the vocational goal prior to closure. A plan
26 amendment is required when there is a substantial deviation from the original
27 employment goal.

28 (d) **Cases closed from supported employment.** An individual with the most
29 significant disabilities who is receiving supported employment services is considered to
30 be successfully rehabilitated if the individual maintains a supported employment
31 placement for a minimum of 90 days beyond stabilization. In addition to the criteria for
32 "suitably employed", the counselor must document that the individual has met or has
33 made substantial progress toward meeting the weekly work goal defined in the IPE, the
34 client is satisfied with the job, the employer is satisfied with the client's job performance,
35 extended services are in place, all supported employment requirements have been met,
36 and the case is ready for closure. The closure documentation will address any
37 significant differences in the ultimate work week achieved as compared with the
38 predicted goal.

39 (e) **Cases closed from employment and retention.** An individual with severe
40 disabilities who is receiving employment and retention services is considered to be
41 successfully rehabilitated when the client maintains employment for a minimum of 90
42 days after placement, or for a minimum of 4 weeks plus 90 days if the individual
43 required the "4 Weeks Job Support" Milestone.

44 (f) **Case recording requirements.** The client, or the client's authorized representative
45 as appropriate, will be a full participant in the decision to close the case. The last
46 discussion of the closure decision with the client, or the client's authorized
47 representative, will be held ~~within 30~~ at the end of the required 90 days of the closure,
48 and will be documented in a case narrative. The client will be notified in writing of the
49 closure and advised of the availability of Post-Employment Services. **3**

50 (g) **Documentation at Successful Closure.** Prior to closure, a copy of the current pay
51 stub identifying the individual's competitive hourly wage and hours to determine weekly
52 earnings. If the current pay stub is not available, then the following is acceptable:

53 (1) An individual's written report of employment information and required wage
54 information documented on an authorized DRS form (DRS-C-065) with their dated
55 signature; or

56 (2) A detailed case note identifying the individual's employment information
57 including the current competitive hourly wage and work hours in a typical week that
58 is based on the counselor's conversation with the actual employer. Prior to calling
59 an employer, the individual shall be informed that information provided and
60 gathered is limited to what is necessary to document and verify employment. This
61 provides the individual the opportunity to discuss preferences and options for
62 obtaining required documentation. A signed Release of Information should be in the
63 case file.

64 (3) If verification as stated above is not forthcoming and all efforts to obtain
65 acceptable verification are documented, then the following is acceptable: a detailed
66 case note identifying the individual's employment information including the current
67 competitive hourly wage and work hours in a typical week, the date the final
68 employment verification was received with justification for the individual not
69 providing formal documentation.

70 (4) Individuals who are self-employed are required to provide wage documentation
71 of competitive integrated self-employment.

1 **612:10-7-62. Post-Employment services [AMENDED]**

2 (a) **Use of Post-Employment services.** Post-employment services may be provided to
3 assist rehabilitated clients to retain, regain, or advance in employment, consistent with
4 the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests
5 and informed choice.

6 (1) The need for post-employment services will be assessed at initiation of the IPE.
7 Ongoing assessment continues during case services, is documented as needed,
8 and is reassessed just prior to case closure.

9 (2) Post-employment services may also be provided for needs that were not
10 anticipated in the original IPE or prior to case closure. Post-employment services
11 can be provided to individuals who receive Supported Employment Services if such
12 services are needed to maintain the supported employment placement and those
13 services are not available from an extended services provider.

14 (3) Post-employment services are not to be used in instances of underemployment
15 when extensive retraining is needed.

16 (4) Cases reopened on a post-employment basis do not require re-establishment
17 of eligibility. New diagnosis is needed only if there has been a change in the client's
18 physical or mental condition. Any vocational rehabilitation service or combination of
19 services necessary to assist the individual retain, regain, or advance in employment
20 may be provided if the service(s) does not involve a complex or comprehensive
21 effort. If comprehensive services are indicated, a new application is taken.

22 (5) Federal regulations forbid the setting of arbitrary time limits on the provision of
23 post-employment services. If the client has been employed for a long period of time,
24 the counselor must carefully review the client's situation before making the decision
25 to provide post-employment services as opposed to opening a new case.

26 (b) **Other considerations.** Other considerations in determining a client's eligibility for
27 post-employment services are:

28 (1) **Financial Needs.** A new financial need determination must be made if services
29 requiring consideration of client participation in the cost of services are to be
30 provided.

31 (2) **Emergency conditions.** Treatment of an emergency condition will not be
32 considered as a post-employment service.

33 (3) **Upgrading.** Post-employment services are provided to help the individual
34 advance in employment only when the nature of the individual's impediment to
35 employment makes advancement the most appropriate post-employment outcome
36 consistent with the individual's unique strengths, resources, priorities, concerns,
37 abilities, capabilities, interests, and informed choice.

38 (c) **Transfer of cases.** Clients needing post-employment services who have moved to
39 another area of the state will have their cases transferred. When a rehabilitant who has
40 moved out of state requests post-employment services, the counselor will refer the
41 individual to the rehabilitation program in the state where the individual resides. Upon
42 receipt of a release signed by the client, copies of the requested information from the
43 closed record of service will be forwarded to the receiving state agency. If an individual

44 who was a rehabilitant in another state requests post-employment services from our
45 state, information must be requested from the state where services were previously
46 provided. All requests must include a specific release of confidential information signed
47 by the applicant. The case will be processed as a new referral, but will be served and
48 documented as a post-employment case.

49 (d) **Criteria for terminating post-employment services.** Decisions to terminate post-
50 employment services must be made on an individual basis in consultation with the
51 client.

52 (e) **Case recording requirements.** The same principles of client involvement are
53 required in the IPE for Post-Employment Services as are required under any other IPE.
54 Case recording will be made at significant times during the process, including
55 assessment of progress, the decision to conclude services and the results achieved at
56 the completion or termination of services.

57 ~~(f) **Use of Post-Employment services completed.** The case can be closed as soon~~
58 ~~as the services in the Post-Employment Services amendment have been completed~~
59 ~~insofar as possible and the client has been consulted regarding the closure decision.~~

60 ~~(g) **Case recording requirements.** Closure from post-employment status is~~
61 ~~documented in the case record and in a closure letter given to the client.~~

PART 11. PHYSICAL AND MENTAL RESTORATION SERVICES

1 **612:10-7-98. General guidelines for physical and mental restoration services**
2 **[AMENDED]**

3 (a) To the extent that assistance is not readily available from a source other than DVR
4 or DSBVI, diagnosis and treatment of physical and mental impairments may be
5 provided to assist the individual with a disability in preparing for, securing, retaining or
6 regaining employment. Physical or mental restoration services are provided only when
7 the condition is stable, or slowly progressive. A slowly progressive condition is one in
8 which the client's functional capacity is not expected to diminish so rapidly as to prevent
9 successful completion of vocational rehabilitation services, and/or employment for a
10 reasonable period of time. The individual is liable for services he or she arranged which
11 were not planned and initiated under the auspices of DVR and DSBVI. DVR and DSBVI
12 will not pay for hospitalization or treatment occurring prior to initiation of an
13 Individualized Plan for Employment (IPE). DVR and DSBVI will not pay for emergency
14 hospitalization or treatment needed at the time of referral. However, diagnostic
15 examinations or information may be paid from DVR and DSBVI funds for use in
16 eligibility determination, priority group placement, or determination of vocational
17 rehabilitation needs. Physical and/or mental restoration services will be purchased only
18 from licensed or board certified health professionals unless otherwise specified in DRS
19 policy. Payment will be made in accordance with the established fee schedule of the
20 Department.

21 (b) Temporary conditions with sudden onset do not fall within the definition of
22 impairment for eligibility purposes. Emergency treatment of remediable conditions will
23 not be purchased by DVR and DSBVI except under intercurrent illness policy. When the
24 staff is in doubt as to the effect of such a condition upon the outcome of the IPE
25 objectives, a medical consultation may be requested.

26 (c) DVR and DSBVI do not provide long-term or ongoing physical or psychological
27 treatment. DVR and DSBVI funds cannot be used to initiate treatment that is reasonably
28 anticipated to last more than three months unless supervisory approval has been
29 obtained for a three month extension. Additional three month extensions may be
30 approved if the client maintains reasonable progress toward achieving the vocational
31 goal. Persons needing long-term or ongoing treatment are to be referred to other
32 medical assistance sources if available.

33 (d) Payment from DVR and DSBVI funds may be planned and authorized only after
34 applicable third party pay sources provide verification of the expense they will cover,
35 and not cover, associated with the physical or mental restoration services in question.
36 When DVR and DSBVI funds are used to supplement a third party pay source, planned
37 services and the authorization will be limited to those expenses that fall within the scope
38 of the program and that do not exceed the difference between what the third party pay
39 source will pay and the Department's established payment schedule.

40 (e) Individuals with chronic disabilities that can be removed with little or no residual
41 limitations will not be eligible for purchase of services other than those related to the
42 required treatment.

43 (f) Physical and mental restoration services may include but are not limited to:

44 (1) Braces and orthotic devices.

45 (2) Chiropractic services. A chiropractor providing treatment must be duly licensed
46 to practice his profession in Oklahoma, have a current provider/vendor agreement

47 with DRS, and following evaluation of the client's needs, must provide a treatment
48 plan with goals, time frames and the estimated number of treatments required to
49 meet the goals. Treatment may not be extended beyond three months unless
50 progress toward treatment goals can be determined.

51 (3) Dental services. Dental services may be provided to treat or correct dental
52 conditions that constitute an impediment to employment or participation in the
53 rehabilitation process, produce health problems or aggravate an existing disability.
54 Dental services with a projected cost over \$5,000.00 require review by the DRS
55 dental consultant and supervisory approval.

56 (4) Dialysis and treatment for end-stage-renal-disease. DVR and DSBVI may assist
57 with the cost of Medicare deductible, co-insurance, and services not covered by
58 Medicare if documentation states other resources are not available and the client is
59 actively participating in an IPE with treatment as part of the plan. Requests for
60 kidney transplants must be approved by the medical consultant.

61 (5) Prescription drugs and prescribed medical supplies. Prescription drugs and/or
62 prescribed medical supplies may be purchased when required for proper diagnosis,
63 for post-operative treatment, or to stabilize a documented disability. The need for the
64 drugs and/or medical supplies must be documented in a physician's report. Payment
65 will be made for generic type drugs unless the physician specifically requests a
66 brand name drug.

67 (6) Hearing aids and audiological services.

68 (7) Hospitalization when recommended by a physician and the client is to receive
69 medical treatment or surgery. Hospitalization may also be authorized for diagnostic
70 services upon recommendation of a physician.

71 (8) Treatment for intercurrent illness. Intercurrent illness is an illness or injury which
72 occurs during the course of an individual's vocational rehabilitation and, if not
73 treated, will complicate or significantly delay achievement of the client's employment
74 outcome. DVR and DSBVI will purchase treatment for intercurrent illness or injuries
75 if the client is not covered by health insurance or eligible for comparable services
76 and benefits, or when the provision of services through comparable services and
77 benefits would significantly interrupt or delay treatment for an individual at extreme
78 medical risk, jeopardize a job placement or impair the individual's progress in
79 achieving the planned employment outcome.

80 (9) Laboratory work and x-rays if required by the physician to complete his
81 examination or in conjunction with diagnosis or treatment.

82 (10) Low vision services.

83 (11) Medical examinations, when necessary to determine eligibility, achieve a goal
84 in the IPE or when related to an intercurrent illness.

85 (12) Nursing services can be provided for a client who is convalescing from physical
86 restoration services if recommended by the doctor of treatment. Either Registered
87 Nurses or Licensed Practical Nurses may be used to provide this service when a
88 current medical vendor agreement is on file with the Department. Volunteers may be
89 used if less technical care is needed and if approved by the client's physician.

90 (13) Physical and occupational therapy may be provided on either an in-hospital or
91 outpatient basis if recommended by the attending physician.

92 (14) Post-operative care of cataract patients.

93 (15) Prosthetic eyes, glasses and other optical aids.

94 (A) Glasses and other visual aids and services may be prescribed or provided
95 by either an ophthalmologist or an optometrist. Other optical aids
96 recommended by optical aid clinics are purchased upon the recommendation
97 of the specialist(s) in one or more such clinics. Prosthetic eyes are provided,
98 upon the recommendation of an ophthalmologist.

99 (B) Lenses and frames for glasses purchased by DRS will be authorized at
100 fee schedule prices. The vendor may add a service charge not to exceed the
101 established fee. An additional code and fee may be added for tinting if it has
102 been prescribed by the physician or optometrist that performed the eye
103 examination with written medical/vocational justification.

104 (C) The fee that has been established for frames will only cover the cost of
105 plain sturdy frames. Clients do not have the option of selecting more
106 expensive frames and paying the difference between the vendor's price and
107 the amount authorized. If the vendor accepts payment from the client or a
108 representative of the client and also files a claim with the Department for the
109 same services, a violation of the Provider Agreement has occurred and the
110 vendor would be subject to sanctions.

111 (D) If a client selects special frames and has sufficient resources to purchase
112 them, the frames should not be included on the authorization and the client
113 would be responsible for the entire cost of the frames.

114 (16) Prosthetic limbs.

115 (A) Prosthetic limbs may be provided if the prosthesis is recommended by a
116 physician. The client who has successfully worn a prosthesis will not be
117 required to see an orthopedist or physiatrist, or attend an amputee clinic
118 unless some other disorder is apparent.

119 (B) An individual who has never worn a prosthesis must be seen by a
120 physician before the prosthesis is provided. The client must agree to training in
121 its use. Gait training is considered Personal Adjustment Training and does not
122 require client participation in cost. However, physical therapists providing the
123 training are recognized as medical vendors and require authorizations
124 completed on a Medical Service Authorization.

125 (C) Persons with multiple amputations must have the special examination and
126 training.

127 (D) The counselor may authorize for a prescribed standard prosthesis without
128 further review. The choice of prosthesis must be closely related to its intended
129 use in a work setting, or in relation to reasonable independent living goals.
130 Non-standard prostheses (i.e., myoelectric) will not be purchased with DRS
131 funds unless medically justified and/or required for a specific employment, or
132 independent living, outcome. When a prosthesis other than a standard

133 prosthesis is prescribed the counselor will request a consultation from the
134 appropriate medical consultant. Justification for the non-standard prosthesis
135 must be documented in the case record.

136 (17) Psychiatric and psychological treatment.

137 (A) Psychotherapy may be provided for emotional conditions which may be
138 expected to respond within a reasonable period of time. Psychotherapy can be
139 provided only by the sources in (1) - (5) of this Subsection.

140 (i) Psychiatrists certified by the American Board of Psychiatry and
141 Neurology or completed the required training and are "Board Qualified", or
142 who have spent a major portion of their time in a particular specialty for at
143 least two years and are recognized as specialists in the local community
144 (same criteria as applied to other medical specialists).

145 (ii) Licensed Doctors of Medicine or Doctors of Osteopathy who have
146 received specific training for and are experienced in performing mental
147 health therapeutic, diagnostic, or counseling functions.

148 (iii) Psychologists with a doctorate in clinical or counseling psychology
149 who hold a valid license to practice psychology.

150 (iv) Psychologists with a doctorate in clinical or counseling psychology
151 who are employed by governmental agencies exempt from the licensing
152 law.

153 (v) Other licensed clinicians or those employed by governmental agencies
154 who have received administrative approval to provide this treatment
155 service.

156 (B) Upon receipt of a written report from the therapist, the supervisor may
157 approve additional three-month periods of therapy. Clients needing long-term
158 or ongoing psychiatric or psychological treatment will be referred to the
159 appropriate community mental health center.

160 (C) Personal Adjustment Counseling may be provided for those persons with
161 emotional conditions who may benefit from counseling to bring about a more
162 adequate social adjustment, alleviate superficial anxiety, and to create more
163 effective interpersonal relationships. Personal Adjustment Counseling may be
164 provided by: those individuals listed in (17) (A) of this Subsection.

165 (18) Speech therapy/training as recommended in a speech evaluation. Speech
166 therapy, although provided by recognized speech-language pathologists (SLP)
167 ~~therapists~~, is considered Personal Adjustment training and is not based on financial
168 status. The providers of speech therapy are classified as medical vendors.

169 (19) Surgery and medical treatment.

170 (A) Surgery and complex or unusual medical treatment may be provided when
171 recommended by a specialist. Medical consultant approval will be obtained
172 prior to planning and authorizing a diagnostic procedure which could lead to
173 immediate surgical treatment. The medical consultant will give conditional
174 approval for the possible surgery if deemed necessary. Normal post-operative

175 care is an integral part of the surgery; therefore, no post-operative charges are
176 to be paid above the approved surgical fee.

177 (B) Specified outpatient surgical services are approved for payment when
178 provided in qualified outpatient surgical facilities. Qualified facilities include
179 Medicare certified free standing ambulatory surgical centers, Medicare
180 certified hospitals offering outpatient surgical services, and hospitals which
181 have an agreement with DRS.

182 (C) The counselor will advise the client he/she may be liable for any balance
183 due when payment by private insurance exceeds the Department allowable
184 rate.

185 (20) Weight loss treatment. A weight loss plan or treatment are included as a
186 service in the IPE for individuals who are eligible on the basis of obesity. A licensed
187 dietician or a physician skilled in weight reduction must monitor any treatment
188 program authorized by the agency. Surgery for weight loss is not provided unless
189 medically recommended as treatment for morbid obesity, a second confirming
190 medical opinion is obtained, the surgery is approved by the DRS medical consultant
191 and supervisory approval is obtained. Before approving DRS provision of surgery
192 for treatment of morbid obesity, the supervisor shall consider the individual's past
193 experience with standard weight loss protocols, and medical and behavioral factors
194 that may impact the individual's ability to obtain long-term benefit from the surgery.

195 (21) Wheelchairs and other durable medical equipment when prescribed by a
196 physician or recommended by an occupational therapist, physical therapist,
197 assistive technology specialist or person with equivalent qualifications. Power
198 mobility devices may be purchased for individuals when necessary to assist the
199 client in achieving IPE goals.

200 (A) The client, and/or client's authorized representative, will participate in
201 choosing from which vendor the wheelchair or durable medical equipment will
202 be purchased. Wheelchairs and other durable medical equipment will be
203 authorized at the agency approved fee.

204 (B) The client, or client's family or authorized representative as appropriate, is
205 responsible for maintaining wheelchairs or other durable medical equipment in
206 good working order. DVR and DSBVI will pay for repairs to wheelchairs or
207 other durable medical equipment during the life of the case unless there is
208 clear evidence the equipment has been damaged due to client abuse or
209 neglect. An agency-purchased wheelchair will be returned to the agency if the
210 client becomes unable to use it.

211 (C) Wheelchair rental may be authorized for a period not to exceed six
212 months when necessary to assist the client with mobility. An exception can be
213 made if it is documented that rental is more cost effective than purchase.

PART 13. SUPPORTIVE SERVICES

1 **612:10-7-130. Maintenance [AMENDED]**

2 (a) **General guidelines.** Maintenance means monetary support provided to an
3 individual for expenses, such as food, shelter, and clothing, that are in excess of the
4 normal expenses of the individual and that are necessitated by the individual's
5 participation in an assessment for determining eligibility and vocational rehabilitation
6 needs or the individual's receipt of vocational rehabilitation services under an
7 individualized plan for employment.

8 (1) Maintenance is a supportive service provided to assist with the out-of-ordinary
9 or extra expenses to the individual resulting from and needed to support the
10 individual's participation in diagnostic, evaluative, or other substantial services in
11 the IPE. The provision of maintenance as a supportive service is not synonymous
12 with general assistance payments. It is not intended to pay for those living costs
13 that exist irrespective of the individual's status as a DVR and DSBVI client.

14 (2) Maintenance, including payments, may not exceed the cost of documented
15 expenses to the individual resulting from service provision. Authorizations for
16 maintenance will not be issued to pay the cost, or part of the cost, for any other
17 service or expense.

18 (b) **Provision of maintenance.** To receive maintenance, an individual must be either
19 an eligible DVR or DSBVI client or an applicant for vocational rehabilitation services
20 undergoing diagnostic evaluation and testing. For an accepted client, maintenance must
21 be a supportive service and will be provided in combination, with another VR service
22 listed in the Individualized Plan for Employment. The costs of the maintenance may not
23 exceed the amount of increased expenses that the IPE causes for the individual or
24 his/her family. Maintenance cannot substitute for or supplement income assistance
25 payments.

26 (1) **Maintenance for diagnostic and evaluation services.** Maintenance
27 payments for individuals receiving diagnostic or evaluation services may be
28 authorized for overnight care, short-term lodging and/or meals.

29 (2) **Maintenance for physical restoration services.** Maintenance for physical
30 restoration services is paid to the client until he/she is able to work. The client must
31 be in his/her own home and the covered period of convalescence is to be 60 days
32 or less. For convalescent periods in excess of 60 days, the counselor will refer the
33 client to other sources for assistance (public assistance, SSI). In no instance will
34 medical maintenance be paid while the client is hospitalized.

35 (3) **Maintenance for training.** Maintenance can be authorized for full time
36 vocational school students or college students. Maintenance can be authorized for a
37 client granted an exception to the full-time attendance requirement under 612:10-7-
38 150(a). DRS will not pay for assistance with room and board expenses if there is a
39 state funded vocational school, college or university within 40 miles of the client's
40 official residence. In addition, DRS will only sponsor room and board expenses
41 related to on-campus housing options with the lowest cost. DRS will only sponsor
42 hotel costs associated with pre-vocational or personal and work adjustment training
43 if the total cost of the hotel stay and per diem is less than the total cost of
44 transportation to and from the hotel. Exceptions to this administrative rules may be
45 granted due to issues such as disability requirements. All exceptions must be
46 approved by the Programs Manager and thorough justification must be documented
47 in the case. If DRS is to assist with summer room and board costs or rental

48 assistance for summer semester at any level, there will be a requirement to
49 participate in a minimum of 6 hours.

50
51 (4) **Maintenance for job search services.** Maintenance for job search services
52 requires an IPE with major services directed toward the goal of employment.

53 (5) **Maintenance for job relocation.** Maintenance may be paid to a client for
54 assistance in relocating to a new job site. Maintenance services for this purpose
55 must be identified on the IPE.

56 (c) **Clothing expenses.** Clothing and/or uniforms can be purchased when needed to
57 begin training or enter employment. Everyday clothing needs of the client are
58 considered as part of the basic living requirements. Any clothing purchased for the client
59 must be:

60 (1) required by the training facility;

61 (2) necessary to participate in job search or begin employment; or

62 (3) necessary to begin a training program that requires clothing standards beyond
63 the client's means.

64 (d) **Day care expenses.** Day care expenses will be paid for from DVR and DSBVI
65 funds only when necessary to participate in the IPE, and it is fully documented that no
66 other resources are available for this service, including family members and friends.

67 (e) **Case Recording.**

68 (1) Maintenance payments will be provided and carefully tied to the achievement of
69 specific VR outcomes which must be stated and documented in the case record
70 and the IPE to justify such payments.

71 (2) Documentation as appropriate that justifies room and board expenses off
72 campus related to on-campus housing options with the lowest cost.

73 (3) Documentation that other resources are not available to assist in day care
74 expense, including family and friends.

PART 15. TRAINING

2 **612:10-7-142. General guidelines for training services [AMENDED]**

3 (a) **Types of training.** Training provided by DVR and DSBVI may include:

4 (1) **Vocational.** Vocational and other training services, including personal and
5 vocational adjustment training, advanced training in, but not limited to, a field of
6 science, technology, engineering, mathematics (including computer science),
7 medicine, law, or business); books, tools, and other training materials, except that
8 no training or training services in an institution of higher education (universities,
9 colleges, community or junior colleges, vocational schools, technical institutes, or
10 hospital schools of nursing or any other postsecondary education institution) may be
11 paid for with funds under this part unless maximum efforts have been made by the
12 State unit and the individual to secure grant assistance in whole or in part from
13 other sources to pay for that training. Vocational training provides the knowledge
14 and skills necessary for performing the tasks involved in an occupation. Such
15 knowledge and skills may be acquired through training from an institution, on-the-
16 job, by tutors or through a combination of these methods. Vocational training may
17 be provided for any occupation.

18 (A) ~~For the first 60 credit hours or during the completion of an Associate's~~
19 ~~degree, DRS will only sponsor up to the cost of tuition and fees charged by the~~
20 ~~local state funded community college or state university within 40 miles of the~~
21 ~~client's official place of residence. If the client chooses to attend a different~~
22 ~~training site, DRS will only sponsor an amount equivalent to the amount that~~
23 ~~would be sponsored if attending the local college/university. Additional~~
24 ~~transportation or maintenance costs related to attending another training site~~
25 ~~will not be sponsored by DRS.~~

26 (B) ~~For the completion of a Bachelor's degree, DRS will only sponsor up to the~~
27 ~~cost of tuition and fees charged by the state funded college or university closest~~
28 ~~to the client's official place of residence that offers a program to reach the~~
29 ~~vocational objective. Additional transportation or maintenance costs related to~~
30 ~~attending another training site will not be sponsored by DRS.~~

31 (C) ~~Exceptions to the policies for college/university training must be approved~~
32 ~~by the Programs Manager through justification and must be documented in the~~
33 ~~record of service. Possible exceptions include but are not limited to:~~

34 (i) ~~The need to attend a school outside of the 40 mile limit is due to~~
35 ~~disability related factors such as the need for accessible on-campus~~
36 ~~housing.~~

37 (ii) ~~The degree major approved by the DRS Counselor for the client is not~~
38 ~~available at the local college or university.~~

39 (D) ~~Training is provided in those colleges and universities which are accredited~~
40 ~~by the appropriate accrediting agency, whose credits will be given full~~
41 ~~recognition by other accredited colleges and universities, and which are under~~
42 ~~contract. Private and denominational colleges and universities may be used for~~
43 ~~the training of DRS clients, provided they are accredited and under contract.~~

44 (i) ~~The Department will sponsor only the number of semester hours or~~
45 ~~remaining hours required for a specific degree. Exceptions may be~~
46 ~~approved by the counselor.~~

47 (ii) ~~Previously completed credit hours which are applicable to the degree~~
48 ~~requirements will be incorporated in the development of the IPE. When a~~
49 ~~client changes majors, DVR and DSBVI funding will be limited to the~~
50 ~~number of credit hours needed for the new major minus the number of~~
51 ~~DVR and DSBVI funded credit hours lost due to the change in majors,~~
52 ~~unless the change in majors results from circumstances beyond the client's~~
53 ~~control.~~

54 (2) **Prevocational.** Prevocational training includes any form of academic or basic
55 training provided for the preparatory skills needed for entrance into a vocational
56 training program or employment. Prevocational training is initiated to enhance
57 occupational knowledge or skills or to remove an educational deficiency interfering
58 with employment.

59 (3) **Personal or work adjustment.** Personal or work adjustment training includes
60 any training given for one or a combination of the reasons given in (A) - (D) of this
61 paragraph.

62 (A) ~~For the first 60 credit hours or during the completion of an Associate's~~
63 ~~degree, DRS will only sponsor up to the cost of tuition and fees charged by the~~
64 ~~local state funded community college or state university within 40 miles of the~~
65 ~~client's official place of residence. If the client chooses to attend a different~~
66 ~~training site, DRS will only sponsor an amount equivalent to the amount that~~
67 ~~would be sponsored if attending the local college/university. Additional~~
68 ~~transportation or maintenance costs related to attending another training site~~
69 ~~will not be sponsored by DRS To assist the individual in developing personal~~
70 ~~habits, attitudes, and skills enabling the individual to function effectively in spite~~
71 ~~of disability.~~

72 (B) ~~For the completion of a Bachelor's degree, DRS will only sponsor up to the~~
73 ~~cost of tuition and fees charged by the state funded college or university closest~~
74 ~~to the client's official place of residence that offers a program to reach the~~
75 ~~vocational objective. Additional transportation or maintenance costs related to~~
76 ~~attending another training site will not be sponsored by DRS To develop or~~
77 ~~increase work tolerance prior to engaging in prevocational or vocational training~~
78 ~~or in employment.~~

79 (C) ~~Exceptions to the policies for college/university training must be approved~~
80 ~~by the Programs Manager through justification and must be documented in the~~
81 ~~record of service. Possible exceptions include but are not limited to: To develop~~
82 ~~work habits and to orient the individual to the world of work.~~

83 (i) ~~The need to attend a school outside of the 40 mile limit is due to~~
84 ~~disability related factors such as the need for accessible on-campus~~
85 ~~housing.~~

86 (ii) ~~The degree major approved by the DRS Counselor for the client is not~~
87 ~~available at the local college or university.~~

88 (D) ~~Training is provided in those colleges and universities which are accredited~~
89 ~~by the appropriate accrediting agency, whose credits will be given full~~
90 ~~recognition by other accredited colleges and universities, and which are under~~
91 ~~contract. Private and denominational colleges and universities may be used for~~
92 ~~the training of DRS clients, provided they are accredited and under contract To~~

93 provide skills or techniques enabling the individual to compensate for a
94 disability such as the loss of a body part or the loss of a sensory function.

95 (i) ~~The Department will sponsor only the number of semester hours or~~
96 ~~remaining hours required for a specific degree. Exceptions may be~~
97 ~~approved by the counselor.~~

98 (ii) ~~Previously completed credit hours which are applicable to the degree~~
99 ~~requirements will be incorporated in the development of the IPE. When a~~
100 ~~client changes majors, DVR and DSBVI funding will be limited to the~~
101 ~~number of credit hours needed for the new major minus the number of~~
102 ~~DVR and DSBVI funded credit hours lost due to the change in majors,~~
103 ~~unless the change in majors results from circumstances beyond the client's~~
104 ~~control.~~

105 (b) ~~**Continued eligibility for college or university training.**~~ Training may be provided
106 for clients who:

107 (1) ~~DVR or DSBVI clients in college or university training will be expected to attend~~
108 ~~classes regularly and make continuous progress toward graduation; and are~~
109 ~~mentally, physically and/or emotionally capable of pursuing a course of training to~~
110 ~~completion;~~

111 (2) ~~Maintain an overall 2.0 grade point average (GPA), based on a four point (4.0)~~
112 ~~scale; and require training to achieve an employment outcome or other goals~~
113 ~~established in the Individual Plan for Employment (IPE); and~~

114 (3) ~~Carry the minimum number of semester hours determined to be full time at the~~
115 ~~school attended. Exceptions may be granted by the counselor, based on severity of~~
116 ~~disability, scheduling problems, or other valid reasons are determined to have a~~
117 ~~reasonable opportunity for obtaining employment in the chosen vocation.~~

118 (4) ~~Full time requirement for DRS graduate sponsorship would equal the required~~
119 ~~minimum of hours per semester. (i.e. 9 hours during the regular semester and 4~~
120 ~~hours in the summer).~~

121 (c) ~~**Continued eligibility.**~~ ~~A client in training at a vocational school will be based on the~~
122 ~~client's performance in respect to grades, progress and attendance. The minimum~~
123 ~~standards used by the training facility for satisfactory progress in respect to grades and~~
124 ~~attendance will be utilized by DVR and DSBVI staff in determining the progress of the~~
125 ~~client. Clients attending vocational technical schools who withdraw or fail course work~~
126 ~~will be required to pay for a like number of credit or clock hours during the following~~
127 ~~enrollment period. Decisions related to training are based on the individual needs and~~
128 ~~informed choices of the client as identified in the IPE.~~

129 (d) ~~**Withdrawals and failures.**~~ ~~Clients who withdraw or fail college or university~~
130 ~~courses paid by DVR and DSBVI will be required to pay for a like number of hours~~
131 ~~during the following enrollment period subject to the guidelines in (b) section. When a~~
132 ~~client fails to meet the requirements for continued sponsorship the guidelines in (A-C) of~~
133 ~~this Subsection are to be followed: A client failing to meet the grade point requirement~~
134 ~~may continue to receive services not based on financial need. DVR and DSBVI will only~~
135 ~~pay tuition and fees for courses which count toward requirements consistent with the~~
136 ~~vocational goal of the IPE. Training of DVR and DSBVI clients is provided by colleges,~~
137 ~~universities, private business and trade schools, state supported vocational schools,~~

138 employers in the form of on-the-job training, sheltered workshops, and other approved
139 training facilities with valid contracts. 2

140 ~~(1) Payment of training services based on client's financial need will not be~~
141 ~~provided if the client's grades fall below 1.8 overall GPA.~~

142 ~~(2) Training services may be paid for a client having an overall GPA~~
143 ~~between 1.8 and 1.9 for the first semester that grades fall below 2.0 overall~~
144 ~~GPA. Subsequent enrollments can only be paid if the student's overall GPA~~
145 ~~shows progress.~~

146 ~~(3) A client failing to meet grade point requirements may be approved by the~~
147 ~~counselor if there are extenuating circumstances beyond the client's control.~~

148 ~~(e) **Public institutions of higher learning.** Tuition and fees for DVR and DSBVI~~
149 ~~clients attending public colleges and universities will be paid at the rate set for resident~~
150 ~~students by the Oklahoma Regents for Higher Education and within limits prescribed by~~
151 ~~the Legislature. DVR and DSBVI will pay those fees charged to all students and special~~
152 ~~fees associated with required courses in the student's major field of study. Federal~~
153 ~~regulations require a search for comparable services and benefits with the results~~
154 ~~documented before payment can be made for training in the following institutions:~~
155 ~~colleges, universities, community/junior colleges, public or private vocational/technical~~
156 ~~schools, or hospital schools of nursing. PELL grants and other available Federal/State~~
157 ~~student aid (excluding merit awards) must be applied to tuition, fees and all other~~
158 ~~educational expenses as a first dollar source prior to consideration of the expenditure of~~
159 ~~DRS funds.~~

160 ~~(f) **Private institutions of higher learning.** Tuition and fees for students in attendance~~
161 ~~at accredited private or denominational schools will be paid at the same rate as that~~
162 ~~paid at state-supported colleges or universities of equal rank. Advanced standing test~~
163 ~~for college students: DRS can pay the fee for advanced standing tests. Proof of a~~
164 ~~passing grade is required prior to payment Training costs will not be authorized beyond~~
165 ~~the first DVR and DSBVI sponsored enrollment until proof of the availability of~~
166 ~~comparable benefits is received by the counselor.~~

167 ~~(g) **Public or private vocational schools.** Schools that have a valid purchasing~~
168 ~~agreement with DRS, those training costs may be purchased, after use of available~~
169 ~~comparable benefits such as PELL grants and other federal/state student aid (excluding~~
170 ~~merit awards) Once training has begun, the client is expected to progress toward the~~
171 ~~vocational objective at a steady rate. This requires the client to attend training on a~~
172 ~~regular basis, and maintain a full-time load unless an exception is granted by the~~
173 ~~counselor due to severity of disability, scheduling problems or other valid reasons.~~
174 ~~Training progress reports or other methods of reporting (i.e., grade reports, transcripts)~~
175 ~~are utilized to document training progress. Sporadic attendance and reduced training~~
176 ~~loads causing a delay in the completion of training must be reviewed by the counselor.~~
177 ~~The client is responsible for advising the counselor of problems encountered during the~~
178 ~~training program.~~

179 ~~(h) **Out-of-state training.** Out of state training may be approved when one or more of~~
180 ~~the following applies, and the case record documents the basis for this determination:~~
181 ~~All types of institutional, technical, personal adjustment or employment training are~~
182 ~~purchased by an authorization issued by the counselor.~~

183 ~~(1) The course of training is not available within the state;~~

184 ~~(2) The out of state training program is no more expensive than in state training; or~~

185 ~~(3) There are specific considerations based on severity of the disability which~~
186 ~~preclude the use of in-state facilities.~~

187 ~~(A) Tuition for a student who attends an out of state college or university will~~
188 ~~be paid at the same rate paid at Oklahoma colleges or universities of equal~~
189 ~~rank. Payment for textbooks and training tools and supplies can be provided~~
190 ~~for clients in out-of-state training, in accordance with DRS administrative rules.~~

191 ~~(B) Prior to client's enrollment at a facility located in another state, an approved~~
192 ~~Justification for Out-of-State Training form must be submitted to the DRS State~~
193 ~~Office.~~

194 ~~(C) The DRS Contracts Unit must complete renewal of contracts no less than~~
195 ~~two months prior to present contract expiration date to ensure continuation of~~
196 ~~services. When a contract lapses because renewal was not completed within~~
197 ~~time frames, the Department cannot pay the institution's claim.~~

198 ~~(i) **Training for individuals in custody of the Department of Corrections.** DVR and~~
199 ~~DSBVI funds are not used to defray the cost of training for individuals in the custody of~~
200 ~~the Department of Corrections. This does not apply to individuals who meet the criteria~~
201 ~~set forth within a joint memorandum of understanding between DRS and the~~
202 ~~Department of Corrections.~~

203 ~~(j) **Distance Education.** Distance education may include but is not limited to internet~~
204 ~~training, correspondence training and talkback TV.~~

205 ~~(1) Distance education may be provided if the client needs training which may be~~
206 ~~obtained most practically by distance education.~~

207 ~~(2) Tuition for college and/or vocational distance education cannot exceed the State~~
208 ~~rate for comparable training.~~

209 ~~(3) Distance educational programs will only be approved if institution has~~
210 ~~recognized accreditation.~~

211 ~~(k) **Tutorial training.** Tutorial training may be provided for clients with significant~~
212 ~~disabilities who cannot receive training by another method or who may need assistance~~
213 ~~to complete a formal training course satisfactorily. Persons chosen to provide tutorial~~
214 ~~training for clients must have the necessary skills to provide assistance to the client and~~
215 ~~be willing to provide the training at a time and place suitable to the client. Examples of~~
216 ~~proof of necessary skills are the following:~~

217 ~~(1) Letter of recommendation from college or university~~

218 ~~(2) Teaching certificate~~

219 ~~(3) Transcripts~~

220 ~~(4) Other documentation of knowledge, skills or ability to instruct in the~~
221 ~~designated subject.~~

222 ~~(l) **Personal or vocational adjustment.** Personal or vocational adjustment training~~
223 ~~includes any training given for one or a combination of the reasons given in (1)–(3) of~~
224 ~~this paragraph.~~

225 ~~(1) Training includes but is not limited to conditioning activities for developing~~
226 ~~work tolerance, work therapy, occupational therapy, speech training and speech~~
227 ~~correction, auditory training, gait training, diabetes management courses, driver's~~
228 ~~training, and mobility training. It may also include development of personal~~
229 ~~habits, attitudes, and work habits necessary to orient the individual to the world of~~
230 ~~work.~~

231 ~~(2) To develop or increase work tolerance prior to engaging in prevocational or~~
232 ~~vocational training or in employment.~~

233 ~~(A) Vocational training provides the knowledge and skills necessary for~~
234 ~~performing the tasks involved in an occupation. Such knowledge and skills~~
235 ~~may be acquired through training from an institution, on the job, by tutors or~~
236 ~~through a combination of these methods. Vocational training may be~~
237 ~~provided for any occupation.~~

238 ~~(B) Prevocational training includes any form of academic or basic training~~
239 ~~provided for the preparatory skills needed for entrance into a vocational~~
240 ~~training program or employment. Prevocational training is initiated to~~
241 ~~enhance occupational knowledge or skills or to remove an educational~~
242 ~~deficiency interfering with employment.~~

243 ~~(3) To provide skills or techniques enabling the individual to compensate for a~~
244 ~~disability such as the loss of a body part or the loss of a sensory function. High~~
245 ~~school students eligible for this service must be at least 16 years of age and may~~
246 ~~not participate for more than 18 months unless client and counselor determine~~
247 ~~additional time is needed.~~

248 ~~(m) **Federal/State student aid.** Federal regulations mandate a search for comparable~~
249 ~~services and benefits with the results documented before payment can be made for~~
250 ~~training in the following institutions: colleges, universities, community/junior colleges,~~
251 ~~public or private vocational/technical schools, or hospital schools of nursing. PELL~~
252 ~~grants and other available Federal/State student aid (excluding merit awards) must be~~
253 ~~applied to tuition, fees and all other educational expenses as a first dollar source prior to~~
254 ~~consideration of the expenditure of DRS funds, regardless of whether the student is~~
255 ~~attending a vocational, trade, public or private institution of higher education.~~

256 ~~(n) **Payment of training costs.** DVR and DSBVI will only pay tuition and fees for~~
257 ~~courses which count toward requirements consistent with the vocational goal of the IPE.~~
258 ~~Training of DVR and DSBVI clients is provided by colleges, universities, private~~
259 ~~business and trade schools, state supported vocational schools, employers in the form~~
260 ~~of on-the-job training, and other approved training facilities with valid contracts.~~

261 ~~(1) Training costs will not be authorized until proof of the availability of comparable~~
262 ~~benefits is received by the counselor.~~

263 ~~(2) After the completion of the first semester, a grade report, proof of enrollment,~~
264 ~~and an itemized invoice are required documentation to support the authorization for~~
265 ~~tuition and fees. It is the responsibility of the client to provide this support~~

266 documentation. The client may provide this documentation electronically or as a
267 printed document in the standard format used by the school.

268 ~~(3) Each client is responsible for providing the counselor a copy of the college or~~
269 ~~university's current semester costs before the designated "Drop and Add" date.~~

270 ~~(e) **Case Recording Requirements.**~~

271 ~~(1) The record of service will contain testing and/or supportive data to substantiate~~
272 ~~the reasonable expectation for successful completion of a training program.~~

273 ~~(2) Clients approved for college or university training will exhibit the ability to do~~
274 ~~college work. The counselor will have evidence in the record of service indicating~~
275 ~~the client's ability to do college work before a program is developed calling for~~
276 ~~training at the college or university level.~~

277 ~~(3) Training progress reports or other methods of reporting (i.e., grade reports,~~
278 ~~transcripts) are utilized to document training progress.~~

279 ~~(4) Documentation will state why the particular out-of-state provider is being used~~
280 ~~in terms of specific clients, and address the issues of, selection of vocational~~
281 ~~objective, projected starting and completion dates, breakdown of costs, and extent~~
282 ~~of comparable services and benefits.~~

283 ~~(5) Case notes are necessary when an authorization is completed to include a~~
284 ~~description of services being provided (i.e. tuition and fees) and the date of service~~
285 ~~on all direct authorizations. Include number of hours enrolled, what semester, date~~
286 ~~of service.~~

1 **612:10-7-150. Continued eligibility for college or university training [AMENDED]**

2 (a) **Requirements for continued eligibility.** DVR or DSBVI clients in college or
3 university training will be expected to attend classes regularly and make continuous
4 progress toward graduation.

5 (b) **To continue assistance with college or university training,** the client must
6 maintain a cumulative 2.0 grade-point average (GPA), based on a four point (4.0) scale.

7 (c) **The client must maintain at a minimum the cumulative GPA required by the**
8 **Institution for the client's major field of study.** If the client is unable to consistently
9 maintain the minimum cumulative GPA for their chosen field of study, the Counselor will
10 reassess the justification for continued training and whether a change in vocational goal
11 is necessary.

12 (d) **The client must carry the minimum number of semester hours determined to**
13 **be full time at the school attended.** Exceptions may be granted by the counselor,
14 based on severity of disability, scheduling problems, or other valid reasons.

15 (e) **When a client fails to meet the requirements for continued sponsorship the**
16 **guidelines in (1) – (5) of this Subsection are to be followed:**

17 (1) Payment of training services based on client's financial status will not be
18 provided if the client's grades fall below 1.5 cumulative GPA.

19 (2) Training services may be paid for a client having a cumulative GPA between
20 1.5 and 1.9 for the first semester that grades fall below 2.0 cumulative GPA.
21 Subsequent enrollments can only be paid if the student's cumulative GPA shows
22 progress.

23 (3) A client failing to meet the grade point requirement may continue to receive
24 services not based on financial status.

25 (4) A client failing to meet grade point requirements may be approved by the
26 counselor if there are extenuating circumstances beyond the client's control.

27 (5) A client failing to meet grade point requirements will be contacted as soon as
28 appropriate to complete a program review to determine if a change in services,
29 vocational goal, or objectives is needed. A client failing to meet chosen goals will
30 not have his/her case closed until the counselor has provided counseling and
31 guidance and determined that a change in the IPE is inappropriate. The counselor
32 should investigate the need for further vocational and/or educational evaluation to
33 explore alternative employment goals.

34 (f) **Withdrawals and failures.** Clients who withdraw or fail courses paid by DVR and
35 DSBVI will be required to pay for a like number of hours during the following enrollment
36 period subject to the guidelines in (a) of this Section.

37 (g) **Changes in training program.** Client will be required to sponsor a like amount
38 when there is a change in the planned training, and coursework previously sponsored
39 by DRS cannot be applied to the new training program. This will not be applied when
40 the change is required due to the disability.

1 **612:10-7-164. Personal and work adjustment training [AMENDED]**

2 (a) Personal and/or work adjustment training is provided by facilities and schools
3 having valid contracts with the Department.

4 (b) Personal or work adjustment training is the provision of skills or techniques for the
5 purpose of enabling the individual to compensate for a disability such as the loss of a
6 member of the body or the loss of sensory function.

7 (1) Personal or work Work adjustment training includes but is not limited to:

8 (A) conditioning activities for developing work tolerance,

9 (B) work therapy,

10 (C) occupational therapy,

11 (D) lip reading,

12 (E) ~~speech training and speech correction~~ therapy,

13 (F) auditory training,

14 (G) gait training,

15 (H) ~~diabetes management courses~~ education training,

16 (I) driver's training, and

17 (J) mobility training.

18 (2) Personal adjustment training may also include:

19 (A) development of personal habits,

20 (B) attitudes, and

21 (C) work habits necessary to orient the individual to the world of work.

22 (3) This service does not require client participation in cost of services. High school
23 students eligible for this service must be at least 16 years of age and may not
24 participate for more than 18 months unless client and counselor determine
25 additional time is needed.

1 **612:10-7-171 Credential Attainment and Measurable Skill Gains for Post-**
2 **Secondary Training Programs [NEW]**

3 (a) Recognized Postsecondary Credentials: A Recognized Postsecondary Credential is
4 defined as a credential consisting of an industry-recognized certificate or certification, a
5 certificate of completion of an apprenticeship, a license recognized by the State
6 involved or Federal Government, or an associate or baccalaureate degree, as well as
7 graduate degrees for purposes of the VR program as required by section 103(a)(5) of
8 the Rehabilitation Act of 1973, as amended by Title IV of WIOA. A recognized
9 postsecondary credential is awarded in recognition of an individual's attainment of
10 measurable technical or industry/occupational skills necessary to obtain employment or
11 advance within an industry/occupation. These technical or industry/occupational skills
12 generally are based on standards developed or endorsed by employers or industry
13 associations.

14
15 (b) Credential Attainment: Under the WIOA, workforce agencies are required to report
16 the percentage of those participants enrolled in an education or training program
17 (excluding those in OJT and customized training) who attained a recognized
18 postsecondary credential during participation in or within one year after closure of the
19 case. This is based on the sub-regulatory guidance related to the implementation and
20 operation of the performance accountability system under section 116 of WIOA and the
21 implementing regulations in 34 CFR parts 361 subpart E.

22
23 (c) In addition, agencies are expected to report documented progress (academic,
24 technical, occupational, or other) that a participant makes in a training or education
25 program toward obtaining a recognized postsecondary credential. This progress is
26 reported throughout the life of the case and are referred to as Measurable Skill Gains
27 (MSG).

28 (d) Reporting credential attainment and Measurable Skill Gains: The goal to achieve a
29 credential through a recognized education or training program must be included on the
30 IPE in order to properly report Credential Attainments and MSGs. No Credentials or
31 MSG's are reported on cases that have not reached Service status or higher. It is
32 expected that Participants assist with obtaining the required documentation and staff
33 are to use DRS electronic case management system to record credential attainments
34 and MSGs, as soon as documented proof has been obtained. Credential attainment can
35 be reported up to one year after case closure. Measurable Skill Gains are only reported
36 prior to case closure.

**PART 19. SPECIAL SERVICES FOR INDIVIDUALS WHO ARE BLIND, DEAF, OR
HAVE OTHER SIGNIFICANT DISABILITIES**

1 **612:10-7-196. Interpreter services [AMENDED]**

2 (a) **Interpreter services.** Interpreter services are sign language or oral interpretation
3 services for individuals who are deaf or hard of hearing and tactile interpretation
4 services for individuals who are deaf-blind. Specially trained individuals perform sign
5 language or oral interpretation. Interpreter services also include real-time captioning
6 services for persons who are deaf or hard of hearing as found in 34 CFR 361.5 (c) (10)
7 and 361.48 (b) (10). **1, 2**

8 (1) Does not include spoken language interpretation.

9 (2) Interpreter services do not require client participation in cost of services.

10 (3) The interpreter will submit a claim at the end of each specified time period.

11 ~~(b) **Deaf-Blindness Specialist.** To promote and coordinate appropriate services for~~
12 ~~persons with dual losses of vision and hearing, the Division of Services for the Blind and~~
13 ~~Visually Impaired employs a Deaf-Blindness Specialist. This specialist works with~~
14 ~~counselors, rehabilitation teachers and others who provide services directly to clients~~
15 ~~who are deaf blind. A major role served by this specialist is coordinating services and~~
16 ~~ensuring dialogue among schools, programs, agencies and organizations serving the~~
17 ~~deaf and blind.~~

18 ~~(1) Due to the overwhelming impact upon the individual with a combination~~
19 ~~disability of deafness and blindness, a multiple disciplinary approach is needed to~~
20 ~~adequately serve these individuals. Unique problems in mobility and communication~~
21 ~~can cause severe social, recreational, academic deprivation and long term~~
22 ~~prevocational training may be necessary.~~

23 ~~(2) Persons who are deaf-blind are capable of competitive employment and the~~
24 ~~counselor will carefully evaluate expected employment outcomes.~~

25 ~~(c) **Case Recording.** In training situations, the counselor must document that~~
26 ~~interpreter services are not available through the training facility or other sources before~~
27 ~~interpreter services are provided.~~

1 **612:10-7-205. Services to persons who are deaf-blind [AMENDED]**

2 (a) **Overview of services.** Because of the overwhelming impact upon the individual
3 with a combination disability of deafness and blindness, a multiple disciplinary approach
4 is needed to adequately serve these individuals. Unique problems in mobility and
5 communication can cause severe social, recreational, academic deprivation and long
6 term prevocational training may be necessary. Persons who are deaf-blind are capable
7 of competitive employment and the counselor will carefully evaluate expected
8 employment outcomes.

9 (b) **Deaf-Blindness Specialist.** To promote and coordinate appropriate services for
10 persons with dual losses of vision and hearing, the Division of Services for the Blind and
11 Visually Impaired employs a Deaf-Blindness Specialist. This specialist works with
12 counselors, rehabilitation teachers and others who provide services directly to clients
13 who are deaf-blind. A major role served by this specialist is coordinating services and
14 ensuring dialogue among schools, programs, agencies and organizations serving the
15 deaf and blind.

16 (c) **Support Service Providers.** Support Service Providers (SSPs) promote
17 independence by providing deaf-blind individuals with visual and auditory access to the
18 environment. SSPs facilitate interpersonal communication and provide environmental
19 information and sighted guide services to deaf-blind individuals during assessment for
20 eligibility determination and IPE-related activities as requested by DRS. IPE related
21 activities may include, but not be limited to, all contacts with the DRS, IPE related
22 activities may include, contacts with DRS staff including meetings; job interviews, job
23 site orientation, non-emergency medical appointments (scheduled or authorized by
24 DRS) and community events pertaining to the client's vocational goal, such as job fairs,
25 networking events, community-based training, filling out job applications or other
26 paperwork. Services may include driving client to the IPE related activity and home
27 again, reading client's mail and transmitting it in a mode that is accessible to the client.
28 DRS should not be involved in payment for SSP services that are arranged without
29 agency knowledge, or are used for purposes not directly connected with the client's
30 DRS case including assessment for eligibility determination, IPE-connected services or
31 job readiness or placement activities.

PART 21. PURCHASE OF EQUIPMENT, OCCUPATIONAL LICENSES AND CERTIFICATES

1 **612:10-7-216. Tools, occupational equipment, initial stocks and supplies**
2 **[AMENDED]**

3 (a) Tools, occupational equipment and supplies will be provided to eligible clients to the
4 extent necessary to achieve their vocational goal providing the client has adequate
5 resources available for the proper maintenance and upkeep of such tools and
6 equipment. The client, or client's family or authorized representative as appropriate, is
7 responsible for maintaining tools, occupational equipment, initial stocks, and supplies in
8 good working order. DVR and DSBVI will not pay for repairs to tools, occupational
9 equipment, initial stocks and supplies purchased with DVR and DSBVI funds once title
10 has been released to the client. DVR and DSBVI will not pay for repairs before title is
11 released when there is clear evidence that the damage resulted from abuse or neglect.

12 (b) The client will retain possession and control of articles while engaging in the job or
13 occupation for which articles were provided, or when title is released to client.
14 Occupational tools, occupational equipment, and initial stocks and supplies are defined
15 as follows:

16 (1) Occupational tools are considered to be those minimum tools required for a
17 designated trade, necessary to the employment of the individual, and not furnished
18 by the employer. DRS will NOT purchase operable firearms even if required for
19 employment. Counselor will assist the individual in finding resources to help in this
20 purchase if necessary.

21 (2) Occupational equipment is equipment required to meet the minimum needs of
22 an individual in starting and conducting a business of his or her own.

23 (3) Initial stocks and supplies are those materials and merchandise necessary for
24 the client to become operational in a business.

25 (c) Purchase of occupational tools, equipment and initial stocks and supplies will be
26 made in accordance with current DRS purchasing rules. If the client is required to
27 participate in cost of services, the payment will be made to the nonmedical vendor.
28 When the equipment is received and/or installed, the appropriate rehabilitation
29 professional completes the Receipt for Equipment and Title Agreement. If the purchase
30 total is \$5,000 or more, the rehabilitation professional then signs the vendor's invoice
31 and routes it to DRS state office.

32 (d) Used tools or equipment may be purchased when it is evident considerable savings
33 may be affected. Used equipment or tools are to be appraised piece-by-piece by at
34 least three shop owners or managers in the same type of work, and who are not
35 acquainted with the vendor.

36 (e) If the counselor, after a thorough check of the tools or equipment, finds they are not
37 being used for the purpose for which they were purchased, the counselor is to
38 repossess the tools or equipment by executing the Release or Receipt of Equipment
39 form.

40 ~~(f) Occupational licenses are those licenses required by law to obtain and practice a~~
41 ~~particular profession or trade. Fees for such licenses and teacher certification tests may~~
42 ~~be provided for DRS clients. The training facility may arrange for necessary certification~~
43 ~~and it may be included as a separate item on the training authorization. If training is not~~
44 ~~involved, the license fee is authorized upon evidence of a skill. Clients will be~~
45 ~~responsible for renewal of licenses purchased by DRS.~~

1 **612:10-7-220. Vehicle modification services [AMENDED]**

2 (a) Vehicle modification services may be provided as needed to enable a Vocational
3 Rehabilitation client to prepare for, enter or retain employment. Vehicle modifications
4 include the range of modifications and special equipment needed by a person with an
5 impairment to drive or be a passenger in a vehicle. Vehicle modifications above the
6 State Capitalization rate are subject to the Prior Approval from RSA in accordance with
7 2 CFR 200.439.

8 (b) Vehicle modification services provided to an individual in the Vocational
9 Rehabilitation program may include:

10 (1) purchase and installation of adaptations or devices in a vehicle;

11 (2) assistance with payment of the portion of the cost attributable to modifications
12 pre-installed in a new or used vehicle purchased from a dealer;

13 (3) evaluation of an individual's ability to operate a motor vehicle;

14 (4) ~~prescription of required devices specific to both the individual's needs and the~~
15 ~~vehicle; and required devices recommended by AT Specialist specific to both the~~
16 individual needs and the vehicle. The AT report must not be older than six months
17 at a time of purchase of recommended devices.

18 (5) training in the operation of the vehicle.

19 (c) Vehicle modifications which are projected to cost the amount of the DCAM OMES
20 authority order limit or less will be made in accordance with 612:10-1-7. Vehicle
21 modifications projected to cost more than the DCAM OMES authority order limit will
22 require additional processing by DRS Central/Departmental Services after the process
23 is completed by the counselor as outlined in Categories A through C below. Clients
24 purchasing new vehicles shall apply for any mobility equipment rebate available from
25 the vehicle manufacturer and the amount of any such rebate shall be assigned to DRS.

26 (1) Category A: New or used vehicle with structural modifications: In this process,
27 the vehicle will be purchased by client choice and not obtained through a bid
28 process. The client will be responsible for the purchase of the vehicle and DRS will
29 be responsible for the costs attributable to the structural modifications.

30 (2) Category B: New or used vehicle with structural modifications and accessibility
31 modifications additions: In this process, the vehicle will be purchased by client
32 choice and not obtained through a bid process. The client will be responsible for the
33 purchase of the vehicle and DRS will be responsible for the costs attributable to the
34 structural modifications and the accessibility modification additions. DRS will
35 participate in this method only if the client obtains warranty from the mobility aids
36 vendor. A copy of the warranty agreement will be obtained by the counselor and
37 maintained in the case file.

38 (3) Category C: Any modifications to a new or used vehicle not purchased as part
39 of the vehicle package with a cost greater than the DCAM OMES authority order
40 limit will require additional processing by C/DS after the bid process is completed by
41 the counselor in accordance with 612:10-1-7.

42 (d) The qualifications in (1) – (9) of this Subsection apply to all vehicle modifications.

43 (1) The client or individual providing the transportation must have a current, valid
44 driver's license. If the client will be driving the vehicle and does not yet have a
45 driver's license, he/she must be legally permitted to drive or participate as a driving
46 student.

47 (2) The name of the client must appear on the title to the vehicle and current
48 vehicle registration. The client may be listed as a co-owner on these documents.

49 (3) The client must agree to maintain the vehicle for the predictable life of the
50 equipment and is responsible for maintaining special equipment in good working
51 order. DRS may pay for repairs to such equipment during the life of the case unless
52 there is clear evidence that the special equipment has been damaged due to client
53 abuse or neglect as determined by the dealer, vendor or Assistive Technology
54 Specialist.

55 (4) The client must maintain full vehicle coverage (both collision and
56 comprehensive) insurance on the vehicle, including the equipment to include
57 special equipment and any other vehicle modifications. All potential and/or
58 additional drivers permitted to drive the vehicle must be insured and the appropriate
59 insurance documentation provided to OKRS.

60 (5) The vehicle must be evaluated by an Assistive Technology Specialist or person
61 with equivalent qualifications (Driver Rehabilitation Instructor, Occupational
62 Therapist, Rehab Engineer, etc.) for identification of the appropriate adaptive
63 equipment and assessment of the compatibility of the vehicle with recommended
64 adaptive equipment.

65 (6) A used vehicle must be inspected by an ASE or manufacturer certified
66 mechanic to assure it is mechanically and structurally sound before equipment can
67 be installed. This inspection may be authorized by the counselor if necessary. If the
68 ASE or manufacturer certified mechanic recommends it, a separate inspection
69 related to structural soundness will be completed. This inspection may be
70 authorized by the counselor.

71 (7) Existing modifications on a new or used vehicle shall be inspected for the
72 appropriateness of the adaptive equipment for the ~~consumer's~~ client's needs by the
73 Assistive Technology Specialist or other qualified person. DRS also requires
74 documentation that existing modifications on a used vehicle have been inspected by
75 the mobility equipment dealer/vendor to determine efficiency, quality and fair market
76 value of the modification or adaptive equipment. This documentation may be
77 obtained directly from the mobility equipment dealer/vendor or from the lender when
78 such documentation has been required for loan approval.

79 (8) DRS will not pay the expense of replacing the equipment unless the equipment
80 no longer meets the needs of the client as determined through review of current
81 medical reports and assistive technology evaluation indicating replacement is
82 required to meet the IPE goals.

83 ~~Certain types of vehicle modification equipment are considered "transferable"~~
84 ~~by design: i.e., hand controls, left foot accelerator, and hitch lift systems for~~
85 ~~wheelchairs/scooters. DRS may assist with the cost of transferring this type of~~
86 ~~equipment to meet the IPE goals. These modifications are categorized as non-~~
87 ~~structural modifications DRS will not provide comprehensive structural modifications~~
88 ~~to include vertical, butterfly, or gull-wing doors for any vehicle types.~~

89 ~~(10) When vehicle modifications are completed, installation is to be inspected by an~~
90 ~~Assistive Technology Specialist or person with equivalent qualifications, to~~
91 ~~determine if the authorized equipment conforms to prescribed standards, is properly~~
92 ~~installed and meets the functional needs of the client. The counselor must obtain a~~
93 ~~statement of satisfaction from the client. Certain types of vehicle modification~~
94 ~~equipment are considered "transferable" by design: i.e., hand controls, left foot~~
95 ~~accelerator, and hitch lift systems for wheelchairs/scooters. DRS may assist with~~
96 ~~the cost of transferring this type of equipment to meet the IPE goals. These~~
97 ~~modifications are categorized as non-structural modifications.~~

98 (11) When vehicle modifications are completed, installation is to be inspected by an
99 Assistive Technology Specialist or person with equivalent qualifications, to
100 determine if the authorized equipment conforms to prescribed standards, is properly
101 installed and meets the functional needs of the client. The counselor must obtain a
102 statement of satisfaction from the client.

103 (12) Once a vehicle modification is complete, an Assistive Technology Specialist
104 will conduct the inspection, and if required, a Driving Rehabilitation Instructor (DRI)
105 to determine if the authorized equipment conforms to prescribed standards, is
106 properly installed, and meets the functional needs of the client. The modified vehicle
107 is not to be released to the client until after the inspection process is complete. This
108 includes the Assistive Technology Specialist obtaining the following: valid driver's
109 license, vehicle title, insurance verification, client's signed statement of satisfaction,
110 and vehicle modification pictures. Counselor will not release final payment until are
111 all items are received and reviewed.

1 **612:10-7-221. Housing Modification [AMENDED]**

2 (a) Modification of a residence may include installation of ramps, widening of doors,
3 installation of grab bars and other accessibility modifications when such modifications
4 are necessary to support the ~~consumer~~ client in achievement of an employment
5 outcome. ~~Major DRS will not provide major structural modifications such as elevators,~~
6 ~~room additions or major wall removal will not be provided by DRS without supervisor~~
7 ~~approval.~~ Housing modifications that will cost more than the DCAM OMES authority
8 order limit require supervisor approval. All housing modifications are subject to the Prior
9 Approval from RSA in accordance with 2 CFR 200.439.

10 (b) In all situations where housing modification is to be done, the owner of the house
11 must provide proof of ownership, sign a written release form, and be current on
12 mortgage payments. ~~DRS will not provide permanent modification to rental properties~~
13 ~~but may assist with portable/removable modifications.~~ ~~In those situations where the~~
14 ~~consumer is a renter, the~~ The renter/consumer client is responsible for obtaining the
15 ~~written release~~ prior written permission from the owner for any portable/removable
16 modifications. The counselor must make a referral to the Assistive Technology (AT)
17 Specialist who will ~~then make the evaluation of~~ evaluate the residence and ~~recommend~~
18 ~~the recommending~~ modifications needed to make the residence accessible and usable
19 for the ~~consumer~~ client. After modifications have been completed the counselor will
20 contact the AT Specialist for inspection of the home, to ensure the modifications
21 conform to prescribed standards and meet the ~~consumers~~ client's accessibility needs.
22 The AT Specialist will provide a report to the counselor that will contain pictures of the
23 completed work and ~~the counselor must get a~~ signed statement of satisfaction from the
24 ~~consumer~~ client.

PART 23. SELF-EMPLOYMENT PROGRAMS AND OTHER SERVICES

1 **612:10-7-230. Self-employment programs [AMENDED]**

2 (a) Self-employment is not a vocational goal itself but a method of achieving
3 employment. Self-employment programs may be divided into Contract Labor and Self-
4 Employment.

5 (1) Contract Labor. Employment is contract labor when the client has a contract or
6 on-going business with a company or person to provide a specific product or service
7 for a fee. The service or product is produced to meet the vendor's specifications and
8 needs. The purchasing company often supervises the work.

9 (2) Self-Employment. In Self-Employment, the ~~consumer~~ client owns, manages and
10 operates a business selling goods or services for the purpose of making a profit, ex:
11 (Business Enterprise Program). Self-Employment ranges from sole proprietorships
12 and independent contractors to multi-employee companies and independent
13 franchise operations.

14 (A) The client must have the proper skills and managerial ability to succeed in
15 the trade or occupation for which the services are provided; and

16 (B) The client must have adequate resources available for the proper
17 maintenance and upkeep of the required tools, equipment, and stocks. The
18 client is responsible for the maintenance and repair of any tools, equipment,
19 and stocks.

20 (b) Agency Role. The role of the VR Agency is not to serve as the sole funding source
21 for self-employment endeavors. Other funding resources must be research and utilized
22 when available. DRS may participate in partially funding small business start-up or the
23 retention of an existing client owned and operated business but does not have a capital
24 or loan program for the establishment businesses. These investment resources must
25 come from other sources. DRS will assist the client in making informed decisions,
26 reduce or eliminate the barriers created by the disability(ies), training regarding small
27 business development/self-employment, and assisting the individual in identifying
28 possible funding resources.

29 (c) DRS will not assist with services to maintain or expand an existing self-employment
30 business. However, services can be offered which might address changes brought on
31 by a disabling condition that limits or interferes with a person's ability to continue to
32 operate their business independently. These services might include but are not limited
33 to such things as AT assessment for changes in worksite or job tasks;
34 recommendations for purchase of adaptive equipment; worksite or vehicle modifications
35 that are needed for a person to continue operating their business; or training in the use
36 of required adaptive equipment or techniques. Before consideration will be given to
37 assisting with an existing business the client must provide copies of the most recent two
38 years of profit and loss statements and/or tax returns showing business profitability.
39 DRS will not support businesses that have failed to demonstrate profit sufficient to
40 support the individual financially.

41 (d) When to Consider Self-employment. The counselor may consider self-employment
42 when all of the following guidelines have been met.

43 (1) The income derived from a self-employment plan is to be the primary source of
44 support.

45 (2) Is the client's informed choice consistent with their unique strengths, resources,
46 priorities, concerns, abilities, capabilities and interests.

47 (3) When a client expresses interest in self-employment, the individual will be
48 required to participate in a vocational assessment with focus on self-employment
49 potential. The assessment will include a self-evaluation completed by the client.

50 (4) The counselor will document, as appropriate, in the comprehensive assessment
51 that the client has the academic, communication and managerial skills to manage
52 their own business and the resources to demonstrate a likelihood of success.

53 (e) Once it has been determined by DRS that self-employment is a feasible goal, an
54 IPE will be written to further assist the self-employment concept and the client is sent to
55 training for developing a business plan.

56 (f) Certain individuals may require on-going supports or services for a business plan to
57 be successful. The counselor will assist the individual in identifying and securing these
58 support services. DRS cannot be responsible for funding these supports following
59 successful employment outcomes.

60 (g) Clients who are receiving SSI/SSDI will be referred to a DRS Benefits Planner to
61 review how profits from self-employment will affect their benefits prior to the completion
62 of an Individualized Plan for Employment.

63 (h) The agency may provide some financial assistance toward self-employment plans
64 that have met the requirements as specified in policy. The counselor will determine the
65 client's financial status and any required financial participation by the client. The client's
66 contribution may come from personal resources, property, loans, PASS plan funds or
67 small business start-up grants from other assistance programs. A client who is receiving
68 SSI/SSDI must submit a Plan to Achieve Self-sufficiency to SSA for review and
69 consideration before any DRS funds can be expended toward a self-employment start
70 up business.

71 (i) Any required client financial participation is applied to the cost of planned services.

72 (j) The agency's contribution to a self-employment plan will not exceed \$5,000 without
73 supervisory approval.

74 (k) The Agency will consider three-tiers of support for self-employment.

75 (1) Tier 1 is for self-employment plans that are considered low cost, simple and
76 considered low risk. These cases will be limited to DRS financial contribution up to
77 \$5,000. DRS will cover 100% of costs minus any required client financial
78 contributions. In Tier 1 cases the client is required to provide the following:

79 (A) Basic Business Plan which includes the following items:

80 (i) Business feasibility study.

81 (ii) Monthly personal and living expenses worksheet.

82 (iii) Business start-up expenses worksheet.

83 (iv) Projected monthly case flow worksheet showing business profits versus
84 cost of operations.

85 (2) Tier 2 is for self-employment businesses with anticipated costs from \$5,000 up
86 to \$10,000. In these cases the client is responsible for providing 25% of the
87 anticipated costs. Client contribution can come in many forms including the use of
88 existing equipment or home/office space which the client owns; bank loans; PASS
89 Plans, or any other Agency approved financial contribution. All IPE's included in Tier
90 2 with planned expenses over \$5,000 must be reviewed and approved by the
91 Programs Manager. In Tier 2 self-employment cases the client is required to provide
92 the following:

93 (B) Comprehensive Business Plan that includes:

94 (i) Detailed description of the proposed business.

95 (ii) Market research.

96 (iii) Sales Plan.

97 (iv) Management Plan.

98 (v) Business License and City Zoning regulations.

99 (vi) Supporting documents will include:

100 (I) List of identified vendors.

101 (II) Items requested to be paid by DRS.

102 (III) Items and resources provided by client.

103 (IV) Credit Report.

104 (V) Copy of the client's last two years of tax returns if they were
105 required to file.

106 (VI) A 100 form completed and signed by the client to be submitted to
107 the Oklahoma Tax Commission for disclosure of tax information.

108 (3) Tier 3 self-employment cases are those with an anticipated cost which exceeds
109 \$10,000. Tier 3 cases will require the same supporting documentation as Tier 2. In
110 Tier 3 the client will be required to contribute a minimum of 50% of the anticipated
111 costs exceeding \$10,000. All Tier 3 self-employment cases require review and
112 approval by the Field Coordinator.

113 (4) Tier 2 and Tier 3 self-employment proposals will be required to have their
114 Business Plan reviewed and approved by Agency designated staff and/or Review
115 Panels.

116 (l) Items that the agency will not approve for funding include:

117 (1) Construction or purchase of real estate.

- 118 (2) Businesses that are speculative in nature such as stocks, bonds or other
119 investments or considered speculative by the Better Business Bureau.
- 120 (3) Businesses that are organized as not for profit.
- 121 (4) Businesses organized as hobbies.
- 122 (5) Purchase of vehicles including farming, ranching and construction vehicles.
- 123 (6) Refinancing of existing debt.
- 124 (7) Business plans that are not developed as the primary source of support.
- 125 (8) A business endeavor that does not have an agency approved business plan.
- 126 (9) Any business activity related to the Marijuana business including the production,
127 distribution and/or sale of marijuana products.
- 128 (10) DRS will not assist with the purchase of a franchise business or any type of
129 pyramid business arrangement.
- 130 (11) The purchase of domestic animals or livestock.
- 131 (m) Purchases and support services. All Agency purchases for a plan with a goal of
132 self-employment will be in accordance with established purchasing policy regarding the
133 competitive bid process and referrals to the State Office Purchasing Unit. Any requests
134 for assistance with maintenance or transportation will be required to meet established
135 policy guidelines for these support services.
- 136 (n) The counselor will continue to be available for technical assistance upon completion
137 of approved purchases. Counselor will review with client every 3 months the progress of
138 the business. This will include copies of the businesses profit and loss statements and
139 record of business performed. The purpose of these reviews is to determine if the
140 involvement in self-employment is allowing the client to substantially increase his/her
141 earnings to achieve self-employment success and be able to meet on-going financial
142 obligations of the business. Should the business not be showing an increase in the
143 income of the client, the counselor will review, with the client, the client's business plans
144 to try to increase the business income. If necessary, the client may be referred to the
145 small business development center or similar program for technical assistance in
146 making changes in business operation to achieve a business profit.
- 147 (o) As stated in the IPE, this case would be agreed upon as a successful closure if the
148 business is stable after 90 days and has met the specified level of performance. At the
149 time of case closure, title for all goods purchased by the agency will be released to the
150 client.
- 151 (p) As stated on the IPE the Counselor will discuss with the client at time of successful
152 case closure that the client will be expected to furnish the Agency with income
153 verification for the first year after successful case closure for reporting purposes as
154 required under WIOA. This income verification can come in the form of self-employment
155 worksheets signed and attested to by program participants or other approved Agency
156 forms of verification.

1 **612:10-7-230.2. Self-Employment Guidelines [REVOKED]**

2 ~~(a) **Agency Role.** The role of the VR Agency is not to become the funding source for~~
3 ~~self-employment endeavors. DRS may participate in partially funding small business~~
4 ~~start-up or the retention of an existing consumer owned and operated business, but~~
5 ~~does not have a capital or loan program for the establishment or retention of~~
6 ~~businesses. These investment resources must come from other sources. DRS will~~
7 ~~assist the consumer in making informed decisions, reduce or eliminate the barriers~~
8 ~~created by the disability(ies), training regarding small business development/self-~~
9 ~~employment, and assisting the individual in identifying possible funding resources.~~

10 ~~(b) **When to Consider Self-employment.** The counselor may consider self-~~
11 ~~employment as an employment goal when all of the following guidelines have been met.~~

12 ~~(1) The income derived from a self-employment plan is to be the primary source of~~
13 ~~support.~~

14 ~~(2) It is the consumer's informed choice consistent with their unique strengths,~~
15 ~~resources, priorities, concerns, abilities, capabilities and interests.~~

16 ~~(3) When a consumer expresses interest in self-employment, the individual will be~~
17 ~~required to participate in a vocational assessment with focus on self-employment~~
18 ~~potential. The assessment will include a self-evaluation completed by the client.~~

19 ~~(4) The counselor will document, as appropriate, in the comprehensive assessment~~
20 ~~that the client has the academic, communication and managerial skills to manage~~
21 ~~their own business and the resources to demonstrate a likelihood of success.~~

22 ~~(c) Once it has been determined that self-employment is a feasible goal, an IPE will be~~
23 ~~written to further assist the self-employment concept and the client is sent to training for~~
24 ~~developing a business plan.~~

1 **612:10-7-230.3. Self-Employment/Business Plans [REVOKED]**

2 ~~(a) Each individual, requesting Agency assistance with self-employment, is required to~~
3 ~~complete and submit a business plan that details at a minimum the following:~~

4 ~~(1) Complete description of the proposed business.~~

5 ~~(2) Business objectives.~~

6 ~~(3) Ownership.~~

7 ~~(4) Market Analysis.~~

8 ~~(5) Marketing Plan.~~

9 ~~(6) Financial Management Plan including personal finance sheets, projected~~
10 ~~expenses and income for at least 2 years.~~

11 ~~(7) Specific listing of needed start-up costs and equipment, not including assistive~~
12 ~~technology devices.~~

13 ~~(8) Specific listing of the type and amount of assistance the consumer is requesting~~
14 ~~from the State VR Program.~~

15 ~~(9) Information regarding cost and coverage of insurance policies to cover liability,~~
16 ~~inventory, and equipment.~~

17 ~~(b) Counselors will refer individuals to the local Small Business Development Center for~~
18 ~~assistance in developing a business plan. As appropriate the counselor may utilize~~
19 ~~other technical assistance services to aid the consumer in developing the business~~
20 ~~plan. After the plan is completed, the business plan will be reviewed by the appropriate~~
21 ~~DRS personnel.~~ 1

22 ~~(c) If the individual has submitted a viable business plan and the cost of the business~~
23 ~~plan to the agency, is \$10,000.00 or less the counselor may approve the request. If the~~
24 ~~agency's cost will exceed \$10,000 the counselor will refer the request to their immediate~~
25 ~~supervisor for approval.~~

26 ~~(d) Certain individuals may require on-going supports or services for a business plan to~~
27 ~~be successful. The counselor will assist the individual in identifying and securing these~~
28 ~~support services. DRS cannot be responsible for funding these supports following~~
29 ~~successful employment outcomes.~~

1 **612:10-7-230.4. Agency financial contribution to self-employment/purchasing**
2 **[REVOKED]**

3 ~~(a) The agency may provide some financial assistance toward self-employment plans~~
4 ~~that have met the requirements as specified in policy. The counselor will determine the~~
5 ~~client's financial status and any required financial participation by the client. The client's~~
6 ~~contribution may come from personal resources, property, loans, PASS plan funds or~~
7 ~~small business start-up grants from other assistance programs.~~

8 ~~(b) Any required client financial participation is applied to the cost of planned services~~

9 ~~(c) The agency's contribution to a self-employment plan will not exceed \$10,000.00~~
10 ~~without supervisory approval.~~

11 ~~(d) Items that the agency will not approve for funding include:~~

12 ~~(1) Construction or purchase of real estate.~~

13 ~~(2) Businesses that are speculative in nature such as stocks, bonds or other~~
14 ~~investments or considered speculative by the Better Business Bureau.~~

15 ~~(3) Businesses that are organized as not for profit.~~

16 ~~(4) Businesses organized as hobbies~~

17 ~~(5) Purchase of vehicles~~

18 ~~(6) Refinancing of existing debt.~~

19 ~~(7) Business plans that are not developed as the primary source of support.~~

20 ~~(8) A business endeavor that does not have an agency approved business plan.~~

21 ~~(e) **Purchases and support services.** All Agency purchases for a plan with a goal of~~
22 ~~self-employment will be in accordance with established purchasing policy regarding the~~
23 ~~competitive bid process and referrals to the State Office Purchasing Unit. Any requests~~
24 ~~for assistance with maintenance or transportation will be required to meet established~~
25 ~~policy guidelines for these support services.~~

1 **612:10-7-230.5. DRS Monitoring [REVOKED]**

2 ~~(a) The counselor will continue to be available for technical assistance upon completion~~
3 ~~of approved purchases. Counselor will review with consumer every 3 months the~~
4 ~~progress of the business. This will include copies of the businesses profit and loss~~
5 ~~statements and record of business performed. The purpose of these reviews is to~~
6 ~~determine if the involvement in self-employment is allowing the consumer to~~
7 ~~substantially increase his/her earnings to achieve self-employment success and be able~~
8 ~~to meet on-going financial obligations of the business. Should the business not be~~
9 ~~showing an increase in the income of the consumer, the counselor will review, with the~~
10 ~~consumer, the consumer's business plans to try to increase the business income. If~~
11 ~~necessary, the consumer may be referred to the small business development center or~~
12 ~~similar program for technical assistance in making changes in business operation to~~
13 ~~achieve a business profit.~~

14 ~~(b) Stated in the IPE, this case would be agreed upon as a successful closure if the~~
15 ~~business is stable after 90 days and has met the specified level of performance. At the~~
16 ~~time of case closure, title for all goods purchased by the agency will be released to the~~
17 ~~consumer.~~

PART 25. TRANSITION FROM SCHOOL TO WORK PROGRAM

1 **612:10-7-245. Definitions [AMENDED]**

2 The following words and terms, when used in this Part, shall have the following
3 meaning, unless the context clearly indicates otherwise:

4 **"FLSA"** means the Fair Labor Standards Act which sets forth labor standards and
5 protections as enforced by the U.S. Department of Labor.

6 **"IDEA"** means the Individuals with Disabilities Education Act, P.L. 101-476 which
7 ensures the rights and protections of children with disabilities and their parents being
8 served by public education agencies through special education services and on an
9 individualized education program (IEP).

10 **"IEP"** means Individualized Education Program. This is an educational document
11 developed on an annual basis that documents the educational and transition goals
12 students are working toward each year in grades PK-12.

13 **"LEA"** means Local Educational Agency, or local school district.

14 **"SDE"** means State Department of Education.

15 **"SECTION 504 Plan"** is a plan designed as a protection for students with
16 disabilities who may not be considered eligible for special education under the IDEA in
17 compliance with Section 504 of the Rehabilitation Act of 1973 as amended.

18 **"Teacher coordinator"** means a teacher employed by a school who is released as
19 part of her work day and responsible for working with DVR/SBVI counselors and
20 students eligible for the Transition from School to Work Program.

21 **"Work Adjustment Training (WAT)"** is provided on a work site, in a school, or in
22 an approved Community Rehabilitation Program having valid contracts with DRS. WAT
23 may also include (but is not limited to) activities aimed toward work tolerance,
24 development of personal habits, attitudes, and work habits necessary to orient the
25 individual to the world of work. High school students eligible for this service must be at
26 least 16 years of age and may not participate for more than 18 months unless
27 determined necessary by the counselor and client.

28 **"School Work Study (SWS)"** allows students with disabilities to work on the school
29 campus. The students are supervised or closely monitored by school personnel, and the
30 school pays the students a stipend with DRS making reimbursement to the school for
31 that payment. The stipend is not a wage/salary. The school maintains liability for the
32 students while working on campus.

33 **"Trial Work/Extended Evaluation"** has the meaning given these terms in DRS
34 policy and federal law/rules.

35 **"Work Site Learning (WSL)"** allows students with disabilities to work in the
36 community. The students are supervised or closely monitored by school personnel, and
37 the school pays the students a stipend with DRS making reimbursement to the school
38 for that payment. The stipend is not a wage/salary. The school maintains liability for the
39 students while working off campus.

40 **"Employer Work Study (EWS)"** allows students with disabilities employment
41 experience in part-time jobs in the community with the employers paying the

42 wages/salary(ies). In this instance, the students are employees of the community
43 employers, and DRS does not reimburse the employers for the wages/salary(ies).

1 **612:10-7-249 Reporting Credential Attainment and Skill Gains for High School**
2 **Transition Students [NEW]**

3 (a) Under the WIOA, workforce agencies are required to report the percentage of those
4 participants enrolled in secondary education who attained a recognized credential
5 during participation in or within one year after closure of the case. This is based on the
6 sub-regulatory guidance related to the implementation and operation of the performance
7 accountability system under section 116 of WIOA and the implementing regulations in
8 34 CFR parts 361 subpart E.

9
10 (b) For reportable high school students, the recognized Secondary Credential is the
11 achievement of a High School Diploma, recognized by the State of Oklahoma. Progress
12 toward completing requirements for a diploma is reported as a Measurable Skill Gain
13 (MSG).

14
15 (c) In order to properly report credentials and skill gains, the high school education goal
16 must be included on the IPE for any Student With Disability (SWD) for whom a plan is
17 developed while still enrolled in high school. It is expected that staff will use the DRS
18 electronic case management system to record enrollments (educational goals), and
19 document credential attainments and skill gains. Supporting documents proving the
20 credential or skill gain must be entered into the system as well. Timely reporting of
21 these attainments and skill gains is critical. The Participant is expected to assist with
22 obtaining the required documentation. Credential attainment can be reported up to one
23 year after case closure. MSG's are only reported prior to case closure.

SUBCHAPTER 9. REHABILITATION TEACHING SERVICES

PART 5. Services

612:10-9-34.3. Other adaptive skills [REVOKED]

~~Consumers who lose vision need to learn adapted techniques which will allow them to participate in a variety of leisure activities. The teacher can provide instruction in the following:~~

- ~~(1) Special reading services~~
- ~~(2) Arts and crafts activities~~
- ~~(3) Parlor games~~

SUBCHAPTER 13. SPECIAL SERVICES FOR THE DEAF AND HARD OF HEARING

PART 3. CERTIFICATION OF INTERPRETERS

1 **612:10-13-22. Grievance procedures [AMENDED]**

2 (a) Individuals who are dissatisfied with certification testing procedures or performance
3 of a certified interpreter may file a written complaint with the designated Oklahoma
4 interpreter certification program official, Department of Rehabilitation Services, within
5 thirty (30) days of the grieved incident.

6 (b) The Department will accept jurisdiction only for those incidents directly related to the
7 evaluation and certification of interpreters for the deaf in Oklahoma and those incidents
8 involving the performance of State Certified Interpreters that allege a specific violation of
9 interpreting standards or ethical behavior.

10 (c) ~~Each~~ A complaint must be in writing and must ~~set forth~~ provide:

11 (1) The date of the incident;

12 (2) The ~~names~~ name(s) of the person(s) involved;

13 (3) The location of the incident;

14 (4) A description of the specific action or actions in question; and

15 (5) The specific policy or procedure or the Code of Professional Conduct
16 ethical tenet(s) and/or Federal law in question possible violation.

17 (d) Upon receipt of a properly executed complaint, the Department will review the
18 complaint and within thirty (30) days notify the ~~respondent parties~~ that a complaint has
19 been filed. The respondent will have thirty (30) days from the date ~~he or she~~ they
20 ~~receives~~ receive the grievance notification to respond in written form.

21 (e) Upon the receipt of a written response, the designated Oklahoma interpreter
22 certification program official and Department will review the information presented and
23 make an initial decision regarding the merit of the complaint based on facts presented.
24 The designated Oklahoma interpreter certification program official has thirty (30) days
25 from the ~~submittal~~ submission of the grievance to ~~make the~~ provide a decision. All
26 parties concerned will be notified of the decision in writing.

27 (1) If there has not been sufficient information provided, from either party, the
28 Oklahoma Interpreter Certification program official can request more information, in
29 writing, to make a determination.

30 ~~(f) If it is determined that a violation of either rules governing interpreter evaluations or~~
31 ~~standards and ethical behavior for interpreters may have occurred, the complaint will be~~
32 ~~referred to the grievance board~~ The Department can seek the assistance from a merit
33 panel to determine if there is a direct violation against (c)(5).

34 (1) The function of the merit panel is to assist the Department in determining if
35 there is founded merit to the claimed violation (s) set forth in (c)(5). The names of
36 the parties will be anonymous when presented to the merit panel. The panel can
37 recommend a course of action.

38 (A) Possible course of action(s) are set forth as defined in 612:10-13-23 in (1)
39 through (8) of that subsection.

40 (g) If it is determined that no violation of rules related to evaluation and certification of
41 ~~interpreters for the deaf~~ or violation of interpreting standards and ethical behavior has
42 occurred, the involved parties will be notified, and the complaint will be dismissed. If the
43 complaint is dismissed, the complainant or respondent may appeal and request a formal
44 hearing. The appeal must be in written form and submitted within thirty (30) days of
45 receiving the notification. The request for formal hearing must be ~~in writing and~~
46 addressed to the designated Oklahoma interpreter certification program official at the
47 Department of Rehabilitation Services.

1 **612:10-13-23. Formal hearing [AMENDED]**

2 (a) A formal hearing may be requested by the complainant or respondent by contacting
3 the designated Oklahoma interpreter certification program official by written form. The
4 hearing will be scheduled at a time and place convenient to all parties concerned. All
5 parties will receive two weeks' notice of the hearing date.

6 (b) The complainant and/or respondent may invite a representative (including legal) to
7 assist attend during the proceedings. Either party may present witnesses, affidavits or
8 other written documentation related to any relevant aspect of the charge or defense.
9 Parties must provide name of witnesses and other written documentation two weeks
10 prior to the scheduled hearing date to the designated Oklahoma interpreter certification
11 program official.

12 (c) The hearing will be conducted by a grievance board panel selected by the
13 Oklahoma interpreter certification program Advisory Committee and the Department.
14 With effort, At least one member must be deaf or hard of hearing; and must be either a
15 former or current Oklahoma interpreter certification test evaluator and/or
16 acknowledgeable and adhering to a form of Code of Ethics; with effort, one member
17 must be an interpreter holding national or Oklahoma State Level V/V certification; with
18 effort, one member will be selected at the discretion of ~~DRS~~ Department and may be
19 from a profession other than interpreting for the deaf, but must be knowledgeable of
20 interpreter skills Code adhering to a form of Ethics. The ~~grievance board panel~~ will
21 review information presented and make a determination based on of the facts. Based
22 upon this determination, the ~~grievance board panel will~~ can make recommend
23 recommendations the for a course of appropriate action to the Oklahoma interpreter
24 certification program should take official. Possible actions are set forth in (1) through (8)
25 of this Subsection.

26 (1) The complaint be dismissed;

27 (2) A written warning be issued;

28 (3) A written reprimand be issued indicating unsatisfactory performance;

29 (4) Probation a trial period for a specific length of time during which the interpreter
30 is required to fulfill a set of conditions to improve work performance or work
31 behavior;

32 (5) ~~Supervision~~ Suspension - removal of the individual from the list of certified
33 interpreters for a specified period of time, not to exceed six (6) months;

34 (6) Revocation - removal of the individual from the list of certified interpreters for an
35 extended period or permanently;

36 (A) It must be determined and proven there was a severe violation against
37 Code of Professional Conduct tenets, and/or ICRC Level of Limitations, and/or
38 a malicious intent of harm, and/or disregarding or violation of any governing
39 State or Federal Laws before a certification can be revoked.

40 (7) The complainant may be retested using a different evaluation team at no cost to
41 the individual; and

42 (8) A recommended change in policy or procedures in the interpreter evaluation
43 process.

44 (d) The decision and recommended course of action, C 1-8, that is submitted by the
45 Grievance Panel, will be reviewed by the Designed Oklahoma Interpreter Certification
46 Program Officials. The officials will review and determine if the recommended course of
47 action supports policy, if so, the ICRC Program Specialist of the Oklahoma interpreter
48 certification program grievance board will be reviewed by the designated interpreter
49 certification program official who will notify all both parties, involved in writing, of the
50 decision and course of action within thirty (30) days after the formal hearing. If a party is
51 dissatisfied with the outcome of a formal hearing, an appeal may be made to the
52 Director of the Department of Rehabilitation Services. The Director shall have forty five
53 (45) days to render a decision. The Director's decision shall be final.

54 (d) The decision recommended course of action of the Oklahoma interpreter
55 certification program grievance board submitted by the selected panel will be reviewed
56 by the designated interpreter certification program official who will notify all parties
57 involved in writing of the decision within thirty (30) days. If a party is dissatisfied with the
58 outcome of a formal hearing, an appeal may be made to the Director of the Department
59 of Rehabilitation Services. The Director shall have forty five (45) days to render a
60 decision. The Director's decision shall be final.

61 (e) If a party is dissatisfied with the outcome of a formal hearing, an appeal may be
62 made to the Director of the Department of Rehabilitation Services, within fifteen (15)
63 days of receiving the recommended decision. The Director shall have forty-five (45)
64 days to render a decision. The Director's decision shall be final.

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
CHAPTER 25. BUSINESS ENTERPRISE PROGRAM

SUBCHAPTER 2. GENERAL PROVISIONS

1 **612:25-2-5. Definitions [AMENDED]**

2 The following words or terms, when used in this Manual, shall have the following
3 meaning unless the context clearly indicates otherwise:

4 **"Act"** means the Randolph-Sheppard Vending Facility Act (Public Law 74-732), as
5 Amended by Public Law 83-565 and Pub Law 93-516, 20 U.S.C., Ch. 6A, Sec. 107.

6 **"Active participation"** means a process of good faith negotiations involving the Elected
7 Committee of Licensed Managers and the State Licensing Agency. The Committee must be
8 given the opportunity to have meaningful input into the decision-making process in the
9 formulation of program policies which govern the duties, supervision, transfer, promotion
10 and financial participation of licensed managers. The SLA is charged with the ultimate
11 responsibility for the administration and operation of all aspects of the Business Enterprise
12 Program.

13 **"Annual Evaluation"** means an evaluation conducted on a yearly basis of a manager.
14 This evaluation will be performed at the end of each calendar year.

15 **"BEP"** means the Business Enterprise Program of the State Licensing Agency which
16 provides self-employment opportunities for qualified persons who are blind.

17 **"BEP Operations Coordinator"** means the person who has responsibility for the
18 operation of the Business Enterprise Program in the State.

19 **"Blind person"** means a person who, after examination by a physician skilled in the
20 diseases of the eye or by an optometrist, whichever the person shall select, has been
21 determined to have (1) not more than 20/200 central visual acuity in the better eye with
22 correcting lenses, or (2) an equally disabling loss of the visual field as evidenced by a
23 limitation to the field of vision in the better eye to such a degree that its widest diameter
24 subtends an angle of no greater than 20 degrees.

25 **"Board" or "Commission"** means the governing body for the State Licensing Agency.

26 **"Business Consultant (BC)"** means an individual who provides consultative and
27 management services to those business enterprises and licensed managers of the State to
28 which the consultant is assigned.

29 **"Business Enterprise"** means an approved business administered by the State
30 Licensing Agency. See definition of "Vending Facility."

31 **"Business Enterprise Program (BEP)"** means the Business Enterprise Program
32 services available to establish business enterprises for persons who are blind.

33 **"Cafeteria facility"** means a food dispensing business enterprise capable of providing
34 a broad variety of prepared foods and beverages (including hot meals) primarily through the
35 use of a line where customers serve themselves from displayed selections. A cafeteria may
36 be fully automatic or provide limited waiter or waitress service. Table and/or booth seating
37 facilities are always provided.

38 **"Client or Consumer"** means any person who has made application for the State
39 Licensing Agency's services and has been determined by the State Licensing Agency to be
40 eligible for services.

41 **"Commissioner"** means the Commissioner of the Rehabilitation Services
42 Administration (RSA) who exercises approval authority for the Federal government under
43 the Randolph-Sheppard Act.

44 **"Committee"** means the Elected Committee of Licensed Managers.

45 **"Contract"** means a written agreement between the State Licensing Agency and
46 officials in control of Federal or other property to establish a business enterprise in
47 cafeterias.

48 **"Contract labor"** means a person or company that performs duties or services not a
49 part of the regular duties of the business enterprise.

50 **"Counselor"** means Division of Vocational Rehabilitation or Division of Visual Services
51 counselors assigned to the State Licensing Agency's program of vocational rehabilitation.

52 **"Director"** or **"Executive Director"** means the chief administrator of the State
53 Licensing Agency.

54 **"Displaced licensed manager"** means a licensed manager who has been displaced
55 from his or her business enterprise through no fault of his or her own.

56 **"Dry/Wet facility"** means any business enterprises providing manual dispensing of
57 prepackaged articles, refreshments, and services.

58 **"Elected Committee of Licensed Managers (ECM)"** means the committee elected
59 biennially by licensed managers in accordance with 34 CFR 395.14.

60 **"Emergency"** means ~~an unforeseen a serious, unexpected and/or dangerous~~
61 ~~circumstance that calls for immediate action. When a piece of equipment is out of order it is~~
62 ~~not normally considered an emergency unless it will harm/destroy lives, other equipment or~~
63 ~~property.~~

64 **"Employee"** means an individual who receives compensation for services rendered to a
65 licensed manager.

66 **"Equipment, expendable"** means items having a relatively small cost per item and
67 having a relatively short life expectancy.

68 **"Equipment, non-expendable"** means all necessary equipment which requires a
69 relatively high capital outlay and has a normal life expectancy of several years.

70 **"Extenuating Circumstances"** means circumstances which are sudden, unexpected,
71 significantly disruptive and beyond control.

72 **"Federal property"** means any building, land or other real property owned, leased, or
73 occupied by any department, agency, or instrumentality of the United States (including the
74 Department of Defense and the United States Postal Service), or any other instrumentality
75 wholly owned by the United States.

76 **"Federal regulations"** means the regulations issued pursuant to the Randolph-
77 Sheppard Act.

78 **"Grantor"** means a Federal, State, County, Parish, city government, private
79 corporation, company, partnership or individual, who grants a permit or enters into an

80 agreement with the State Licensing Agency to operate a business enterprise on its/their
81 property.

82 **"Grantor's agreement"** means a written document between a Grantor and the State
83 Licensing Agency which sets forth the terms, conditions and responsibilities of all parties to
84 the agreement for the operation of a business enterprise on private and/or public property.

85 **"Gross Sales"** means the grand total of all sales transactions reported in a period
86 without any deductions included in the figure, not including sales tax.

87 **"Inactive Licensee"** means a licensed individual who is not currently working in the
88 Business Enterprise Program.

89 **"Initial stock and supplies"** means those resalable items or supplies necessary for the
90 opening and operation of a specific type of business enterprise.

91 **"License"** means a written instrument issued by the State Licensing Agency to a
92 person who is blind, authorizing such person to manage a business enterprise.

93 **"Licensed employee"** means a licensed individual who is currently working for a
94 licensed manager.

95 **"Licensed Manager (LM)"** means a licensed individual who has signed an agreement
96 with the State Licensing Agency to manage a Randolph-Sheppard business enterprise
97 under the supervision of the State Licensing Agency.

98 **"Licensee"** means a person who is blind and holds a valid BEP license.

99 **"Licensing agency"** means the State Licensing Agency (SLA), which has been
100 designated by the Commissioner, pursuant to the Act, to issue licenses to persons who are
101 blind for the management of business enterprises.

102 **"Management"** means the personal supervision of the day-to-day operation of the
103 assigned business enterprise facility by the assigned manager.

104 **"Management services"** means inspection, quality control, consultation, accounting,
105 regulating, in-service training, and other related services provided on a systematic basis to
106 support and improve business enterprises operated by licensed managers. Management
107 services does not include those services or costs which pertain to the on-going operation of
108 an individual facility after the initial establishment period.

109 **"Manager's agreement"** means an agreement between a licensed manager and the
110 State Licensing Agency, establishing basic terms and conditions for management of a
111 business enterprise.

112 **"Mail"** is a method of distributing information that includes, but is not limited to, the U.S.
113 Postal System, email, fax, or Federal Express.

114 **"Merchandise Loan"** means the total dollar value of the initial stocks of suitable
115 merchandise provided to a licensed manager that will be repaid in monthly installments of
116 no less than two percent of gross sales to pay loan balance in full.

117 **"Net earnings" or "Net profits"** means gross profit after deducting operating expenses
118 and set-aside collected.

119 **"Net proceeds"** means the amount remaining from the sale of articles or services of
120 business enterprises and any vending machine income or other income accruing to licensed
121 managers after deducting the cost of such sales and other authorized expenses excluding
122 set-aside charges required to be paid by the licensed managers.

123 **"Net sales"** means the sum total of sales, excluding sales tax.

124 **"Nominee"** means a nonprofit agency or organization designated by the State
125 Licensing Agency through a written agreement to act as its agent in the provision of services
126 to licensed managers under the State's Business Enterprise Program.

127 **"Other income"** means money received by a licensed manager from sources other
128 than over the counter and machine sales.

129 **"Other property"** means property which is not Federal property and on which business
130 enterprises are established or operated by the use of any funds derived in whole or in part,
131 directly or indirectly, from the operation of vending facilities on any Federal property.

132 **"Performance Evaluation"** means an evaluation conducted to determine if a manager
133 is eligible to apply for a facility or to be awarded a permanent BEP license.

134 ~~**"Permanent BEP License"** means a license issued on a permanent basis to a BEP
135 manager who has successfully completed all probationary requirements.~~

136 **"Permit"** means the official approval given a State Licensing Agency by a department,
137 agency, or instrumentality in control of the maintenance, operation and protection of Federal
138 property or person in control of other property where the State Licensing Agency is
139 authorized to establish a business enterprise.

140 ~~**"Probationary BEP License"** means a license issued to an individual on their first day
141 as manager of an Oklahoma BEP facility.~~

142 ~~**"Probationary Licensee"** means a person who has received a certificate of completion
143 of the Business Enterprise Program training and has not completed their six (6) month
144 probationary period.~~

145 **"Purveyor"** means an approved source of supply for food, beverages, supplies, or
146 services.

147 **"Randolph-Sheppard Act"** means Public Law 74-732 as amended by Public Law 83-
148 565, Public Law 93-516, and Public Law 95-602, 20 U.S.C. Chapter 6A, Section 107.

149 **"Retained vending machine income"** means vending machine income disbursed by a
150 property managing department, agency or instrumentality of the United States, or received
151 from vending machines on State or other property in excess of the amounts eligible to
152 accrue to licensed managers.

153 **"Routine preventive maintenance"** means the regular care, upkeep, and cleaning of
154 equipment used in a business enterprise.

155 **"Rules and regulations"** means the instrument written by the State Licensing Agency
156 and approved by the Secretary of Education setting forth the conduct and operation of the
157 Business Enterprise Program. A copy of the document granting approval of the rules and
158 regulations from RSA, will be mailed to each licensed manager.

159 **"Saleable stock/merchandise"** means products comprising the merchandise available
160 for sale to the public and determined by the SLA to be from an approved source in the
161 original container, in date, consistent with the needs of the customers for a particular
162 business enterprise.

163 **"Satellite business enterprise"** means a business enterprise assigned to a licensed
164 manager on a temporary basis.

165 **"Satellite Manager"** means a licensed manager appointed to manage a business
166 enterprise on a temporary basis.

167 **"Satellite Performance Evaluation"** means an evaluation conducted to determine a
168 manager's eligibility to continue operating a satellite to be performed at the 180 day satellite
169 review.

170 **"Satisfactory site"** means an area determined by the BEP Operations Coordinator to
171 have sufficient space, electrical and plumbing outlets, and other such accommodations as
172 prescribed by the Act, for the location and operation of a business enterprise in accordance
173 with applicable health laws and building codes.

174 **"Secretary"** means the United States Secretary of Education.

175 **"Set-aside funds"** means funds which accrue to a State Licensing Agency from an
176 assessment against the net proceeds of each business enterprise in the State's business
177 enterprise Program and any income from vending machines on Federal property which
178 accrues to the SLA.

179 **"Snack bar business enterprise"** means a business enterprise engaged in selling
180 limited lines of refreshment and prepared food items necessary for a light meal service.

181 **"State Licensing Agency (SLA)"** means the State agency that issues licenses to
182 persons who are blind for the operation of business enterprises on public and/or private
183 property.

184 **"State property"** means lands, buildings, and/or equipment owned, leased, or
185 otherwise controlled by the State.

186 **"Statewide average manager earnings"** means the average annual manager earnings
187 (after set-aside) as calculated each year for the RSA-15 Report.

188 **"Teaming Partner Agreement"** means an arrangement between a Licensed Manager
189 and a company as a contractual relationship or joint venture to perform a specific federal,
190 state, county or other contract with the exclusion of automated vending machines. Such
191 agreements are intended for large complex operations such as food services on a military
192 base.

193 **"Temporary Variance"** means an instrument used to allow a business enterprise to
194 install alternate vending operations on a temporary basis when a determination has been
195 made by the SLA that a blind operated vending facility is not viable at time of survey.

196 **"Third Party Vendor"** means a separate individual or organization, other than a
197 Teaming Partner, that operates and/or manages a BEP business enterprise facility and pays
198 a fee or commission to the licensed manager.

199 **"Timely submission"** means the receipt of an accurate monthly report and correct
200 payment, if applicable, on or before the due date in the BEP office.

201 **"Trainee"** means a qualified client of the Division of Visual Services, who when referred
202 to the Business Enterprise Program, is placed in training to prepare for licensing under the
203 rules and regulations of the State Licensing Agency.

204 **"Training program"** means the program of study and/or on-the-job training provided to
205 prospective and/or experienced licensed managers.

206 **"Vending facility"** means automatic vending machines, cafeterias, snack bars, cart
207 service, shelters, counters, and such other appropriate auxiliary equipment which may be
208 operated by licensed managers and which is necessary for the sale of newspapers,
209 periodicals, confections, tobacco products, foods, beverages, and other articles or services
210 dispensed automatically or manually and prepared on or off the premises in accordance with
211 all applicable health laws and including the vending or exchange of chances for any lottery
212 authorized by State Law and conducted by an agency of a State within such State. [CFR 34,
213 Part 395.1(X)]

214 **"Vending machine"** means any machine, operated using currency or other medium of
215 exchange, which dispenses articles or services, except any machine operated by the United
216 States Postal Service for the sale of postage stamps or other postal products and services.
217 Machines providing services of a recreational nature and telephones shall not be considered
218 to be vending machines.

219 **"Vending machine facility"** means an automated business enterprise which dispenses
220 a variety of food and refreshment items and services from vending machines. Included in
221 this category would be interstate highway locations and vending machine routes.

222 **"Vocational Rehabilitation Services"** means those services as defined in the
223 Rehabilitation Act. [29 USC 701 et seq.]

224 **"Volunteer"** means an individual who works in a business enterprise and receives no
225 compensation.

1 **612:25-2-7. State and Federal Assurances Policy of non-discrimination [AMENDED]**

2 (a) The SLA will assure compliance with all State and Federal Rules and Regulations
3 applicable to the Randolph Sheppard Act.

4 (b) The State Licensing Agency assures that it shall not exclude from participation, deny the
5 benefits of the program, or otherwise subject any person to discrimination because of the
6 person's gender, age, physical or mental impairment, religion, race, creed, national origin, or
7 political affiliation in accordance with the Civil Rights Act of 1964, Section 504 of the
8 Rehabilitation Act, ~~and~~ the Americans with Disabilities Act of 1990 and any other federal and
9 state non-discrimination statutes.

10 (c) Every licensed manager of a business enterprise shall operate the business enterprise
11 in such a manner that no person shall be subject to discrimination under any federal or state
12 statute because of the person's gender, age, physical or mental impairment, religion, race,
13 creed, national origin, or political affiliation whether that person is a present or prospective
14 purveyor, customer, employee or other individual who might come into contact with the
15 business enterprise.

16 (d) Confidentiality and requests for information. Policies on confidentiality of client records
17 in the BEP will apply also to licensed managers in the BEP and to those who apply for
18 training. Such information will be limited to purposes directly connected with the
19 administration of the BEP and may not be released either directly or indirectly for any other
20 purpose without the consent of the licensed manager/applicant or his/her legal
21 representative. While the SLA complies with the Freedom of Information Act, protection of
22 confidential information takes precedence. When information is requested that is not clearly
23 of a public nature, the information will be treated as confidential unless and until ruled
24 otherwise by the general counsel for the SLA. The SLA may charge reasonable fees for
25 copies of information.

1 **612:25-2-8. Accessibility of written materials [AMENDED]**

2 Upon advance request, all written materials will be provided to each licensed manager,
3 licensed employee, or licensee in a format accessible to that licensed manager, licensed
4 employee, or Licensee ~~to the extent practicable~~. It is the responsibility of the licensed
5 manager, licensed employee, or licensee to inform the SLA of the accessible format
6 needed.

SUBCHAPTER 4. THE STATE LICENSING AGENCY

PART 1. ORGANIZATION AND GENERAL OPERATION STANDARDS

1 **612:25-4-1. Organization of the State Licensing Agency [AMENDED]**

2 (a) **Governing board.** The Oklahoma Department of Rehabilitation Services (DRS) is the
3 designated State Licensing Agency (SLA) for administration of Oklahoma's vending facility
4 program for the blind under the Randolph-Sheppard Act. The governing board of the SLA is
5 the Oklahoma Commission for Rehabilitation Services. The Director of DRS reports directly
6 to the Commission.

7 (b) **Business Enterprise Program administration.** The Business Enterprise Program
8 (BEP) is located in the Division of ~~Vocational Rehabilitation Services~~ Visual Rehabilitation Services for the Blind & Visually
9 Impaired of DRS, and is administered by the Business Enterprise Program Operations Coordinator
10 who reports to the ~~Visual Rehabilitation Services~~ Visual Rehabilitation Services for the Blind & Visually Impaired Division
11 Administrator.

12 (c) **BEP staff.** The SLA, with consultation from the Elected Committee of Licensed
13 Managers, determines staffing requirements for administration of the BEP and provision of
14 services to achieve the mission, goals and objectives of the Program.

15 (d) **Licensed managers.** The individual enterprises established by the Business Enterprise
16 Program are managed by licensed managers. Licensed managers are subject to the policies
17 and procedures of the Business Enterprise Program, but are not employees of the program,
18 the SLA, or the State of Oklahoma. They do, however, have a contractual relationship with
19 the SLA and are required to manage the business enterprise in accordance with established
20 rules and regulations.

PART 3. BUSINESS ENTERPRISE PROGRAM TRAINING

1 **612:25-4-14. Training for new or potential licensed managers [AMENDED]**

2 (a) **Overview of Licensed Manager Training.** The Business Enterprise Program (BEP)
3 provides individuals who are blind with training that leads to potential employment as a
4 Licensed Manager of a vending facility or related business in the Business Enterprise
5 Program. The training program includes but is not limited to training in laws and regulations
6 affecting the Business Enterprise Program, state and federal tax reporting, food service
7 operations, sanitation, inventory control, money management, staffing of personnel, safety
8 procedures, business management principles and techniques, and preparation of reports
9 required by the State Licensing Agency. The licensed manager training program will be
10 based on a curriculum developed and periodically reviewed through consultation with
11 appropriate business representatives, trainers, BEP experts, and the Elected Committee of
12 Licensed Managers. Additional training required by the licensed manager trainee to adjust to
13 blindness, learn assistive technology skills or improve the trainee's opportunity to succeed
14 as a licensed manager may be arranged through coordination with the DRS Division of
15 Visual Services and DRS Division of Vocational Rehabilitation.

16 (b) **Application process.** Applications for BEP training shall include the following
17 information which shall be obtained from the individual's counselor:

- 18 (1) current eye examination, documenting blindness;
- 19 (2) documentation for United States citizenship;
- 20 (3) documentation the client is at least 18 years of age; and
- 21 (4) completion of any rehabilitation training prerequisites established by the BEP in
22 consultation with the ECM to better optimize the successful employment outcome;

23 (c) **Acceptance for training.** Applicant qualifications will be reviewed by BEP staff who will
24 report any training-related recommendations to the individual's DVS/DVR counselor and
25 BEP operations coordinator. An individual's application must be approved by the BEP
26 operations coordinator prior to acceptance into the training program.

27 (d) **Notice regarding criminal background record and Oklahoma sales tax**
28 **background check.** Before entering training, BEP applicants will be informed that a
29 criminal background investigation and an Oklahoma sales tax background check will be
30 performed and may prevent their being licensed to manage some BEP facilities.

31 (e) **Duration of training.** To be eligible for licensure as a BEP facility manager an individual
32 must complete the full BEP manager training program, unless the BEP operations
33 coordinator, in consultation with the Chair of the Elected Committee of Licensed Managers,
34 determines an exception is justifiable.

35 (f) **Completion of training.** Each trainee who completes the BEP manager training
36 program is issued a certificate certifying that the trainee has met all the training criteria to be
37 a licensed manager in the Business Enterprise Program. Upon assuming management of
38 their first facility, a certified graduate shall be issued a temporary BEP license and begin a
39 six (6) month probationary period. During this period, the probationary manager will receive
40 benefits afforded all other managers, along with accruing seniority. Upon completion of their
41 probationary period, the BEP Operations Coordinator, in consultation with the ECM Chair,
42 will review their progress and if determined appropriate will issue their permanent BEP
43 Manager License.

44 (g) **Failure to complete training.** If it appears that a trainee will not be able to successfully
45 complete training, the BEP operations coordinator, in consultation with the ECM Chair, will
46 review the individual's training record before making a decision to terminate training. The
47 BEP operations coordinator will notify the trainee and their DVS or DVR counselor of any
48 BEP decision to terminate training.

49 (h) **Post-training interview.** Upon completion of a new manager's ~~probationary period~~
50 training, they will be interviewed by a representative of the Elected Committee of Licensed
51 Managers, normally the chairperson, to evaluate the effectiveness of the training program.
52 The interviewer formulates recommendations and comments regarding the training program
53 and provides them to the BEP Operations Coordinator.

54 (i) **Acceptance of out-of-state licenses.** The BEP Operations Coordinator will evaluate
55 the skills and knowledge of BEP applicants who were licensed managers in other states.
56 Training will be provided to correct any noted deficiencies and acquaint the applicant with
57 Oklahoma's program. After qualifications are met, the applicant is issued a training
58 completion certificate.

59 (j) **Seniority.** Seniority in the Oklahoma Business Enterprise Program will only accrue when
60 managing an Oklahoma BEP facility.

61 (k) **Licensed Manager Benefits.** Benefits such as insurance will begin the same date the
62 Licensed Manager signed the manager's agreement.

**PART 5. STATE LICENSING AGENCY RESPONSIBILITY FOR BUSINESS
ENTERPRISE OPERATIONS**

1 **612:25-4-25. Management of BEP equipment and fixtures [AMENDED]**

2 (a) The SLA will provide each business enterprise with fixtures and equipment in such
3 quantity and quality so as to give reasonable assurance of successful operation by the
4 licensed manager. The SLA retains the right, title, and interest to all BEP equipment and
5 fixtures. The SLA has the authority to direct, control, transfer and dispose of such equipment
6 as it deems necessary. All capital equipment is purchased, inventoried, and disposed of in
7 accordance with Department of Rehabilitation Services policy.

8 (b) Equipment for new locations will be determined by the BEP Operations Coordinator and
9 staff ~~in consultation with an Elected Committee of Licensed Managers (ECM) member~~
10 ~~specified by the ECM Chairperson~~ pursuant to 612:25-6-16 Criteria to establish a business
11 enterprise.

12 (c) The licensed manager may make additions, deletions or modifications to the business
13 enterprise and its operation, in the form of equipment, fixtures or facilities, by obtaining
14 written authorization from the BEP. The licensed manager may not remove any state-owned
15 equipment from the facility.

1 **612:25-4-27. Initial inventory and supplies [AMENDED]**

2 (a) **Initial inventory.** A licensed manager may acquire initial merchandise for resale by
3 purchasing it with his/her own funds, utilizing ~~self-employment assistance~~ start-up
4 assistance/client services that may be available from DRS or other public and private
5 sources, or use of a merchandise loan provided by the State Licensing Agency (SLA).
6 When the SLA provides the manager a merchandise loan for initial merchandise, the
7 manager is not allowed to utilize DRS start-up assistance for same purpose.

8 (b) **Merchandise loan.** When necessary to enable a licensed manager to acquire initial
9 merchandise inventory, the SLA may extend a merchandise loan subject to the following
10 terms:

11 (1) The amount of the loan will be determined by the SLA in consultation with the
12 licensed manager and based on an assessment of merchandise necessary to initiate
13 sales and the availability of funds.

14 (2) The total amount of the loan will not exceed the average of the prior year's
15 inventories without approval from the BEP operations coordinator. This means the prior
16 year's inventories will be summed and then divided by twelve to obtain the average.

17 (3) All merchandise purchased and placed on a merchandise loan must have prior
18 approval by the SLA. The SLA will not make multiple purchases from any purveyor.

19 (4) The incoming licensed manager, BEP business consultant and BEP operations
20 coordinator will determine what may be purchased from the existing stock of the
21 outgoing facility manager. Only salable merchandise may be purchased. ~~The BEP~~
22 ~~business consultant and Operations Coordinator will also assist the out-going manager~~
23 ~~in selling any remaining salable merchandise and its interim storage.~~

24 (5) A merchandise loan must be repaid to the SLA by a licensed manager in monthly
25 installments ~~equaling two percent (2%) of monthly gross sales of no less than two~~
26 percent of gross sales to pay loan balance in full. A licensed manager shall not allow
27 the facility inventory level to fall below that of the balance of the merchandise loan and
28 are subject to disciplinary action should this occur. Managers receiving loans will sign a
29 merchandise security agreement that will be retained on file by DRS and released to the
30 manager when loan repayment is complete along with a letter from the BEP Operations
31 Coordinator officially notifying the licensed manager of their full repayment of the loan.

32 (6) When a merchandise loan is secured by stock, a licensed manager may not permit
33 the ownership of the stock to vest in any person or organization other than the SLA.

34 (7) When a licensed manager leaves a business enterprise, any remaining
35 merchandise loan balance (and other unmet obligations to the SLA) will be subtracted
36 from the ending inventory to determine the manager's equity in the ending stock.

37 (8) Merchandise loans are not allowed for satellite facilities unless extenuating
38 circumstances prevail and only after approval of BEP Operations Coordinator in
39 consultation with the ECM chair person.

40 (9) Merchandise loans for existing managers currently operating an "A" or "B" classified
41 facility as their primary may be granted at the discretion of the BEP Operations
42 Coordinator in consultation with the ECM chair person.

43 (c) **Failure of licensed manager to repay loan.**

44 (1) If a licensed manager's merchandise loan payment is not received in the BEP office
45 within five days after the due date, the licensed manager will be placed on probation
46 and is not eligible to make application into the selection process. Merchandise loan
47 payments are due at the time monthly reports and set-aside payments are due. (612:25-
48 6-22)

49 (2) If a licensed manager's merchandise loan payment remains delinquent through the
50 succeeding month and is not received in the BEP office within five days after the
51 succeeding month's due date, the BEP operations coordinator will recommend
52 suspension or termination of the operator's agreement by the SLA director unless an
53 alternate repayment schedule has been approved by the SLA. The SLA will initiate
54 action to collect a remaining merchandise loan balance when a loan payment is two
55 months overdue.

56 (3) When a licensed manager leaves the program for any reason, the merchandise loan
57 is due in full unless arrangements are made with the SLA to divide the balance into
58 twelve (12) equal payments that will be due on the first day of each month.

59 (d) **Second merchandise loan.**

60 (1) Under documented extreme circumstances, a licensed manager who has paid off
61 his/her previous merchandise loan may receive a second merchandise loan for the
62 same facility when it has been determined that the loan is necessary to allow the
63 licensed manager to remain in his/her facility.

64 (2) If a licensed manager requires a second merchandise loan while the first loan is still
65 outstanding, other than for the expansion of his/her facility, he/she will be placed on
66 probation until one of the loans is paid in full.

67 (3) Second merchandise loans for the purpose of facility expansion will be limited to
68 50% of the cost of additional salable merchandise needed.

69 (e) It is the incoming manager's Licensed Manager's choice to procure any accept or reject
70 any and or all merchandise or personal property from the out-going manager Licensed
71 Manager, however, a merchandise loan cannot be used to purchase property. If this
72 condition occurs, the outgoing manager must be given a one week notice prior to the facility
73 turnover to the new manager. The incoming Licensed Manager must notify the Business
74 Consultant and the outgoing Licensed Manager of his/her intent of purchasing outgoing
75 manager's inventory seven (7) days prior to the day of the inventory count.

76 (f) If the incoming manager rejects all of the outgoing manager's merchandise, the outgoing
77 manager may be allowed two weeks to reduce his/her inventory, before transfer of facility.
78 This two week period must be approved by the BEP Operations Coordinator in consultation
79 with the ECM chair.

80 (g) In order to expedite the processing of merchandise loans, the outgoing manager must
81 provide a merchandise price list to the business consultant and incoming manager seven (7)
82 days before the day of the inventory count.

PART 9. ASSIGNMENT OF LICENSED MANAGERS

1 **612:25-4-53. Assignment and transfer [AMENDED]**

2 (a) **Assignment.** The State Licensing Agency (SLA) administers a competitive selection
3 process to accomplish the assignment of primary facilities to qualified individuals. The
4 selection process established by the SLA provides that the Elected Committee of Licensed
5 Managers (ECM) is an active participant in the selection of facility managers.

6 (b) **Transfer.** The SLA, in consultation with the ECM board, may transfer a qualified
7 licensed manager to a different location of similar complexity and income potential when it
8 appears to be in the best interest of the licensed manager and/or the BEP. The SLA notifies
9 the licensed manager and the ECM Chair board, in writing, by registered or certified mail of
10 the transfer and the grounds for the transfer. The transfer policy cannot be used to
11 circumvent the competitive selection process.

12 **(c) Displaced Licensed Manager.**

13 (1) A Displaced Licensed manager will have up to one (1) year to make application for a
14 BEP facility that is comparable to his or her displaced facility.

15 (2) A Displaced Licensed Manager will be given 15 bonus points in the next interview
16 selection for a permanent placement in a BEP facility that is relatively comparable in
17 complexity, financially and if possible, geographically.

18 (3) A Displaced Licensed Manager could accept a satellite assigned facility that is not
19 comparable to their recent displaced facility without surrendering their displaced bonus
20 points and status.

21 (4) Should the Displaced Licensed Manager elect to accept the assigned satellite as his
22 or her primary placement facility, then that Displaced Licensed Manager would
23 surrender the displacement status with the agreement from the SLA and ECM.

24 (5) The SLA will consult with the ECM Chair to determine beginning and expiration date
25 of eligibility of the Displaced Licensed Manager and provide notice in the Licensed
26 Managers preferred format.

1 **612:25-4-55. Qualifications [AMENDED]**

2 (a) In order to apply for manager placement in a ~~Classification "A" or "B" facility in the~~
3 ~~Business Enterprise Program (BEP)~~, an individual must hold a permanent license issued by
4 the State Licensing Agency (SLA). In addition, the SLA requires experience in the program
5 before an individual will be considered eligible to apply for "A" or "B" classification business
6 enterprises with the exception of (b) of this section. Certified graduates of the BEP Training
7 Program are only eligible to apply for Classification "C" or "D" facilities with the exception of
8 (b) of this section. A location new to the BEP program is to be classified "C" for the initial 90
9 days of operation. The BEP Operations Coordinator, in consultation with the ECM
10 Chairperson, will determine the need for any experience requirements.

11 (b) Applicants who qualify for the next lower classification will be considered for interview
12 when no qualified applicants apply for a classification "A" or "B" facility announcement when
13 it is deemed appropriate to do so by the BEP Operations Coordinator in consultation with
14 the ECM Chairperson.

15 (c) Experience requirements for each classification are:

16 (1) Classification A. Applicants will be restricted to individuals who have a minimum of
17 three (3) years total experience in an Oklahoma Business Enterprise including a
18 minimum of one (1) year of management experience.

19 (2) Classification B. Applicants will be restricted to individuals who have a minimum of
20 two (2) years total experience in an Oklahoma Business Enterprise, including a
21 minimum of six (6) months of management experience.

22 (3) Classification C. No experience required, except on new locations as deemed
23 appropriate by the BEP Operations Coordinator in consultation with the ECM
24 Chairperson.

25 (4) Classification D. No experience required.

26 (d) The BEP Operations Coordinator, in consultation with the ECM Chairperson, may
27 require additional BEP experience on applications for any facility. Verified BEP experience
28 from another state may be considered.

29 (e) Applicants will not be eligible to apply for a business enterprise facility if any of the
30 following conditions exist:

31 (1) ~~The licensed manager's~~ applicant's cumulative total days of is-on probation is sixty
32 (60) or more days in the most recent twelve (12) months or the SLA has initiated
33 suspension/termination proceedings against the licensed manager.

34 (2) The applicant is not current with their merchandise loan payments.

35 (3) The applicant is not current with his/her set-aside owed to the SLA.

36 (4) Applicants ~~who have a permanent license~~ have not scored at least an 80 on their
37 performance evaluation.

38 (5) Conditions 1-~~54~~ will not apply to new BEP training graduates.

39 (f) Applicants must be eligible to obtain an Oklahoma Tax Permit and be in good standing
40 with the Oklahoma Tax Commission (OTC) for assigned, transferred or satellite business

41 enterprises. Along with each application, the applicant is to provide a signed OTC form A
42 100 to determine their standing in relation to Sales Tax and Employee Withholding. The
43 OTC form A 100 will be used on a one-time basis for a tax inquiry in relation to that
44 announcement application only.

1 **612:25-4-57. Applicant Selection Committee [AMENDED]**

2 **Selection Committee.** The Selection Committee shall be established and convened by
3 the SLA. The Selection Committee will consider applicants for assignment. The Selection
4 Committee shall make recommendation(s) to the BEP Operations Coordinator or designee.

5 The BEP selection committee is chaired by the BEP Operations Coordinator or designee.
6 Members include two members of the SLA staff, the area member of the ECM or alternate
7 and the chairperson of the ECM or alternate (vice-chair or secretary or another member of
8 the ECM, in order). If no member of the ECM can serve in either capacity the BEP
9 Operations Coordinator shall poll ~~from the ECM chairs outside of State of Oklahoma~~ the
10 licensed managers to complete the committee. No person can serve on the selection
11 committee who has a conflict of interest or is related to an applicant.

1 **612:25-4-58. Annual and Performance Evaluations [AMENDED]**

2 (a) The BEP will conduct an annual evaluation of each licensed manager at the end of each
3 calendar year. Performance evaluations will be conducted when a manager applies for a
4 facility or when a probationary period ends. All evaluations will be based on data collected
5 from the manager's primary assigned facility and will consist of the previous twelve (12)
6 working ~~months~~ month's information. If a Licensed Manager does not have a primary facility,
7 the satellite facility will be used (in accordance with BEP 612:25-4-53(c)(1-5). The Licensed
8 Manager will be advised of the results of any evaluation in writing. The manager will be
9 evaluated in the following areas:

10 (1) Tasks/responsibilities

11 (A) Timely submission and accuracy of all required monthly reports and payments
12 (set-aside and merchandise loan payments, if applicable).

13 (B) Accurately calculated gross profit percentage reported on monthly reports.

14 (C) Accurately calculated net profit percentage reported on monthly reports.

15 (D) Maintenance of an acceptable level of merchandise inventory (including
16 preventing the merchandise levels from falling below any outstanding merchandise
17 loan balance).

18 (E) Attendance at Agency and other certified training.

19 (F) Attendance at Quarterly ECM Meetings.

20 (2) Work Habits

21 (A) Provides preventive maintenance and appropriate cleaning/sanitation.

22 (B) Merchandise displayed, rotated and stocked sufficiently.

23 (C) Maintains required insurances.

24 (D) Maintains agreed upon hours of operation.

25 (E) Maintains professional relationships with customers and grantors.

26 (b) When a Licensed Manager applies for a facility a performance evaluation will be
27 conducted to determine their eligibility to apply. To be eligible the manager must score at
28 least 80 of the available 100 points. Any score above 80 will accrue to the benefit of the
29 licensed manager in that selection process by adding it to their total score. If there is a
30 second interview conducted, these points will not be added to the total points of the second
31 interview.

1 **612:25-4-59. Interview, Selection Process and Scoring [AMENDED]**

2 (a) All eligible applicants will be referred by the SLA to the Selection Committee for a
3 personal interview.

4 (b) All personal information made available to the Selection committee and all information
5 discussed in the course of a selection is held confidential. Information will not be released to
6 any other individual, agency, or organization by Selection Committee members, unless they
7 are advised in writing by the SLA's legal counsel to release information.

8 (c) An applicant not present at the appointed time for their interview will have his/her name
9 removed from consideration for this location unless due to reasonable extenuating
10 circumstances make them unable to appear and a majority vote of the selection committee
11 agrees to allow a change of the interview time.

12 (d) Following every interview, each Selection Committee member will complete a score
13 sheet on the applicant. Members of the Selection committee must complete their own score
14 sheets before assisting another member. After each interview, the scores from all score
15 sheets on the applicant will be totaled. Selection Committee members may not change their
16 scores for an applicant after scores for the applicant have been tabulated. The total scores
17 for all applicants will then be ranked.

18 (e) Any candidate not scoring a minimum of 50 percent of the available points, not including
19 seniority, performance evaluation, or displaced manager points, will be deemed not qualified
20 to manage the facility being considered.

21 (f) The score of the Chairperson of the Selection Committee's score will not be added into
22 the ranking unless it is a tie.

23 (g) Any agreement made to the Selection Committee by a selected candidate will be
24 transferred to an addendum in the manager's agreement by the BEP Operations
25 Coordinator.

26 (h) After all applicants' scores from the initial interview have been tabulated; a second
27 interview will be given to the top scorer and any applicant whose total score is within 5
28 points of the top score. The SLA will have the responsibility of convening the same Selection
29 Committee and notifying all eligible applicants of the time and place of the second interview.
30 The second interview will be governed by the same process rules as the initial interview
31 described above.

32 (i) To determine the final rankings of the applicants, combine the personal interview points
33 from the second interview to the combined point total of the first interview.

34 (j) The initial interview scoring shall be based on the following factors:

35 (1) Personal interview;

36 (2) Business Plan;

37 (3) Performance evaluation points accrued over 80;

38 (4) Seniority; and

39 (5) ~~Displaced manager Licensed Manager points, if applicable. A displaced licensed~~
40 ~~manager will have 15 points added in the selection process for the first comparable~~

41 ~~business enterprise announced, including type and gross sales, for one year from the~~
42 ~~date of displacement.~~

43 (k) Once a selection is made, all individual applicants who received a personal interview will
44 be immediately notified of their result. This notification will be in writing with an attempt to be
45 contacted by phone.

1 **612:25-4-61. Satellite business enterprise locations [AMENDED]**

2 (a) A business enterprise facility will be considered a satellite and may be assigned to a
3 licensed manager on a temporary basis when:

4 (1) the regular selection process does not produce a permanent licensed manager,

5 (2) a licensed manager has been removed by the SLA, or

6 (3) when a business enterprise is vacated ~~on short notice~~ by a licensed manager
7 Licensed Manager without giving the SLA at least 30 days notice.

8 (4) when notification of a new business enterprise is received by the SLA from a
9 federal, state, county or private entity with less than a 30 day notice.

10 (b) The BEP Operations Coordinator, in consultation with the Chairperson of the Elected
11 Committee of Licensed Managers, may assign a licensed manager to a satellite business
12 enterprise. The length of the agreement for a temporary assignment will be until the regular
13 selection process can generate a permanent licensed manager, but not less than 180 days,
14 unless a shorter period is agreed upon by the satellite manager. In order to achieve an
15 equitable distribution of satellite business enterprises, a licensee that currently operates a
16 satellite location will not be eligible for an additional satellite unless there are no other
17 qualified licensed managers interested. Licensed Managers who only qualify for lower
18 facility classifications than the satellite under consideration may be assigned when it is
19 deemed appropriate by the BEP Operations Coordinator, in consultation with the ECM
20 Chairperson.

21 (c) Satellite locations will be reviewed by the SLA, in consultation with the ECM board
22 through consultation with the ECM chair person, every ~~180 days~~ 10 months for possible
23 advertisement of permanent assignment, adding in whole or in part to another business
24 enterprise facility, continue the satellite assignment, or ~~closure~~ issuing Grantor a temporary
25 variance. The satellite manager will be kept informed when this will occur and the result of
26 the review.

27 (d) The licensed manager may resign the satellite agreement with 30 days written notice.

28 (e) The satellite business enterprise will be managed as a separate business location for all
29 purposes except for insurance and the tax permit. It is the licensed manager's responsibility
30 to notify the Oklahoma Tax Commission and his or her insurance carrier of the addition and
31 when the satellite manager agreement has ended.

32 (f) If a satellite is to be continued by the current licensed manager after review, the manager
33 must:

34 (1) Score at least an 80 on the satellite performance evaluation.

35 (2) Be current with all BEP monthly reports and payments.

36 (g) Merchandise loans are not allowed for satellite facilities unless extenuating
37 circumstances prevail and only after approval of BEP Operations Coordinator in consultation
38 with the ECM chair person.

PART 11. BUSINESS ENTERPRISE PROGRAM AUDITING AND DUE PROCESS

1 **612:25-4-73. Due process [AMENDED]**

2 (a) **Due process overview.** The SLA provides procedures for fair hearings of licensed
3 managers' grievances. These procedures provide each licensed manager the opportunity to
4 seek remediation of dissatisfaction with any SLA action arising from the operation of the
5 BEP.

6 (b) **Informal administrative review.** It is the policy of the SLA to resolve complaints in an
7 expeditious and facilitative manner. These resolutions shall be accomplished through the
8 informal administrative review process whenever possible. A licensed manager has the right
9 to request a full evidentiary hearing at any time within established due process time lines.
10 These timelines are identified later in this policy.

11 (1) Informal administrative reviews are conducted by the SLA staff person closest to the
12 problem who was not involved in the action resulting in the complaint, and who can
13 resolve the complaint in the most expeditious manner.

14 (2) The informal administrative review is to be completed within 30 calendar days of
15 receipt of the complaint to the appropriate SLA staff person.

16 (3) The results of the informal administrative review are to be reported in writing within
17 15 calendar days to the BEP Operations Coordinator, with a copy going to the licensed
18 manager affected, in accessible format.

19 (c) **Full evidentiary hearings.** Licensed managers have the right to a full evidentiary
20 hearing to resolve dissatisfaction with any SLA action arising from the operation or
21 administration of the Business Enterprise Program.

22 (1) If the complaint cannot be resolved with an informal administrative review, or in the
23 absence of an informal administrative review, the licensed manager may request a full
24 evidentiary hearing. The request for a full evidentiary hearing must be made to the BEP
25 Operations Coordinator in writing, in the licensed managers preferred format, within 30
26 calendar days from the date the licensed manager receives the notification of adverse
27 action, or the written report of the informal administrative review. ~~The request for a full~~
28 ~~evidentiary hearing is to be sent by certified mail.~~ Upon receipt, the BEP Operations
29 Coordinator will immediately forward the request to the Visual Services for the Blind and
30 Visually Impaired Division Administrator. The Licensed Manager submitting the request
31 for full evidentiary hearing will be notified of the date it was forwarded.

32 (2) The licensed manager may be represented in the evidentiary hearing by legal
33 counsel, or other representation of the licensed manager's choice, and at the licensed
34 manager's expense.

35 (3) Reasonable accommodations will be arranged by the SLA upon the request of the
36 licensed manager.

37 (4) The hearing will be scheduled by the SLA for a time and place convenient and
38 accessible to the licensed manager and the SLA staff involved in the hearing. The
39 licensed manager will be notified, in their preferred format, of the place and time of the
40 hearing and the right to be represented by legal or other counsel in writing.

41 (5) The hearing will be conducted by an impartial and qualified official with no
42 involvement or vested interest in the SLA, action at issue, or with the operation of the
43 affected business enterprise. The presiding officer will conduct the hearing in
44 accordance with State and/or Federal laws and rules governing the conduct of such

45 proceedings. In any case, the hearing will be conducted in a manner that avoids delay,
46 maintains order, and provides for a full recording and reporting of the proceedings so
47 that a full and true disclosure of the facts and issues occurs.

48 (6) The hearing officer's determination will be based upon the facts as presented by
49 both parties and upon applicable law and the existing rules of the SLA. The hearing
50 officer does not have the power to rule upon the legality or construction of the rules
51 themselves. The officer's decision will determine the relevant issues and facts to be
52 ruled upon.

53 (7) The hearing officer shall make a written report of the evidence presented, the laws
54 and rules used in determining a resolution, and the resolution itself. This report shall be
55 issued to the BEP Operations Coordinator and the licensed manager, or his/her
56 authorized representative within 15 calendar days of the conclusion of the full
57 evidentiary hearing.

58 (8) The hearing officer's report shall be issued to the Director of the SLA within 15
59 calendar days of the conclusion of the full evidentiary hearing. The SLA Director issues
60 his or her final written decision to the BEP Operations Coordinator and the licensed
61 manager, in accessible format, within 30 calendar days of the date on which he or she
62 receives the hearing officer's report.

63 (9) If the licensed manager is dissatisfied with the decision, she or he may request that
64 the Secretary (USDEd) convene an arbitration panel.

65

1 **612:25-4-75. Arbitration of complaints after the evidentiary hearing [AMENDED]**

2 (a) The licensed manager has the right to file a request for arbitration with the Secretary
3 (USDEd) if dissatisfied with the outcome of the evidentiary hearing. By filing a complaint with
4 the Secretary, the licensed manager consents to the release of information necessary for
5 the conduct of an ad hoc arbitration panel.

6 (b) The complaint must be filed in writing and must contain:

7 (1) a statement of the grievance;

8 (2) the date and place of the full evidentiary hearing;

9 (3) a copy of the decision and what actions have been taken because of the decision;

10 (4) the part of the decision which is causing the dissatisfaction and reason for the
11 dissatisfaction; and

12 (5) a statement as to what is required to remedy the situation.

13 (c) The Secretary (USDEd) will convene an arbitration panel after receiving a complaint
14 which meets the requirements in (b) of this Section. The decision of the panel will be final,
15 except as provided for in 20 U.S.C. 107d-2. The Secretary will pay the reasonable costs for
16 the arbitration. ~~An abstract of the arbitration decision will be published in the Federal~~
17 ~~Register. Notification of the decision will be published in the Federal Register and the full~~
18 decision will be published on the RSA website. The panel will be convened by the Secretary
19 in accordance with (1) through (4) of this Subsection.

20 (1) The SLA shall designate one member of the panel.

21 (2) The licensed manager shall designate one member of the panel.

22 (3) The designees of the SLA and the licensed manager shall together designate the
23 third panel member who shall not be an employee of the SLA. This member shall be the
24 chairperson of the panel.

25 (4) If the SLA or licensed manager does not select a member for the panel, the
26 Secretary will designate such a member on the applicable party's behalf.

27 **612:25-4-76. Arbitration of SLA complaints against federal agencies [AMENDED]**

28 The SLA is to resolve problems related to the operation of a business enterprise with
29 the full participation of the licensed manager and the appropriate property manager. The
30 SLA may file a complaint with the Secretary (USDEd) if it determines that an agency
31 controlling Federal property is not complying with the provisions of the Randolph-Sheppard
32 Act or U.S. Department of Education regulations. After the complaint is received, the
33 Secretary will convene an arbitration panel. If the panel finds that the Federal agency is in
34 violation of the Act or USDEd regulations, that Federal agency will be notified that it is
35 expected to correct the violation according to 20 U.S.C. 107d-2. The Secretary pays the
36 reasonable costs of this arbitration. Notification of the The decision resulting from the
37 arbitration will be published in the Federal Register and the full decision will be published on
38 the RSA website. The arbitration panel will be convened by the Secretary in accordance
39 with (1) through (4) of this Subsection.

40 (1) The SLA will designate one member of the panel.

41 (2) The agency controlling the Federal property over which the dispute arose will
42 designate one member of the panel.

43 (3) The designees of the SLA and the agency controlling the property will designate a
44 third member who is not an employee of the agency controlling the Federal property.
45 This member will chair the panel.

46 (4) If either the SLA or the head of the Federal department, agency, or instrumentality
47 fails to designate a member of an arbitration panel, the Secretary shall designate such
48 member on behalf of such party.

49 Section History

50 7-1-97 PT Memo #97-9

51 Permanent, new Section

SUBCHAPTER 6. LICENSED MANAGERS AND BUSINESS ENTERPRISE OPERATION

PART 1. LICENSED MANAGERS

1 **612:25-6-1. Licensing requirements for managing a business enterprise [AMENDED]**

2 (a) **Issuance and conditions of a license.** A license shall be issued by the SLA in
3 accordance with Federal regulations making the individual eligible to operate a business
4 enterprise. This license will be issued upon successful completion of the SLA training
5 program. ~~The~~ This license shall be prominently displayed in the licensed manager's
6 business enterprise. Licensed Managers whose facility consists of only vending machines,
7 must carry their BEP license with them. ~~The~~ This license remains effective for an indefinite
8 length of time, unless terminated, or suspended, ~~or revoked~~ by the SLA in accordance with
9 State and Federal regulations. A license issued to a qualified individual is non-transferable.

10 (b) **Termination of agreement or removal from a business enterprise.** The SLA may
11 terminate a manager's agreement and/or immediately remove the licensed manager from
12 operation of a business enterprise for cause shown. Termination of a manager's agreement
13 or removal from operation of a business enterprise does not necessarily mean that the
14 manager's license will be suspended or terminated. The licensed manager has the right to a
15 full evidentiary hearing when dissatisfied with any State Licensing Agency action in
16 accordance with BEP, State, and Federal regulations.

17 (c) **Reinstatement of suspended or terminated license.** Reinstatement of a BEP license
18 for an individual can be accomplished by formally requesting the SLA reinstate the BEP
19 License within a two year period.

20 (d) **Termination of license.** A license automatically expires when the licensed manager is
21 no longer a U.S. citizen, no longer meets the definition of legal blindness, surrenders his or
22 her license, resigns, retires, or dies. A license may be terminated or suspended by the SLA,
23 after affording the licensed manager an opportunity for a full evidentiary hearing in
24 accordance with State and Federal regulations in accordance with BEP Rule 612:25-6-3.

25 (e) **Continuation of Benefits.** If a Licensed Manager has not worked in the program for 1
26 year the Licensed Manager has the option of paying for his or her own benefits to continue
27 coverage and not DRS.
28

1 **612:25-6-2. Standards for licensed managers [AMENDED]**

2 (a) The licensed manager will agree to the terms of the licensed manager's agreement,
3 rules and regulations governing the Business Enterprise Program, and the permit or contract
4 governing the specific business enterprise.

5 (b) The licensed manager will operate the business enterprise in accordance with all
6 applicable health laws and regulations, safety regulations and other federal, state, county,
7 and municipality laws and regulations applicable to the business enterprise.

8 (c) The licensed manager will work cooperatively with authorized representatives of the
9 SLA in connection with their official responsibilities.

10 (d) The licensed manager will take proper care of the equipment and fixtures to minimize
11 repair and replacement costs. The licensed manager will be responsible for repair or
12 replacement costs when caused by the negligence of the licensed manager or his or her
13 employees, when repair cost is below \$25.00 or when repairs are not authorized by the
14 BEP. In the event of withdrawal from the business enterprise for any reason, the licensed
15 manager will leave all SLA-owned equipment to the disposal of the SLA.

16 (e) The licensed manager will collect and pay sales tax as required.

17 (f) The licensed manager will be responsible for substitute operation.

18 (g) The licensed manager will not take action inconsistent with the paramount right, title,
19 and interest of the SLA to business enterprise equipment.

20 (h) The licensed manager will accept the agreement and any modifications subject to the
21 policies, rules, and regulations of the SLA as they exist or are modified.

22 (i) The licensed manager will keep ~~daily~~ records of gross sales, merchandise purchased,
23 and other financial transactions for the business enterprise.

24 (j) The licensed manager will complete and submit all necessary Federal and State reports
25 and payments as required for each individual business enterprise.

26 (k) The licensed manager will convey a positive public image.

27 (l) The licensed manager will maintain appropriate professional relationships with
28 purveyors, customers, and building officials as in (1) through (3) of this Subsection.

29 (1) **Relationships with purveyor.** The licensed manager is free to choose the purveyor
30 from whom he/she is to make purchases, provided, however, that such purveyor is
31 established and reputable.

32 (2) **Relationships with customers.** To serve the best interest of the public, the
33 licensed manager and his/her employees will provide prompt, ~~cheerful~~ and courteous
34 service to all customers.

35 (3) **Relationships with building officials.** The licensed manager will comply with all
36 reasonable requests concerning the operation of a business enterprise that may be
37 made by officials of the building in which the enterprise is located, provided that such
38 requests do not conflict with the agreement and the rules and regulations issued by the
39 SLA as contained herein. If differences should arise between the licensed manager and

40 the grantor, the licensed manager shall bring the matter to the immediate attention of
41 the BEP business consultant for appropriate action.

42 (m) The licensed manager will supervise employees in a manner that promotes quality
43 customer service.

44 (n) The licensed manager will maintain and display current licenses and permits, including
45 BEP license, in the business enterprise or in the case of a facility of only vending machines,
46 carried with the Licensed Manager.

47 (o) The licensed manager will comply with all regulations and laws governing the
48 possession and/or use of firearms, weapons, alcohol and other drugs.

49 (p) When a licensed manager starts or buys a similar business, the licensed manager must
50 make assurances to the SLA that the two businesses will not intermingle in any manner and
51 the merchandise of the two businesses will be in separate locations. At no time will state
52 owned equipment be used in the private business.

1 **612:25-6-2.1. Probation [AMENDED]**

2 (a) **Scope.** A licensed manager who is not meeting all of the requirements or qualifications
3 set forth in the BEP rules and regulations, or a licensed manager who is not managing the
4 business enterprise in a proper manner, may be placed on probation by the BEP
5 Coordinator along with notification to the ECM Chair. Intensive review/consultation will be
6 provided during the probationary period. The period of the probation will be used to focus on
7 specific problem areas and attempts will be made to improve the licensed manager's
8 performance. This is the first step in the disciplinary process. If proper results are not
9 achieved, suspension or termination of the BEP License ~~may~~ will be necessary.

10 (b) **Initiation of probation procedure.** The BEP Operations Coordinator will place licensed
11 managers on probation through a probation letter. The business consultant will deliver, read
12 and explain the letter of probation to the licensed manager. The business consultant and
13 licensed manager will then sign the probation letter. The original is given to the licensed
14 manager, in his or her preferred format, one copy returned to the BEP Operations
15 Coordinator, and one copy mailed to the Chairperson of the Elected Committee of Licensed
16 Managers.

17 (c) **Probationary letter.** The probationary letter will specify the cause(s) for placing the
18 manager on probation and rules that have been violated. It will clearly state the terms of the
19 probation, including the length of the probationary period, the remedial action required and
20 the consequences of failure to take remedial action. A statement will be included which
21 indicates it has been read and understood by the licensed manager, followed by a space for
22 the licensed manager's and business consultant's signature, and the date. This
23 acknowledgement does not imply that the licensed manager agrees with the issues
24 identified, but rather, that he/she understands the terms of his/her probation. Refusal to sign
25 does not invalidate the letter.

26 (d) **Probationary periods.** Probationary periods are usually 30 to 90 days, at the discretion
27 of the BEP Operations Coordinator, but may be longer or shorter as circumstances warrant.
28 The exact period of probation will be specified in the probationary letter.

29 (e) **Consequences.** The Licensed Manager or the business consultant may submit a
30 request to the BEP Operations Coordinator that the licensed manager be taken off probation
31 whenever the licensed manager's performance improves to a satisfactory level. If remedial
32 action does not result in improved performance within the time specified, the BEP
33 Operations Coordinator, will notify the ECM Chair, and may recommend that:

34 (1) the SLA Director transfer the licensed manager to a more suitable business
35 enterprise;

36 (2) the probationary period be extended; and/or

37 (3) the SLA Director terminate the Managers Agreement and suspend/terminate the
38 licensed manager's BEP license.

1 **612:25-6-3. Grounds for suspension or termination of a license [AMENDED]**

2 (a) A BEP license may be suspended or terminated for the reasons set forth in (1) through
3 ~~(4)~~15 of this Subsection.

4 (1) Failure to open the assigned business enterprise as stated in the permit/contract
5 with the grantor agency, without prior proper approval from the SLA (abandonment of
6 business enterprise).

7 (2) Defrauding any agency of the government (including the SLA) or any purveyor or
8 failure to pay monies due including taxes, fees, or assessments to any governmental
9 entity or purveyor.

10 (3) Failure to file required monthly reports with the SLA or failure to comply/cooperate
11 with audits conducted by the SLA or other State or Federal agencies.

12 (4) Failure to maintain the required insurance coverage.

13 (5) The business enterprise is not being operated in accordance with the rules and
14 regulations, terms and conditions of the permit with the grantor agency, or the terms and
15 conditions of the business enterprise manager's agreement.

16 (6) Intentional abuse, neglect, unauthorized use or removal of the business enterprise
17 equipment; or failure to properly maintain the equipment in a clean and operating
18 manner within the scope of the licensed manager's level of maintenance authorization.

19 (7) Substance abuse (alcoholic beverages, illegal drugs, etc.) while operating the
20 business enterprise; or other substance abuse that interferes with the operation of a
21 business enterprise.

22 (8) Operation of a business enterprise in such a way that the SLA's interest in retaining
23 the contract for the location is obviously endangered.

24 (9) Failure to comply with all Federal and State laws prohibiting discrimination and
25 failure to provide services without regard to race, gender, color, national origin, religion,
26 age, political affiliation, or disability.

27 (10) Determination by the SLA that the licensed manager no longer has the necessary
28 skills and abilities for effectively managing a business enterprise.

29 (11) Use of the business enterprise to conduct unlawful activities.

30 (12) Failure to personally operate and manage the business enterprise in accordance
31 with the manager's agreement. Management means the personal supervision of the
32 day-to-day operation of the assigned BEP facility by the assigned manager.

33 ~~(13) Does not actively work as a licensed manager or licensed employee in the~~
34 ~~Business Enterprise Program for 2 years~~ Use of a third-party vendor to operate the
35 assigned business enterprise facility.

36 (14) Operating a motor vehicle. Under federal law, only individuals who meet the legal
37 definition of blindness may be licensed to participate in the vending facility program
38 under the Randolph-Sheppard Act [20 USC 107a(b) and 107e(1)]. Under Oklahoma

39 driver licensing rules established by the Oklahoma Department of Public Safety,
40 individuals who are blind are not eligible to be licensed to operate motor vehicles.

41
42 (15) Intentionally representing one's self as an agent of the SLA or as an SLA official.
43 The licensed manager is not allowed to negotiate or act on behalf of the SLA.

44 (b) When the BEP Operations Coordinator determines that a BEP license should be
45 suspended or terminated, the BEP Operations Coordinator will notify the ECM Chair and
46 shall make a written recommendation to the Division Administrator. The Division
47 Administrator shall then recommend to the SLA Director for action. The licensed manager
48 shall be notified in writing his or her preferred format if action is to be taken. The BEP
49 license may only be suspended or terminated after affording the licensed manager an
50 opportunity for a full evidentiary hearing in accordance with BEP Rule 612:25-4-73. The
51 licensed manager may be immediately removed from the operation pursuant to BEP Rule
52 612:25-6-1(c) pending the outcome of the evidentiary hearing.

1 **612:25-6-4. Use of service animals [AMENDED]**

2 Service Animal and/or Guide Dog Teams will comply with all regulatory Laws and
3 Ordinances that govern the use of a Service Animal and/or Guide Dog.

4 ~~(a) A licensed manager, licensed employee, or trainee may house a service animal in~~
5 ~~designated areas other than food preparation and food serving areas. Each business~~
6 ~~enterprise will be surveyed and a service animal area designated as needed.~~

7 ~~(b) The service animal will be kept in a suitable kennel provided by SLA and screened from~~
8 ~~customers' view to provide maximum security for the service animal.~~

9 ~~(c) It is the service animal owner's responsibility to keep the service animal, kennel and~~
10 ~~kennel area neat, clean and odor free at all times.~~

11 ~~(d) After leaving the kennel area, any licensed manager, licensed employee or trainee must~~
12 ~~immediately wash his/her hands before returning to work.~~

13 ~~(e) This Section will not in any way prohibit customers with service animals from access to~~
14 ~~business enterprises.~~

1 **612:25-6-5. Motor vehicle operation [REVOKED]**

2 ~~No individual who obtains or possesses a valid driver's license or who lawfully or~~
3 ~~unlawfully operates a motor vehicle on any public street or highway shall be eligible to~~
4 ~~participate in the Business Enterprise Program as a licensed manager, licensed employee~~
5 ~~or trainee. If it is determined that a licensed manager, licensed employee or trainee of a~~
6 ~~business enterprise has violated this provision, his/her licensed manager's agreement~~
7 ~~and/or BEP license will be subject to suspension or termination.~~

PART 3. BUSINESS ENTERPRISES

1 **612:25-6-15. Setting aside of funds [AMENDED]**

2 (a) Set-aside charges paid by the licensed manager will be placed in a revolving account
3 maintained by the SLA. Set-aside charges will be re-evaluated yearly by the SLA, and the
4 Elected Committee of Licensed Managers and RSA. Adjustments will be made accordingly in
5 the appropriate classification, with allowances for reasonable charges for improving
6 services, fluctuation of costs, and for program expansion.

7 (b) Funds will be set aside only for the purpose of:

8 (1) maintenance and replacement of equipment;

9 (2) the purchase of new equipment;

10 (3) management services;

11 (4) assuring a fair minimum of return to licensed managers; or

12 (5) the establishment and maintenance of retirement or pension funds and health
13 insurance contributions.

14 (c) The licensed manager's set-aside charges will be on a sliding scale of 0% to not more
15 than 12% of the net proceeds of the business enterprise during any one month. The sliding
16 scale will be in four classifications: Class A, B, C, and D (based on prior year's
17 performance).

18 (1) Class A - 12% of net proceeds, \$60,000 and above.

19 (2) Class B - 10% of net proceeds, \$25,000 to \$59,999.

20 (3) Class C - 6% of net proceeds, \$10,000 to \$24,999.

21 (4) Class D - 0% of net proceeds, \$9,999 and below.

22 (d) A licensed manager will submit his/her set-aside payment to the BEP office on or before
23 the 25th of the current calendar month. If the 25th falls on a weekend, the payment is due in
24 the BEP office no later than the close of business on the last business day prior to the 25th.
25 Set-aside payments may be mailed to the BEP office. To be considered on time, they must
26 be postmarked by the 21st of the month for regular mail or the 22nd for overnight mail. If
27 these dates fall on a day where the post office is closed, they must be postmarked the day
28 before. If the set-aside payment is late the SLA shall notify the manager by phone on the
29 next business day following the due date. If the accurate set-aside payment is not received
30 in the BEP office ~~within five calendar days after~~ by the due date, the licensed manager will
31 be placed on probation and assessed a \$50 late charge. If the licensed manager's overdue
32 set aside payment is not received in the BEP office ~~within five calendar days after~~ by
33 the due date in the succeeding month (i.e. is over one month ~~and five calendar days~~ late), the
34 manager is assessed another \$50 late fee. If the first and second payments are not received
35 by the time the third report is due, the licensed manager's agreement will be cancelled and
36 the BEP licenses will be suspended, unless an alternate payment schedule has been
37 approved in advance by the SLA. Failure to pay monthly set-aside in a timely manner three
38 or more times within any twelve month period will result in formal disciplinary action.

39 (e) If a business enterprise should show a marked change in net proceeds, a request for
40 reclassification may be made by the licensed manager or the SLA after 90 days. Each
41 licensed manager will be notified of changes in set-aside charges, and the new percentage

42 of net proceeds will be ~~effective at the beginning of the first business month~~ due at the time
43 of the next monthly report due date, following the mailing of notice to the licensed manager.
44 The licensed manager will start paying the higher or lower percentage of set-aside with the
45 ~~second~~ next report due following notification.

46 (f) All new business enterprises will be placed in class C for 90 days, at which time the SLA
47 will review the business enterprise for reclassification and notify the licensed manager of
48 changes in set-aside charges and the new percentage of net proceeds shall be effective at
49 the beginning of the first business month following the mailing of notice to the licensed
50 manager.

1 **612:25-6-16. Criteria to establish a business enterprise [AMENDED]**

2 A decision to establish a business enterprise will be made by the State Licensing
3 Agency (SLA) in consultation with the ECM board through consultation with ECM chair
4 person based on the Business Enterprise Program (BEP) calculation of potential
5 business profitability, estimated installation costs, available SLA resources and the
6 BEP's recommendation. Information used for calculation of business profitability will be
7 obtained by BEP staff using a site survey that will include:

- 8 (1) building population;
- 9 (2) number of visitors;
- 10 (3) competition in the immediate area;
- 11 (4) building security;
- 12 (5) average salary of prospective customers;
- 13 (6) estimated installation cost to provide required services;
- 14 (7) stability of number of prospective customers;
- 15 (8) longevity of potential facility;
- 16 (9) geographic location; and
- 17 (10) additional information as determined necessary.

1 **612:25-6-18. Establishing new licensed managers in business enterprises**
2 **[AMENDED]**

3 Business Enterprise Program (BEP) staff will provide consultation and assistance to
4 accomplish installation of licensed managers in business enterprises. Steps in the
5 installation process will include the following:

6 (1) BEP staff will orient the new licensed manager to the business enterprise as
7 needed.

8 (2) An inventory of the outgoing ~~manager's~~ Licensed Manager's merchandise that will
9 be ~~transferred to~~ acquired by the incoming ~~manager~~ Licensed Manager will be
10 performed by the outgoing and incoming licensed managers with ~~assistance~~ oversight
11 ~~from~~ by the BEP. The outgoing licensed manager or designee, incoming licensed
12 manager or designee, and a representative from the BEP must be present when
13 merchandise is counted. The outgoing Licensed Manager must provide a merchandise
14 price list to the BEP and incoming Licensed Manager or their designee (7) seven days
15 before the day the merchandise is counted. The completed merchandise inventory is
16 signed by both outgoing and incoming licensed managers, accepting the count of
17 merchandise. All items not being ~~transferred to~~ acquired by the incoming Licensed
18 Manager ~~manager~~ must be removed from the facility prior to the incoming Licensed
19 Manager ~~manager~~ taking responsibility for the facility. The outgoing licensed manager
20 or their designee and the incoming licensed manager or their designee is responsible
21 for removing and counting all currency prior to the date of the merchandise inventory
22 count. The BEP Operations Coordinator shall develop and implement equipment and
23 merchandise inventory procedures. These procedures will be read by the business
24 consultant to the outgoing and incoming managers prior to the actual physical inventory
25 to ensure that both the outgoing and incoming managers understand these procedures.

26 (3) The BEP will assist the incoming licensed manager in procuring initial merchandise
27 for sale and will arrange for the licensed manager to obtain a merchandise loan as
28 necessary and in accordance with agency policy.

29 (4) An equipment inventory is completed and the incoming licensed manager signs the
30 inventory sheet and assumes responsibility for the equipment.

31 (5) The BEP will assist the incoming licensed manager in filling out any insurance or
32 retirement enrollment or change forms as necessary.

33 (6) The BEP will verify that workers compensation and liability insurance on the
34 business enterprise are in effect. The business enterprise will not be opened by the
35 new licensed manager until this is verified.

36 (7) The BEP will provide the incoming licensed manager with a copy of the
37 permit/contract in effect for the business enterprise.

38 (8) The BEP will provide the incoming licensed manager with a supply of the forms
39 required by the SLA relative to the business enterprise operation.

40 (9) The incoming licensed manager must read and sign a licensed manager's
41 agreement before assuming the operation of any business enterprise. If needed, BEP
42 staff will read the agreement to the manager and/or provide the agreement in the
43 accessible format required by the manager.

1 **612:25-6-19. Employees of the licensed manager [AMENDED]**

2 (a) The BEP has no direct responsibility over the employees of licensed managers. If a
3 complaint is filed by a customer or grantor against an employee of a licensed manager, or
4 an employee-related problem is brought to the attention of BEP staff, the business
5 consultant will bring the complaint/problem to the attention of the licensed manager. A
6 business consultant may make suggestions as to the action that needs to be taken, however
7 the responsibility lies with the licensed manager as to disciplinary action toward the
8 business enterprise employee.

9 (b) In the event the grantor requests an employee of a licensed manager be
10 terminated/suspended, the information will be presented to the licensed manager
11 immediately by personal contact or phone call followed by written memorandum indicating
12 the reason for the requested suspension or termination.

13 (c) The business consultant will immediately notify the SLA state office by memorandum for
14 insurance and retirement purposes when a licensee/~~licensed employee~~ starts to work for
15 another licensed manager or quits.

16 (d) Licensed managers are to take affirmative action to employ and advance qualified
17 individuals with disabilities in accordance with applicable federal and state laws.

18 (e) Volunteer labor is permitted in a business enterprise; however the volunteer must be
19 covered by insurance in the event of injury. This insurance coverage will be documented in
20 the SLA state office prior to the individual's actual work in a business enterprise.

1 **612:25-6-20. Closing a business enterprise [AMENDED]**

2 (a) A business enterprise may be closed immediately by the SLA, the grantor, any
3 government agency or the licensed manager when an emergency situation occurs such as:
4 a life threatening situation, health or safety hazard exists. Notice of the closing should be
5 made as soon as possible to the SLA and the grantor.

6 (b) The business enterprise will also be closed immediately for failure to have proper
7 insurance verification for liability and workers' compensation insurance.

8 (c) The business enterprise may be closed for short periods of time with prior written
9 approval from the SLA and the grantor.

10 (d) The SLA's policy is to operate business enterprises that have the potential to produce
11 net profit returns for licensed managers which will enable them to live self sufficiently and
12 with dignity within their communities. Additional consideration is given to the amount of
13 return on investment as related to expenditures for capital outlay, management services
14 overhead, and other expenses of operation. Anytime a licensed manager vacates a
15 business enterprise, the business consultant will re-evaluate the business enterprise if it
16 generates revenue below the program net profit objective. A business enterprise that lacks
17 the potential to meet the SLA's net profit objective will be ~~closed~~ issued a temporary
18 variance or added to another location.

1 **612:25-6-22. Monthly reports [AMENDED]**

2 (a) **Content and when due.** Licensed managers must submit monthly business enterprise
3 financial reports to the SLA. Reports will contain data on gross sales, merchandise
4 purchases, payroll expense, business expense and other information determined necessary
5 to reflect business financial status and calculate licensed manager set-aside, retirement
6 and/or merchandise loan payments. The monthly reports shall be for ~~one of the two~~ the
7 following time periods ~~period:~~ 1) the sixteenth (16th) day of the previous calendar month to
8 the fifteenth (15th) day of the current calendar month; ~~or 2) the twenty-first (21st) day of the~~
9 ~~previous calendar month to the twentieth (20th) day of the current calendar month.~~ The
10 licensed manager may choose either period, but must notify the business consultant which
11 option is chosen by September 30th of each year. ~~The licensed manager shall use the~~
12 ~~same option throughout the federal fiscal year.~~ Monthly reports and payments due, if
13 required, are due in the BEP office on or before the 25th of the current calendar month. If
14 the 25th falls on a weekend, the monthly report is due in the BEP office no later than the
15 close of business on the last business day prior to the 25th. Monthly reports may be mailed
16 to the BEP office. To be considered on time, they must be postmarked by the 21st of the
17 month for regular mail or the 22nd for overnight mail. If these dates fall on a day where the
18 post office is closed, they must be postmarked the day before. The BEP shall notify the
19 manager ~~by phone~~ on the first business day following the 25th if the report is not received.
20 The BEP will review each monthly report for mathematical errors, correct loan payment,
21 correct set-aside payment, approved business expenses, and other factors that will affect
22 the accuracy of the report. The business consultant will sign the report indicating that the
23 report is correct, correct payments are attached (if required), and all items in question have
24 been discussed with the licensed manager.

25 (b) **Failure to file in a timely manner.** If the accurate monthly report and correct payment
26 due, if applicable, is ~~are~~ not received in the BEP office ~~within five days after~~ by the due date,
27 the licensed manager will be placed on probation. If the 1st and second reports are not
28 received by the time the 3rd report is due, the licensed manager's agreement will be
29 canceled and the BEP licenses will be suspended. Failure to file monthly reports in a timely
30 manner three or more times within any twelve month period will result in formal disciplinary
31 action.

32 (c) **Fee for reports.** The Agency maintains records for its use and may charge a
33 reasonable fee to supply copies of records to individuals. The agency will supply copies of
34 lost reports or other documents at 25 cents per page.

35 (d) **Timely submission.** Receipt of an accurate monthly report and correct payment, if
36 applicable, on or before the due date in the BEP office.

37 (e) **Returned Checks.** An insufficient fund check will be assessed a \$50.00 fee.

PART 5. THE ELECTED COMMITTEE OF LICENSED MANAGERS

1 **612:25-6-32. The Elected Committee of Licensed Managers [AMENDED]**

2 (a) Authority for Establishing an Elected Committee of Licensed Managers (ECM) is
3 found in Section 107-B1 of Chapter 6A of Title 20 U.S., commonly referred to as the
4 Randolph-Sheppard Act.

5 (b) Paragraphs (1) and (2) of this Subsection provide guidance in approaching the
6 degree of participation by the ECM.

7 (1) Active participation means a process of good faith negotiations involving the
8 ECM and the SLA. The Committee must be given the opportunity to have
9 meaningful input into the decision-making process in the formulation of program
10 policies which affect licensed managers.

11 (2) The SLA is charged with the ultimate responsibility for the administration and
12 operation of all aspects of the Business Enterprise Program.

13 (c) Functions of the Elected Committee of Licensed Managers include:

14 (1) Actively participate with the SLA in the major administrative, policy, and
15 program development decisions affecting the overall administration of the Business
16 Enterprise Program.

17 (2) To receive and transmit to the SLA grievances at the request of licensed
18 managers and serve as advocates for such managers in connection with such
19 grievances.

20 (3) To actively participate with the SLA in the development and administration of a
21 State system for the transfer and promotion of licensed managers.

22 (4) To participate with the SLA in developing training and retraining programs for
23 licensed managers.

24 (5) To sponsor, with the assistance of the SLA, meeting and instructional
25 conferences for licensed managers.

26 (6) To participate in setting out the method of determining the charge for each of
27 the purposes listed in (A) through (D) of this Paragraph.

28 (A) Maintenance and replacement of equipment;

29 (B) The purchase of new equipment;

30 (C) Management services;

31 ~~(D) The establishment and maintenance of retirement or pension funds, health~~
32 ~~insurance contributions, if it is so determined by a majority vote of licensed~~
33 ~~managers, after the SLA provides to each licensed manager information on all~~
34 ~~matters relevant to such proposed purposes. [34 CFR 395.9(b) and (c)] Assuring~~
35 ~~a fair minimum of return to vendors;~~

36 (E) The establishment and maintenance of retirement or pension funds, health
37 insurance contributions, if it is so determined by a majority vote of licensed

38 managers, after the SLA provides to each licensed manager information on all
39 matters relevant to such proposed purposes. [34 CFR 395.9(b) and (c)]

40 (d) The ECM will be composed of licensed ~~managers~~ blind vendors ~~and licensed~~
41 ~~employees~~. There will be an executive committee with their duties and terms of office
42 specified in the bylaws of the ECM.

43 (e) The SLA shall provide for the election of an Elected Committee of Licensed
44 Managers which shall be fully representative of all licensed managers in the BEP. [34
45 CFR 395.14]

1 **612:25-6-33. Organization and operation of the Elected Committee of Licensed**
2 **Managers [AMENDED]**

3 (a) **Organization.** The ECM will be organized in accordance with its bylaws.

4 (b) **Nominations and elections.** The procedures set forth in (1) through (3) of this
5 Subsection shall be used to nominate and elect members of the committee.

6 (1) The Chairperson of the Committee of Licensed Managers presides over the
7 election of Committee members.

8 (2) The SLA presents a list of eligible voters and candidates. The Chairperson will
9 call for nominations from the floor for ECM members. Nominees must give consent
10 to be nominated.

11 (3) The SLA or designee and the ECM or designee are responsible for the
12 collection and tallying of votes.

13 (c) **Operation.** The Elected Committee of Licensed Managers shall operate according
14 to (1) through (3) of this Subsection.

15 (1) The Elected Committee of Licensed Managers will convene at least once each
16 year at the licensed manager's training conference, the time and place of joint
17 meetings to be scheduled by SLA staff and the Elected Committee of Licensed
18 Managers. Requests for meetings by the ECM committee will be made in writing to
19 the SLA for prior approval of financial assistance.

20 (2) The ECM members will be notified of matters within its purview that are being
21 considered for decision. The ECM committee members will have the opportunity to
22 initiate subjects for consideration by it and the SLA. Recommendations by the ECM
23 members will be in writing and given serious consideration by the SLA.

24 (3) The SLA has the ultimate responsibility for the administration of the Business
25 Enterprise Program. If the SLA does not adopt the views and positions of the
26 Elected Committee of Licensed Managers it will notify the ECM Committee in writing
27 of the decision reached or the action taken and the reasons therefore.

28 (d) **Materials.** The SLA will supply the necessary materials for the function of the
29 Elected Committee of Licensed Managers upon written request to the SLA.

30 ~~(e) **Travel Expenses.** ECM members on committee business will be reimbursed for~~
31 ~~travel expenses at the same rates and conditions as state employees.~~

**Department of Rehabilitation Services
Summary of Proposed Administrative Rule Revisions
2021-2022 Rule Cycle**

Chapter 1 Administrative Operations

612:1-15-3. Petitions for rule changes and declaratory rulings [AMENDED] Section (b) revised to comply with 75 O.S. 305. Language revised to include the Department will provide a written response within 30 days of a submitted petition. The Department will either initiate rulemaking proceedings or the Director will provide a written response to why proceedings were not initiated.

**Chapter 10. Vocational Rehabilitation and Services for the
Blind and Visually Impaired**

612:10-1-2. Definitions. [AMENDED] Added definition for Credential Attainment, Measurable Skill Gains (MSG), and Support Service Providers. Removal of definition Independent Living (IL) Core Services, Independent Living Services, and Job Club.

612:10-3-3. Participation of individuals in cost of services based on financial need [AMENDED] Section (c) (6) revised language clarifying the counselor will have adequate documentation to verify the client's financial resources to demonstrate self-sufficiency.

612:10-7-22.1. Processing referrals and applications. [AMENDED] Removal of term "Extended Evaluation". Revised term "VR Professional" with "Qualified Vocational Rehabilitation Counselor (QVRC)".

612:10-7-24.2. Assessment for determining eligibility. [AMENDED] Removal of term "Extended Evaluation". Revised term "VR Professional" with "Qualified Vocational Rehabilitation Counselor (QVRC)".

612:10-7-51. Individualized Plan for Employment [AMENDED] Section (a) (1) (iv) Added Diabetes language. Remove "policy" language, replace with "rules".

612:10-7-57 Services interrupted, Service-I [NEW] This new rule explains the procedure for temporary interruption in services that could occur if the consumer is unable to participate in the IPE.

612:10-7-58. Closed Rehabilitated [AMENDED] Section (f) revised closure decision timeline of "within 30 days" to "at the end of the required 90 days".

612:10-7-62. Post-Employment services [AMENDED] Removal of sections (e) "Use of Post-Employment services completed" and (g) "Case recording requirements".

612:10-7-98. General guidelines for physical and mental restoration services [AMENDED] Section (f) (18) term "speech therapists" replaced with "speech-language pathologists (SLP)".

612:10-7-130. Maintenance [AMENDED] Section (b) (3) added language that DRS will only sponsor hotel costs associated with certain trainings if the total cost of the hotel stay and per diem is less than the total cost of transportation to and from the hotel

612:10-7-142. General guidelines for training services. [AMENDED] Rule will be returned to previously used language prior to recent 2020 revision.

612:10-7-150. Continued eligibility for college or university training [AMENDED] Added Section (g) changes in training program.

612:10-7-164. Personal and work adjustment training [AMENDED] Updated training language.

612:10-7-171. Credential Attainment and Measurable Skill Gains for Post-Secondary Training Programs [NEW] This new rule explains Recognized Postsecondary Credentials, Credential Attainment: Under the WIOA, documented training progress, reporting credential attainment and Measurable Skill Gains.

612:10-7-196. Interpreter services [AMENDED] Removed section (b) Deaf-Blindness Specialist and (c) Case Recording.

612:10-7-205. Services to persons who are deaf-blind [AMENDED] Added section (c) Support Service Providers.

612:10-7-216. Tools, occupational equipment, initial stocks and supplies [AMENDED] Removed section (f) regarding occupational licenses.

612:10-7-220. Vehicle modification services [AMENDED] Revised section (b) (4) for AT Specialist recommendations for individual and vehicle needs. At the time of purchasing the recommended devices the report must not be older than six months. Replaced "DCAM" with "OMES". Revised (d) (4) regarding full vehicle coverage to include special equipment and other vehicle . Revised (d) (9) that DRS will not provide comprehensive structural modification for any type of vehicle. Revised (d) (10) to include vehicle modification equipment considered "transferable" by design. These modifications are categorizing as non-structural modifications. (d) (11) and (d) (12) are new sections added to allow for inspection of vehicle modifications.

612:10-7-221. Housing Modification [AMENDED] Replaced "DCAM" with "OMES" and "consumer" with "client". Added language that DRS will not provide permanent modification to rental properties but may assist with portable/removable modifications.

612:10-7-230. Self-employment programs [AMENDED] Replaced "consumer" with "client". Added sections (b) - (p).

612:10-7-230.2. Self-Employment Guidelines [REVOKED]

612:10-7-230.3. Self-Employment/Business Plans [REVOKED]

612:10-7-230.4. Agency financial contribution to self-employment/purchasing [REVOKED]

612:10-7-230.5. DRS Monitoring [REVOKED]

612:10-7-245. Definitions [AMENDED] Removed “Extended Evaluation” language from “Trial Work”.

612:10-7-249. Reporting Credential Attainment and Skill Gains for High School Transition Students [NEW] Added new rule to reflect WIOA.

612:10-9-34.3. Other adaptive skills [REVOKED]

612:10-13-22. Grievance procedures [AMENDED] Revised antiquated language for grievance procedures.

612:10-13-23. Formal hearing [AMENDED] Revised antiquated language for formal hearing procedures.

Chapter 25. Business Enterprise Program

612:25-2-5. Definitions [AMENDED] Revisions add the following definitions: Extenuating Circumstances, Gross Sales, Management, Merchandise Loan, Satellite Manager, Satellite Performance Evaluation, Teaming Partner Agreement, Temporary Variance, Third Party Vendor and Timely submission. Removal of the following definitions: Permanent BEP License, Probationary BEP License, Probationary Licensee. Updated language on the following definitions: Emergency

612:25-2-7. State and Federal Assurances Policy of non-discrimination [AMENDED] Revised statute language.

612:25-2-8. Accessibility of written materials [AMENDED] Removed antiquated language.

612:25-4-1. Organization of the State Licensing Agency [AMENDED] Revised “Visual Services” to read “Services for the Blind and Visually Impaired.”

612:25-4-14. Training for new or potential licensed managers [AMENDED] The proposed rule added language to include a background check for Oklahoma sales tax regarding BEP applicants. Added section (k) Licensed Manager Benefits. Removal of antiquated language.

612:25-4-25 Management of BEP equipment and fixtures [AMENDED] The proposed rule revisions adds language criteria to establish a business enterprise.

612:25-4-27 Initial inventory and supplies [AMENDED] The proposed changes includes guidelines for a merchandise loan, establishing timeframe for repayment,

outstanding merchandise loans, approval of BEP Operations Coordinator for satellite facilities and existing managers, purchasing outgoing manager's inventory. Added sections (f) and (g).

612:25-4-53 Assignment and transfer [AMENDED] Proposed change adds language to clarify the transfer policy regarding the competitive selection process.

612:25-4-55 Qualifications [AMENDED] The proposed revision clarifies language regarding eligibility to obtain an Oklahoma Tax Permit. Revised section (f) to include good standing with the Oklahoma Tax Commission for assigned, transferred or satellite business enterprises.

612:25-4-57 Applicant Selection Committee [AMENDED] Removal of antiquated language.

612:25-4-58 Annual and Performance Evaluations [AMENDED] Proposed rule revision adds language merchandise loan payments.

612:25-4-59 Interview, Selection Process and Scoring [AMENDED] Rule revision replaces language for manager to "Licensed Manager".

612:25-4-61 Satellite business enterprise locations [AMENDED]. Proposed change adds language for a new business enterprise vacated by the existing private vendor and requests for immediate service that do not allow time for the normal selection process. Added Guidelines for current licensed managers regarding scores, monthly reports and payments, and current standing with the OTC.

612:25-4-73. Due process [AMENDED]
Revised adding " preferred accessible format" language.

612:25-4-75. Arbitration of complaints after the evidentiary hearing [AMENDED]
Added language for notification of arbitration decision published in the Federal Register and on the RSA website.

612:25-4-76. Arbitration of SLA complaints against federal agencies [AMENDED]
Added language for notification of arbitration decision published in the Federal Register and on the RSA website.

612:25-6-1 Licensing requirements for managing a business enterprise [AMENDED] Added section (e) Continuation of Benefits and updated language.

612:25-6-2 Standards for licensed managers [AMENDED] Updated language.

612:25-6-2.1 Probation [AMENDED] Added language for information to be provided in persons preferred format.

612:25-6-3 Grounds for suspension or termination of a license [AMENDED]

Revised (a) (13) to use a third-party vendor to operate the assigned business enterprise facility. Added section (14) operating a motor vehicle and (15) representing one's self as an agent under (a). Added language to provide information in individuals preferred format.

612:25-6-4. Use of service animals [AMENDED] Removed antiquated language.

612:25-6-5. Motor vehicle operation [REVOKED]

612:25-6-15. Setting aside of funds [AMENDED] Updated language.

612:25-6-16. Criteria to establish a business enterprise [AMENDED] Updated language.

612:25-6-18 Establishing new licensed managers in business enterprises [AMENDED] Added procedures for outgoing licensed managers.

612:25-6-19 Employees of the licensed manager [AMENDED] Removed "licensed employee" language.

612:25-6-20 Closing a business enterprise [AMENDED] Revised language.

612:25-6-22 Monthly reports [AMENDED] Removed antiquated language. Added language for submission times and returned checks. Added section (d) and (e).

612:25-6-32 The Elected Committee of Licensed Managers [AMENDED] Under (c) added (E).

612:25-6-33 Organization and operation of the Elected Committee of Licensed Managers [AMENDED] Removed section (e).



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION

November 15, 2021

Tracy Brigham, LPC
Division Administrator
Services for the Blind and Visually Impaired
Oklahoma Department of Rehabilitation Services
3325 N. Lincoln
Oklahoma City, OK 73105

Re: Request for approval of revised rules and regulations for the Oklahoma Department of Rehabilitation Services, Services for the Blind and Visually Impaired

Dear Ms. Brigham:

The Rehabilitation Services Administration (RSA) has received your request, on behalf of the Oklahoma Department of Rehabilitation Services, Services for the Blind and Visually Impaired, the State licensing agency under the Randolph-Sheppard Act, to revise its rules for the Oklahoma Randolph-Sheppard Vending Facility Program.

RSA has reviewed the revised rules and regulations and has determined that they are in compliance with the Randolph-Sheppard Act (20 U.S.C. § 107 et seq.) and implementing regulations at 34 C.F.R. part 395. We approve of Oklahoma's rules as submitted. It is noted that the Elected Committee of Blind Vendors actively participated in formulating these revised rules and regulations and approved the change. Vendors in the Randolph-Sheppard Vending Facility Program should be provided copies of the new revised rules in an accessible format.

Thank you for your cooperation. If we can be of further assistance, contact Christine Grassman, Program Specialist, at (202) 245-6973 or christine.grassman@ed.gov.

Sincerely,

Carol L. Dobak
Acting Deputy Commissioner,
delegated the authority to perform the
functions and duties of the Commissioner

COMMISSION MINUTES

**Oklahoma Commission for Rehabilitation Services
Department of Rehabilitation Services
In-Person and Videoconferencing
Commission Minutes
December 13, 2021**

Theresa Flannery, Commission Chair
Jace Wolfe, Commission Vice-chair
Wes Hilliard, Commission Member

Sign Language Interpreters are provided for public accessibility

PRESENT

Jace Wolfe, Commission Vice-chair
Wes Hilliard, Commission Member

CALL TO ORDER AND ROLL CALL

The meeting was called to order at 10:30 a.m. by Commissioner Wolfe. Commissioner Flannery was not in attendance. Two of three Commissioners were in attendance; therefore, we had a quorum.

STATEMENT OF COMPLIANCE

The Commission Assistant confirmed the Commission for Rehabilitation Services follows the Open Meetings Act.

PUBLIC COMMENTS

None

REPORTS

LONGEVITY CERTIFICATES

Commissioner Wolfe presented two Longevity Certificates.

The first longevity certificate was presented to **Tracy Beaver, Programs Manager (PM), for 25 years** of service. Tracy was not with us in person but on ZOOM. Tracy's 25-year certificate and pin were given to her by Chris Kennedy. Tracy was a DRS client and received assistance with the cost of training for her BA in Rehabilitation Counseling. She completed an internship at Visual Services (now SBVI) in Ada with Teresa McDermott being her internship supervisor. The undergrad internship led to a long career with DRS. Susan Hawkins encouraged Tracy to enroll in graduate school and she was the first Carl Albert Executive Fellow at East Central University. Tracy has worked in VS and VR as a counselor, a Program Field Representative in the Innovations Unit, and has been a PM for over 12 years total.

The second longevity certificate was presented to **Karla Coburn, VR Specialist, for 25 years** of service. Karla was with us today. Karla started out as a temp Typist Clerk II at DDD (Now DDS). She became permanent as a Typist Clerk II, then moved to a Secretary position at the Oklahoma Library for the Blind and Physically Handicapped, then worked for Visual Services as a Rehab Technician II and III, while working on her master's degree in Rehabilitation Counseling. Karla became a VR Specialist Level I in

2004 and has worked her way to a VR Specialist Level IV in 2010 and has continued to work as a VR Specialist Level IV to this day. Karla enjoys the job and enjoys helping her client's gain suitable employment. Commissioner Wolfe presented Karla with her 25-year Longevity Certificate and Pin.

CERTIFICATE OF APPRECIATION

Commissioner Wolfe recognized Executive Director Fruendt who presented a Certificates of Appreciation to three individuals.

The first Certificate of Appreciation was presented to **Susan Smith** who was on ZOOM. She was recommended by Jonathan Woodward. Susan is with the DRS Purchasing Unit. Susan consistently goes above and beyond her job duties in assisting staff. She works beyond normal business hours and even makes herself available on weekends or holidays when the need arises. She makes customer service a priority and communicates well with field staff and DRS vendor partners.

The next Certificate of Appreciation was presented to **Cynthia Williamson**, who was in person. She was recommended by me. Cynthia is a HR Management Specialist and serves as DRS Wellness Coordinator. She arranges for the Visiting Nurses Association to provide vaccines and booster vaccines to our state office staff and set up extra clinics as requested by staff. Cynthia recognizes the value of extraordinary customer services and excels in handling customer inquiries.

The last Certificate of Appreciation was presented to **Melvin Carr** who was on ZOOM. Melvin works at DDS and is a Disability Examiner. Throughout his career Melvin has consistently met or exceeded the expectations of his position, always seeking out additional responsibilities to serve the public and his peers. He is President of the local chapter of the National Association of Disability Examiners. Melvin has proactively developed and implemented training initiatives that strengthens program knowledge of DDS staff. He has been instrumental in the establishment of a diversity equity and inclusion Council within DDS. Besides his daily frontline case work, he is committed to service of others and he is deserving of this recognition for the positive impact he has on the public and those with whom he serves.

Commissioner Wolfe commended each of the recipients for the impact that have on their colleagues and the support they provide for individuals with disabilities.

2021 OKLAHOMA COMMISSION FOR REHABILITATION SERVICES AWARD

Commissioner Wolfe presented the 2021 Oklahoma Commission for Rehabilitation Services Award to two outstanding individuals. The award is an employee performance program which recognizes outstanding job performance and productivity with the Oklahoma Department of Rehabilitation Services. Commissioner Wolfe said there were thirty-two (32) nominees, and he is sure Commissioner Hilliard can reinforce that it was a difficult process, and all nominees were worthy of being considered for this award. He further stated the Commissioners were to select only one, and it was such a difficult task they picked two. The award is an Oklahoma Flag that has been flown over the State Capitol.

The first recipient was **Leighann Cantrell**. Leighann is joining us by ZOOM. She is a Vocational Rehabilitation Counselor in the Weatherford office. She was nominated by Satyn Steffes and Courtney Roberts. Satyn and Courtney both agreed Leighann goes above and beyond for her clients, ensuring they are successful in the employment field. She is always helping her co-workers out and helping cover a vacant case load. You could not hope a better counselor, colleague, mentor, or friend. She really embodies everything DRS stands for. Commissioner Wolfe told Leighann her Award would be given at another Commission meeting or if she would like it would be taken to her. Leighann said none of this was possible without her team and unit. Commissioner Wolfe told Leighann he was glad she was able to be with us today and an honor to be able to recognize her excellence in the work she does as a Vocational Rehabilitation Counselor in Weatherford. Commissioner Hilliard congratulated her on her excellence in her work as a VR Counselor.

The second recipient was **Renee Sansom Briscoe**. Renee is here in person. She is the DRS Transition Coordinator. She was nominated by Stacey Dutton. Stacey said Renee deserves recognition for not only being an excellent Transition Coordinator for DRS, but also for her ability to create autonomy within DRS. She allows employees space and opportunity to thrive, and she sets clear goals with motivation for success. Additionally, she makes working for DRS enjoyable and enhancing creativity in the workplace with games and challenges. This has also led to increasing productivity and success in the field of transition for DRS. Renee continues to be a leader in the transition field and represents DRS well! Renee said she loves her job, and she has a passion for what she does and is very grateful for today's award. Commissioner Wolfe and Commissioner Hilliard congratulated Renee and thanked her for being a leader in DRS.

EXECUTIVE DIRECTOR'S AWARD

Commissioner Wolfe recognized Melinda Fruendt, Executive Director. Executive Director Fruendt also has two Director Awards to present. The award is an embossed paperweight.

Her first Executive Director's Award went to **April Story**, Human Resources Program Manager. April is joining us by ZOOM today. April has an exceptional amount of knowledge and experience in Human Resources which she willingly shares with employees under her supervision and others in her unit. She has garnered the reputation within the Agency as the go to person in HR. She is someone who can be counted on to know the answer to just about any question. April is very approachable and willingly takes on any assignment and invariably produces excellent results. She works late into the evening hours and on weekends to complete a project or task. She has a humble spirit and is a true example of a servant leader. She is an inspiring leader who develops other future HR leaders by her willingness to share her wealth of knowledge with others. April has strong listening skills, makes effective use of humor intense situations, and very trustworthy. She delivers consistent high performance. April was very humbled by accepting this award and said she could not do it without the HR team.

The second Executive Director's Award went to **Jama West**, Disability Determination Services Deputy of Operations. Jama is with us in person. Jama provides managerial

oversight of approximately 15 employees, as well as the medical examination, recruitment and scheduling unit, consisting of 10 employees. When the pandemic began, Jama efficiently and effectively transitioned the entire area of responsibility to a telework environment. In 2020 DDS hired 120 new employees all of which would be in Jama's area of responsibility. During the same time frame Social Security Administration required DDS to roll out a new case processing system. Jama has consistently gone above and beyond her duties and I would like to thank her for all she does. The former Director of DDS, Brian Nickles, said overall Jama is quick to build rapport with your co-workers and staff. She is always pleasant and has a cheerful disposition. Jama thanked everyone.

Commissioners Wolfe and Hilliard thanked the individuals recognized for their efforts on behalf of DRS.

EXECUTIVE DIRECTOR'S REPORT

Commissioner Wolfe recognized Melinda Fruendt, Executive Director. Executive Director Fruendt wanted to announce DDS Director Brian Nickles retirement as of January 1st. He was unable to attend this morning, yet she wanted to wish him well and acknowledge his professional leadership of DDS. Oklahoma's DDS was always in the top divisions nationally. Director Fruendt also recognize the new Director of DDS, Keith Tiller. Keith came to work for DDS in October 2001 as an examiner. He was tasked with the lead in transitioning DDS from paper to electronic processing. In January 2020 Brian appointed Keith as Deputy Division Administrator where he took on additional oversight of HR budget and finance and the lead of medical consultants.

Her report included the Executive Director's participation in meetings; and updates on Disability Determination Services; Process Improvement including Federal Reporting, AWARE, Case Review and Program Standards and Statistical Research. She wanted to acknowledge Rita Echelle for all the work she did for the open house for OSB's new gymnasium and safe room.

PRIORITY GROUP UPDATE

Commissioner Wolfe recognized Tracy Brigham, SBVI Director. She reported DRS released all the cases from all priority groups on the 8th. She reported, as of today, there were twenty-one (21) in Priority Group I, sixteen (16) in II and two (2) in III, for a total of thirty-nine (39).

FINANCIAL STATUS

Commissioner Wolfe recognized Kevin Statham. He reported the Financial Status Reports for FY 2021 and FY 2022 as of October 31, 2021.

PERSONNEL ACTIVITY

Commissioner Wolfe recognized Tom Patt, Human Resources Director who reported on the personnel activity report as of November 30, 2021. The activity report also has current FTE status.

VOCATIONAL REHABILITATION SERVICES

Commissioner Wolfe recognized Mark Kinnison, VR Division Administrator. His report included statistics on VR/SBVI from the 2021 Federal Production year; and updates on

hiring counselors, employment opportunities for clients, Transition Services, and Business Services Program.

STATE INDEPENDENT LIVING COUNCIL

Commissioner Wolfe recognized Sidna Madden. Her report included updates on the Oklahoma Centers for Independent Living, National Boards, Oklahoma City's Committee on Disability Concerns, and training provided by SILC.

OKLAHOMA SCHOOL FOR THE BLIND

Commissioner Wolfe recognized Rita Echelle. Her report included student activities; dedication of the OSB Gymnasium and Area of Refuge; and Superintendent's participation in meetings.

ACTION ITEMS

COMMISSION MEETING MINUTES

Commissioner Wolfe asked for a possible vote to approve the November 8, 2021 Commission for Rehabilitation Services regular Meeting Minutes.

Motion was made by Commissioner Hilliard and seconded by Commissioner Wolfe to approve the November 8, 2021 minutes. Both Commissioners voted in the affirmative. Motion passed.

OKLAHOMA LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED

Commissioner Wolfe recognized Kevin Treese, Program Manager, who reviewed their November 2021 OLBPH donation report, for possible vote for approval.

Motion was made by Commissioner Hilliard and seconded by Commissioner Wolfe to approve the November 2021 OLBPH donations. Both Commissioners voted in the affirmative. Motion passed.

OKLAHOMA SCHOOL FOR THE BLIND DONATIONS

Commissioner Wolfe recognized Rita Echelle, Superintendent of OSB, who reviewed their November 2021 OSB donation report for possible vote for approval.

Motion was made by Commissioner Hilliard and seconded by Commissioner Wolfe to approve the November 2021 OSB donations. Both Commissioners voted in the affirmative. Motion passed.

NEW BUSINESS

Commissioner Wolfe asked if there was any New Business. There was none.

ANNOUNCEMENTS

Commissioner Wolfe announced the date and location of next regular meeting of the Commission for Rehabilitation Services:

Monday, January 10, 2022 at 10:30 a.m.

3535 NW 58th Street

2nd Floor

Oklahoma City, OK 73112

PUBLIC COMMENTS

(Under Oklahoma Open Meeting Laws, the Oklahoma Commission for Rehabilitation Services cannot respond to or discuss any public comment not on today's agenda.)

At this time Rob Slaughterbeck asked to speak. He stated he was a vendor within the Business Enterprise Program. He stated that proper procedures were not followed in the election of blind vendors to the Elected Committee of Managers. He further stated the profitability analysis DRS uses for the facilities was grossly flawed. Commissioner Wolfe thanked him for bringing it to their attention. Because the matters raised by Mr. Slaughterbeck were not on the agenda, the Commissioners could not discuss or comment on his statements. Commissioner Wolfe thanked Mr. Slaughterbeck for his time.

ADJOURNMENT

Commissioner Wolfe adjourned the meeting.

Respectfully submitted by Carol Brown, Assistant to the Commission

**OKLAHOMA
LIBRARY
FOR THE BLIND AND
PHYSICALLY
HANDICAPPED
DONATION REPORT**

**OLBPH Donation Report
December 2021**

Donations under \$500

Date	Name	Cash	Fund	Property	Value
12/8/2021	Teresa Grogg	\$ 100.00	216		
12/27/2021	Mustang United Methodist Women	100.00	216		
Subtotal of Cash (Under \$500) Donated		\$ 200.00			

Donations \$500 and over

Date	Name	Cash	Fund	Property	Value

Subtotal of Cash (over \$500) Donated

\$ -

TOTAL DONATION AMOUNT

\$ 200.00

**OKLAHOMA SCHOOL
FOR THE BLIND
MONTHLY
DONATION
REPORT**

OSB DONATION REPORT

December 2021 Donations

Donations under \$500		Name	Cash	Fund	Property	Value
Date						
12/13/2021		Park Hill Home & Community Education	\$ 40.00	701		
Subtotal of Cash (under \$500) donated in December 2021			\$ 40.00		Subtotal prop.	\$ -
Donations \$500 and over						
12/8/2021		OK Foundation for the Educ of Blind & VI Chil & Yth	\$ 1,285.45	216		
12/13/2021		Kirschner Grant	\$ 15,000.00	216		
Subtotal of Cash (\$500 and over) donated in December 2021			\$ 16,285.45		Subtotal prop.	\$ -
TOTAL DONATION AMOUNTS December - 2021			\$16,325.45			

**OKLAHOMA SCHOOL
FOR THE DEAF
MONTHLY
DONATION
REPORT**

OSD Donation Report

December 2021

Donations Under \$500.00

Date	Name	Cash	Fund	Explanation	Property Value
12/6	OSD Big Green Association	\$ 400.00	70100/20005	Help with team clothing	
12/7	Murray County Tractor Association	\$ 200.00	70100/20005	Christmas Donation	
12/7	ESA #2292/Karon Wheat	\$ 25.00	70100/20005	Christmas Donation	
12/15	Steve & Judy York	\$ 100.00	70100/20005	Christmas Donation	
12/15	ESA-Beta Gamma #0391	\$ 90.00	70100/20005	Christmas Donation	
12/15	ESA/Steve & Judy York	\$ 50.00	70100/20005	Christmas Donation	
				Subtotal Property Under \$500.00	

Donations Over \$500.00

12/6	Beta Gamma Chapter #0391			School Supplies	\$ 3,302.13
12/7	ESA State Council	\$ 2,725.00	20300/70100	Christmas Donation	
				Subtotal Property Over \$500.00	\$ 3,302.13
				Subtotal Cash Combined	3,302.13

Total donation for December 2021

\$6,892.13