OKLAHOMA
Rehabilitation Services

Commission for Rehabilitation Services

Commissioners
Janet Barresi, Wanda Felty,
Lindsay Hanna, Kelsey Lee, Lance Robertson,
Noel Tyler, and Kevin Wallace

Regular Meeting

There is no video conferencing for this meeting

Disability Determination Services
9801 N. Kelley Avenue, West Entrance
Oklahoma City, OK 73131

September 9, 2026

Empowering Oklahomans with Disabilities

State of Oklahoma Commission for Rehabilitation Services
Regular Commission Meeting
Wednesday, September 9, 2026 at 10:30 a.m.

9801 N. Kelley Avenue
Oklahoma City, OK 73131

Commissioners: Lindsay Hanna, Chair; Noel Tyler, Vice Chair; Dr. Janet Barresi, Wanda Felty, Kelsey Lee, Lance Robertson, and Kevin Wallace.

There is no virtual option for this meeting. Sign Language Interpreters are provided for public accessibility.

Public Comment: Please sign up on arrival prior to the start of the meeting. Comments will be limited to three minutes per person.

AGENDA

1. **Welcome, Roll Call and Determination of Quorum.**
   Lindsay Hanna, Chair

2. **Statement of Compliance with the Open Meeting Act**
   Kathleen Arrieta, Commission Assistant

3. **Public Comments**
   Public Audience - Under Oklahoma Open Meeting Laws, the Oklahoma Commission for Rehabilitation Services cannot respond to or discuss any matter not on today's agenda.

4. **Presentation of Longevity Certificates**
   Lindsay Hanna, Chair

5. **Executive Director's Report** Pg.7
   Sterling Zearley, Executive Director
   a) Certificates of Appreciation
   b) Report includes meetings and agency engagements, legislative engagement, administrative rules, deferred maintenance, Sterling Conversations, organizational improvement, commission communication and reporting, organizational committee, Pathfinder, budget, and board planning session.
   c) Possible discussion

Action Items

6. Acting Chief Financial Officer's Report
Danielle Durkee, CFO, DHS
a) Financial Status Reports for FY 26 and FY 27. Pg.18
b) FY 28 Budget Request Pg.34
- FY 2028 Budget Request Executive Summary
- FY 2028 Budget Request Summary
- FY 2028 Budget Request Operations Funding Changes

c) Discussion and possible action to approve the FY 28 Budget Request

7. Proposed VR/SBVI Driver Services Fixed Rate Changes Pg.48
Susan Smith, CPO II | Administrative Programs Officer IV
a) Review new rates for VR/SBVI Driver Services
b) Discussion and possible action

8. Proposed VR/SBVI Orthotics and Prosthetics Fixed Rate Changes Pg.53
Susan Smith, CPO II | Administrative Programs Officer IV
a) Review new rates for VR/SBVI Orthotics and Prosthetics Services
b) Discussion and possible action

9. Review of the August 12, 2026 Commission Meeting Minutes Pg.56
Lindsay Hanna, Chair
a) Discussion and possible action to modify and/or approve the minutes.

10. Acceptance of Donations to the Oklahoma School for the Blind (OSB) Pg.63
Brent Pearce, Superintendent
a) Donation Report for August 2026
b) Discussion and possible action to accept the donations.

11. Acceptance of Donations to the Oklahoma School for the Oklahoma Library for the Blind and Physically Handicapped (OLBPH) Pg.65
Tracy Brigham, Division Administrator, Services for the Blind and Visually Impaired (SBVI).
a) Donation Report for August 2026
b) Discussion and possible action to accept the donations.

12. Acceptance of Donations to the Oklahoma School for the Deaf (OSD) Pg.67
Dr. Heather Laine, Superintendent
a) Donation Report for August 2026
b) Discussion and possible action to accept the donations.

Reports

13. Oklahoma School for the Deaf (OSD) Report Pg.69

Dr. Heather Laine, Superintendent

a) Report includes OSD enrollment data, events, and the satellite preschool program in Moore, OK.

14. Human Resources Report Pg.73

LaChelle Westfahl, Human Resources Director

a) August Personnel Activity report & current FTE Status
b) Introductions of new staff
c) Possible discussion

15. Vocational Rehabilitation Report Pg.80

Mark Kinnison, Division Administrator, Vocational Rehabilitation

a) Priority Group and Portal Updates
b) Report includes production totals, partnerships, Tribal VR, Sub-minimum Wage Taskforce, and other updates.
c) Possible discussion.

16. Disability Determination Services Report Pg.85

Jake Zuker, Interim Division Director

a) Report includes claims overview, productions levels and other updates.
b) Possible discussion

18. Notice of Rulemaking Intent – 2007 Administrative Rules Amended Overview

Tina Calloway, Administrative Programs Officer; Policy, Administration and Development Section

a) 2027 Administrative Rules Amended Pg.90
b) 2027 Administrative Rule Summary Pg.251
c) Public Hearing Notice Pg.257
d) Possible discussion

19. New Business

Lindsay Hanna, Chair

Any matter not known about, or which could not have been reasonably foreseen prior to the time of posting (24 hours prior to the meeting) as authorized by 25 O.S. § 311.

20. Proposed Executive Session

Lindsay Hanna, Chair

a) Discussion and possible vote to enter executive session pursuant to 25 O.S. § 307(B)(1) for the purpose of discussing the salary of the Executive Director.
b) Vote to reconvene into regular session.
c) Discussion and possible action on matters discussed in Executive Session.

21. Proposed Executive Session

Lindsay Hanna, Chair

a) Discussion and possible vote to enter executive session pursuant to 25 O.S. § 307(B)(1) for the purpose of discussing the employment and salary of the Commission Assistant.
b) Vote to reconvene into regular session.
c) Discussion and possible action on matters discussed in Executive Session.

22. Adjourn

Lindsay Hanna, Chair

Discussion and possible action

Note: "Possible action" by the Commission includes, but is not limited to approval, authorization, adoption, rejection, denial, amendment, taking no action, or tabling the item for disposition at a later date or time.

Next Commission meeting: Wednesday, October 14, 2026

Executive Director's Report

OKLAHOMA DEPARTMENT OF REHABILITATION SERVICES
September 9, 2026 COMMISSION MEETING
EXECUTIVE DIRECTOR REPORT

Submitted by: Sterling Zearley, Executive Director

I. MEETINGS AND AGENCY ENGAGEMENTS

Since the previous Commission meeting, the Executive Director has participated in the following meetings and agency engagements:

Date	Meeting/Engagement
Monday, August 17, 2026	E-Team Meeting — 9:30–11:30 a.m.
Thursday, August 20, 2026	ORC FFY 2026 Quarterly Meeting
Monday, August 24, 2026	Monthly Workforce Development Cabinet Meeting
Wednesday, August 26, 2026	Tour of NewView Oklahoma and Leadership Meeting
Monday, August 31, 2026	Legislative Policy Committee – Legislative Strategy Planning Session
Wednesday, September 2, 2026	CSAVR Monthly Membership Call
Friday, September 4, 2026	Sterling Conversations with Commission Chair Lindsay Hannah

These engagements provided opportunities to strengthen agency partnerships, address operational priorities, coordinate legislative strategy, and maintain communication with employees, Commissioners, and external stakeholders.

II. LEGISLATIVE ENGAGEMENT

The agency continues to prepare for the upcoming legislative session and strengthen DRS's legislative engagement efforts.

Stephanie Roe will assist the Executive Director with the Legislative Program. The Legislative Policy Committee will provide a legislative program report to the Commission at the October 2026 Commission meeting.

Current legislative activities include:

- Monitoring legislative interim studies relevant to DRS.
- Developing the agency's legislative priorities and strategy.
- Scheduling meetings with key legislative leadership, including:
    - Senate Appropriations Chair Chuck Hall
    - House Appropriations Chair Trey Caldwell
    - Senate Committee Chair Paul Rosino
    - House Committee Chair Daniel Pae

The agency will continue to engage with legislative leaders and stakeholders to communicate DRS priorities and advocate for the needs of Oklahomans with disabilities.

III. ADMINISTRATIVE RULES

Planning and development for the 2027 Administrative Rules are underway.

Proposed rule changes will be provided to the Commission for review in accordance with the established administrative rulemaking process.

Commissioners are encouraged to refer to the Administrative Rules Process Calendar previously provided to the Commission for key dates, review periods, and required actions throughout the rulemaking process.

IV. DEFERRED MAINTENANCE

Agency leadership is developing a comprehensive five-year Deferred Maintenance Plan to identify, prioritize, and address infrastructure needs across DRS facilities.
Division leadership has been asked to develop a comprehensive inventory of maintenance needs, including:

- Electrical infrastructure
- Parking lot improvements
- Building systems
- Accessibility improvements
- Other critical facility improvements

A preliminary list of deferred maintenance projects has been included in the Commission meeting packet for review and informational purposes. The list will continue to be refined as the agency develops long-range budget priorities and evaluates future capital improvement needs.
Current priorities include evaluating:

1. Renovation needs at the Library for the Blind and Physically Handicapped.
2. The potential relocation of staff currently housed at Shepherd Mall.

This long-range planning effort will support future budget development, improve utilization of agency-owned facilities, address critical infrastructure needs, and reduce long-term operating costs.

V. STERLING CONVERSATIONS

Planning and implementation of Sterling Conversations is underway.
Sterling Conversations is a monthly Zoom webinar designed to provide DRS employees with regular agency updates and opportunities to hear directly from the Executive Director and agency leadership.
The agency hosted Commission Chair Lindsay Hannah on Friday, September 4, 2026.
The webinar is planned for the first Friday of each month and will feature conversations with:

- DRS employees and agency staff
- Commissioners
- Organizational leaders
- Other individuals whose work and expertise are relevant to the DRS mission

The goal of Sterling Conversations is to strengthen internal communication, increase employee engagement, and provide greater transparency regarding agency activities and priorities.

VI. ORGANIZATIONAL IMPROVEMENT

The Executive Leadership Retreat generated productive discussions regarding opportunities to strengthen agency operations and improve organizational effectiveness.
Leadership identified several areas for continued improvement, including:

- Financial processes
- Hiring practices
- Internal communication
- Operational efficiencies

Beginning with future Executive Leadership meetings, each division will identify three to five systemic issues affecting its area of responsibility. This process is intended to encourage collaborative problem-solving, identify opportunities for improvement, and promote greater accountability across the agency.

VII. COMMISSION COMMUNICATION AND REPORTING

Agency leadership will continue reviewing how information is presented to the Commission to ensure that Commissioners receive timely, relevant, and useful information.
The review will include consideration of:

- Commission agenda format
- The amount and level of detail included in meeting materials
- Additional information Commissioners may find useful
- Opportunities to improve the timeliness and accessibility of agency information

Additional emphasis will be placed on providing Commissioners with timely information regarding:

- Agency initiatives
- Legislative priorities
- Employee accomplishments
- Agency events and engagement opportunities

The agency also plans to begin using professional electronic invitations for events where Commissioner participation is encouraged. This effort will strengthen communication and provide Commissioners with additional opportunities to engage with employees, stakeholders, and agency partners.
These efforts are intended to support Commissioners in serving as informed advocates for the Oklahoma Department of Rehabilitation Services and the individuals served by the agency throughout Oklahoma.

VIII. ORGANIZATIONAL COMMITTEE

Vice Chair Commissioner Janet C. Barresi has established an Organizational Committee consisting of:

- Commissioner Lindsay Hannah
- Commissioner Noel Tyler
- Commissioner Lance Robertson

The committee will review the organizational structure of the Oklahoma Department of Rehabilitation Services and provide recommendations, as appropriate.
The committee's work will support:

- Effective governance
- Organizational effectiveness
- Clear lines of responsibility and accountability
- Continued improvement of agency operations
- Advancement of the DRS mission

Agency leadership looks forward to working collaboratively with the committee as this review progresses.

IX. PATHFINDER DISCUSSION

The Executive Director and agency leadership discussed the Pathfinder initiative and its potential role in supporting DRS's long-term service delivery and organizational goals.
The discussion focused on understanding the current status of the initiative, identifying opportunities for improvement, and determining how Pathfinder may support greater efficiency, accountability, and outcomes for individuals served by DRS.
Additional information and recommendations will be provided as the discussion and evaluation continue.

X. BUDGET REQUEST DISCUSSION

Agency leadership continues to evaluate opportunities to strengthen DRS's budget request and maximize available funding resources.
Key areas of discussion include:

- Maximizing available federal funding and state/federal match opportunities.
- Evaluating payroll conversion and its potential implications for DRS funding and operations.
- Developing a phased salary strategy to support recruitment and retention.
- Identifying opportunities to align funding requests with agency priorities and long-range operational needs.

The agency will continue to evaluate these issues as part of the upcoming budget development process and will provide additional information to the Commission as appropriate.

XI. BOARD PLANNING SESSION

Planning is underway for a Commission planning session focused on training, organizational priorities, and the development of a long-range plan for the agency.
The planning session will provide an opportunity for Commissioners and agency leadership to:

- Participate in governance and agency-related training.
- Review current agency priorities and challenges.
- Discuss long-range goals and strategic priorities.
- Establish a framework for a long-range plan for DRS.
- Identify opportunities to strengthen governance, accountability, and organizational effectiveness.

Additional details regarding the planning session will be provided as arrangements are finalized.

XII. EXECUTIVE DIRECTOR SUMMARY

The agency continues to focus on strengthening internal operations, improving communication, preparing for future legislative and budgetary needs, and ensuring that DRS facilities and resources are positioned to support the agency's mission.
The Executive Director and agency leadership will continue to work collaboratively with the Commission, employees, legislative leaders, state partners, and other stakeholders to advance the priorities of the Oklahoma Department of Rehabilitation Services.
Through continued organizational improvement, strategic planning, legislative engagement, responsible budget development, and enhanced communication, DRS remains focused on providing effective services and improving outcomes for Oklahomans with disabilities.

Legislative Evolution of the Oklahoma Pathfinder Retirement Plan

I. Establishment of the Pathfinder Retirement Plan — House Bill 2630

The Oklahoma Pathfinder retirement program was established pursuant to **House Bill 2630 (HB 2630)**, enacted in 2014. The legislation established a defined-contribution retirement system for eligible Oklahoma state employees entering state service on or after **November 1, 2015**. [1]

The enactment of HB 2630 represented a significant change in the structure of Oklahoma's state employee retirement system. The legislation was intended, in part, to address long-term pension liabilities and promote greater fiscal sustainability by transitioning newly hired eligible employees from the traditional defined-benefit retirement system to a defined-contribution model.

Under the Pathfinder program, participating employees are required to participate in a **401(a) defined-contribution retirement plan**. Participants may also elect to participate in an optional **457(b) deferred-compensation plan**. [1, 2, 3]

Unlike a defined-benefit plan, in which retirement benefits are generally determined according to a statutory formula based on factors such as salary and years of service, the Pathfinder defined-contribution model establishes retirement funding through specified employee and employer contributions to an individual retirement account.

II. Pathfinder Reform — House Bill 3313

Subsequent legislative action sought to strengthen the Pathfinder program and improve retirement security for participating employees. **House Bill 3313 (HB 3313)** provided significant reforms to employee and employer contribution requirements and addressed concerns regarding the vesting of employer contributions.
Among the principal changes were the following:

- **Employee contribution rate:** The required employee contribution was increased from **4.5 percent to 5 percent** of applicable compensation.
- **Employer contribution rate:** The required employer contribution was increased from **6 percent to 7 percent**.
- **Retirement funding:** The increased contribution requirements were intended to improve the adequacy of retirement savings for Pathfinder participants and strengthen the overall structure of the program.
- **Vesting requirements:** The legislation addressed the prior five-year rolling vesting structure applicable to employer contributions. Under the prior structure, employees who separated from state service before satisfying the applicable vesting requirements could forfeit a substantial portion of employer contributions.

These reforms reflected a legislative effort to improve the portability and retirement value of Pathfinder benefits while reducing the potential financial disadvantage experienced by employees who do not remain in state service for an extended period.

III. Future Employer Contribution Requirements — House Bill 4050

House Bill 4050 (HB 4050) establishes additional increases in employer contribution requirements applicable to participating state agencies. These provisions represent a substantial expansion of the state's financial commitment to the Pathfinder retirement program.

Pursuant to HB 4050:

- **July 1, 2026, through June 30, 2031:** Each participating state agency is required to contribute **9.5 percent** of a member's monthly compensation, subject to the applicable annual compensation limitation.
- **Beginning July 1, 2031:** Each participating state agency is required to contribute **16.5 percent** of a member's monthly compensation, subject to the applicable annual compensation limitation.

The increase from 9.5 percent to 16.5 percent represents a significant enhancement of the statutory employer contribution requirement and is expected to materially increase the retirement-related expenditures of participating state agencies.

IV. FY2026 Funding Impact Prior to Implementation of HB 4050
Prior to the implementation of the increased employer contribution requirements established by HB 4050, the **Oklahoma Department of Rehabilitation Services (DRS)** identified approximately **$1.628 million in FY2026 appropriations** necessary to cover Pathfinder-related costs associated with the Basic Support and Developmental Disabilities Services (DDS) federal programs.

These costs were determined to be unallowable expenditures under the applicable federal funding requirements and, therefore, could not be charged to the corresponding federal programs. Consequently, state appropriations were required to fund the Pathfinder obligations attributable to these programs.

This funding requirement illustrates the fiscal impact that mandatory retirement contributions can have on agencies administering programs supported, in whole or in part, by federal funds when those retirement-related costs are not eligible for reimbursement through the applicable federal funding sources.

V. Illustration of the Contribution Structure
The statutory contribution structure is important when evaluating the financial impact of the Pathfinder program on both participating employees and state agencies. Beginning **July 1, 2031**, each participating state agency is required to contribute **16.5 percent of a member's monthly compensation**, subject to the applicable annual compensation limitation.

For purposes of illustration, if a Pathfinder participant contributes **4.5 percent, 5 percent, or 7 percent** of applicable compensation, the corresponding contribution amounts may be viewed in relation to the 16.5 percent statutory contribution level as follows:

Employee Contribution	Total Contribution Level	Difference
4.5%	16.5%	12.0%
5.0%	16.5%	11.5%
7.0%	16.5%	9.5%

For example, if the applicable employee contribution is **5 percent**, the difference between the employee contribution and the 16.5 percent contribution level is **11.5 percentage points**. Similarly, a 4.5 percent employee contribution represents a difference of 12.0 percentage points, while a 7 percent employee contribution represents a difference of 9.5 percentage points.

This illustration is intended to demonstrate the relationship between the applicable employee contribution rates and the 16.5 percent contribution level beginning July 1, 2031. The treatment and allocation of the employer contribution, including whether any portion is directed toward the Pathfinder defined-contribution system or other state retirement obligations, must be determined in accordance with the specific statutory requirements established by the applicable legislation.

It is also important to distinguish the 16.5 percent contribution requirement beginning July 1, 2031, from the employer contribution rate applicable during the preceding period. From **July 1, 2026, through June 30, 2031**, each participating state agency is required to contribute **9.5 percent of a member's monthly compensation**, subject to the applicable annual compensation limitation.

Accordingly, the statutory employer contribution structure changes over time, increasing from **9.5 percent beginning July 1, 2026, to 16.5 percent beginning July 1, 2031**. This phased increase should be considered when evaluating the long-term fiscal impact of the Pathfinder program on participating state agencies.

VI. Summary
The legislative evolution of the Oklahoma Pathfinder retirement program reflects a continuing effort to strengthen retirement benefits for eligible state employees while establishing a sustainable funding structure for participating state agencies.

HB 2630, enacted in 2014, established the Pathfinder defined-contribution retirement system for eligible employees entering state service on or after November 1, 2015. **HB 3313** subsequently modified the program by increasing employee and employer contribution requirements and addressing vesting provisions. **HB 4050** further increases employer contribution requirements, establishing a rate of **9.5 percent from July 1, 2026, through June 30, 2031, and 16.5 percent beginning July 1, 2031**.

For participating state agencies, these statutory changes represent a significant increase in required retirement expenditures. The fiscal impact is particularly relevant for agencies administering programs supported by federal funding, where Pathfinder-related expenditures may not qualify as allowable federal costs and therefore must be supported through state appropriations.

The phased increase in employer contributions under HB 4050 should therefore be considered in future agency budget planning, particularly for agencies with substantial Pathfinder participation and programs that rely on federal funding sources that do not permit reimbursement of these retirement-related costs.

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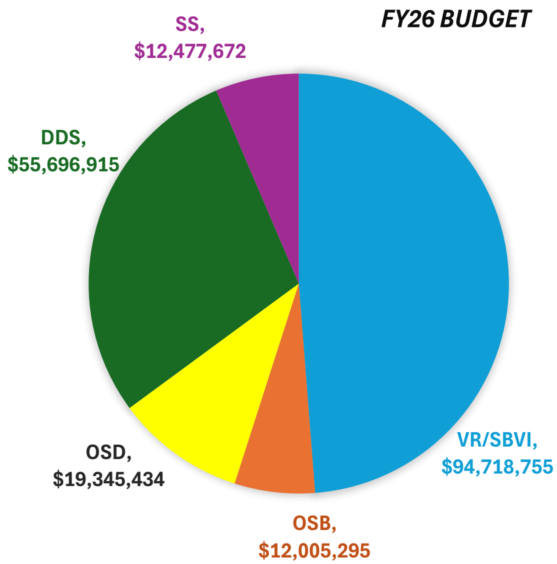
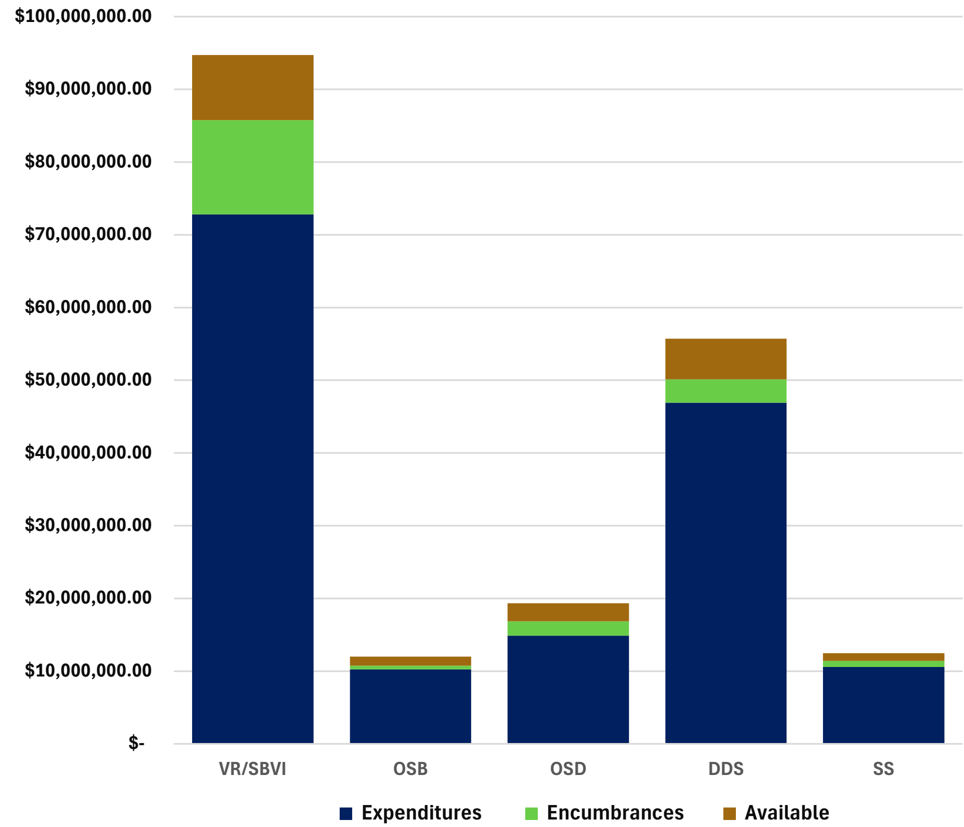
Acting
Chief Financial Officer's
Report

DRS FY26 Financial Status Report
as of July 31, 2026





Division		Budget		Expenditures		Encumbrances		Available
VR/SBVI	$	94,718,755.00	$	72,794,414.96	$	12,973,204.68	$	8,951,135.36
OSB	$	12,005,295.00	$	10,258,925.96	$	504,875.42	$	1,241,493.62
OSD	$	19,345,434.00	$	14,885,767.27	$	1,983,209.82	$	2,476,456.91
DDS	$	55,696,915.00	$	46,920,205.35	$	3,192,356.02	$	5,584,353.63
Support Services	$	12,477,672.00	$	10,564,952.66	$	863,717.70	$	1,049,001.64
TOTAL	**$**	**194,244,071.00**	**$**	**155,424,266.20**	**$**	**19,517,363.64**	**$**	**19,302,441.16**

Department of Rehabilitation Services
Financial Status Report FY 26

As of July 31, 2026

Agency Summary

	Budget	% of Total Budget	Expenditures	2026 Expenditures in FY 27	% Expended	Encumbrances	% Used
Personnel	95,000,151.00	48.9%	84,794,173.40	563,321.82	89.85%	174,113.67	90.0%
Travel	1,824,046.00	0.9%	1,594,952.48	101,908.98	93.03%	4,106.10	93.3%
General Operating	28,542,337.37	14.7%	18,212,695.72	1,083,025.57	67.60%	6,268,840.94	89.6%
Office Furniture & Equipment	3,502,257.00	1.8%	1,902,343.91	253,428.35	61.55%	462,237.11	74.8%
Client / General Assistance	56,029,813.00	28.8%	34,623,985.99	2,948,963.35	67.06%	12,608,065.82	89.6%
Indirect Cost	9,345,466.63	4.8%	9,345,466.63	0.00	100.00%	0.00	100.0%
Total	194,244,071.00	100.0%	150,473,618.13	4,950,648.07	80.01%	19,517,363.64	90.1%

Department of Rehabilitation Services
Financial Status Report FY 26

As of July 31, 2026

All Programs
Vocational Rehabilitation and Services for the Blind & Visually Impaired

	Budget	% of Total Budget	Expenditures	2026 Expenditures in FY 27	% Expended	Encumbrances	% Used
Personnel	30,795,704.00	32.5%	27,437,239.11	108,432.73	89.4%	90,969.12	89.7%
Travel	1,280,300.00	1.4%	1,208,057.00	77,030.99	100.4%	250.00	100.4%
General Operating	10,454,437.14	11.0%	7,503,078.29	352,612.17	75.1%	2,648,446.29	100.5%
Office Furniture & Equipment	1,672,200.00	1.8%	999,269.87	37,270.85	62.0%	284,055.77	79.0%
Client / General Assistance	46,730,813.00	49.3%	28,547,806.00	2,738,317.08	66.9%	9,949,483.51	88.2%
Indirect Cost	3,785,300.86	4.0%	3,785,300.87	0.00	100.0%	-0.01	100.0%
Total	94,718,755.00	100.0%	69,480,751.14	3,313,663.82	76.9%	12,973,204.68	90.5%

Vocational Rehabilitation Grant

	Budget	% of Total Budget	Expenditures	2026 Expenditures in FY 27	% Expended	Encumbrances	% Used
Personnel	27,947,251.00	31.2%	24,934,465.27	93,571.81	89.6%	21,838.47	89.6%
Travel	1,245,300.00	1.4%	1,183,886.26	75,058.19	101.1%	250.00	101.1%
General Operating	9,681,209.54	10.8%	6,885,255.20	318,670.37	74.4%	2,461,528.99	99.8%
Office Furniture & Equipment	1,417,330.00	1.6%	821,527.55	35,639.69	60.5%	284,055.77	80.5%
Client / General Assistance	45,944,667.00	51.2%	28,137,086.91	2,710,087.01	67.1%	9,869,774.91	88.6%
Indirect Cost	3,475,840.46	3.9%	3,475,840.46	0.00	100.0%	0.00	100.0%
Total	89,711,598.00	100.0%	65,438,061.65	3,233,027.07	76.5%	12,637,448.14	90.6%

Department of Rehabilitation Services
Financial Status Report FY 26

As of July 31, 2026

All Programs
Oklahoma School for the Blind

	Budget	% of Total Budget	Expenditures	2026 Expenditures in FY 27	% Expended	Encumbrances	% Used
Personnel	7,565,178.00	63.0%	7,228,907.26	43,663.01	96.1%	2,866.96	96.2%
Travel	111,200.00	0.9%	75,206.80	7,992.37	74.8%	420.00	75.2%
General Operating	2,868,868.04	23.9%	1,674,193.26	75,654.89	61.0%	499,943.76	78.4%
Office Furniture & Equipment	568,968.00	4.7%	218,188.60	50,091.41	47.2%	1,644.70	47.4%
Client / General Assistance	42,000.00	0.3%	35,947.40	0.00	85.6%	0.00	85.6%
Indirect Cost	849,080.96	7.1%	849,080.96	0.00	100.0%	0.00	100.0%
Total	12,005,295.00	100.0%	10,081,524.28	177,401.68	85.5%	504,875.42	89.7%

Department of Rehabilitation Services
Financial Status Report FY 26

As of July 31, 2026

All Programs
Oklahoma School for the Deaf

	Budget	% of Total Budget	Expenditures	2026 Expenditures in FY 27	% Expended	Encumbrances	% Used
Personnel	9,578,719.00	49.5%	8,247,610.76	62,931.94	86.8%	5,619.11	86.8%
Travel	248,540.00	1.3%	194,030.87	7,054.02	80.9%	0.00	80.9%
General Operating	6,990,714.25	36.1%	4,153,473.92	385,006.59	64.9%	1,657,044.72	88.6%
Office Furniture & Equipment	816,457.00	4.2%	463,556.62	157,570.07	76.1%	175,229.99	97.5%
Client / General Assistance	672,000.00	3.5%	175,528.73	0.00	26.1%	145,316.00	47.7%
Indirect Cost	1,039,003.75	5.4%	1,039,003.75	0.00	100.0%	0.00	100.0%
Total	19,345,434.00	100.0%	14,273,204.65	612,562.62	76.9%	1,983,209.82	87.2%

Department of Rehabilitation Services
Financial Status Report FY 26

As of July 31, 2026

All Programs
Disability Determination Services

	Budget	% of Total Budget	Expenditures	2026 Expenditures in FY 27	% Expended	Encumbrances	% Used
Personnel	38,154,742.00	68.5%	33,588,797.19	288,813.96	88.8%	9,196.66	88.8%
Travel	52,001.00	0.1%	16,044.01	2,409.76	35.5%	2,036.10	39.4%
General Operating	4,859,492.94	8.7%	2,921,259.27	157,092.17	63.3%	667,856.94	77.1%
Office Furniture & Equipment	381,164.00	0.7%	205,359.85	4,180.40	55.0%	0.00	55.0%
Client / General Assistance	8,585,000.00	15.4%	5,861,537.42	210,196.27	70.7%	2,513,266.31	100.0%
Indirect Cost	3,664,515.06	6.6%	3,664,515.05	0.00	100.0%	0.01	100.0%
Total	55,696,915.00	100.0%	46,257,512.79	662,692.56	84.2%	3,192,356.02	90.0%

Department of Rehabilitation Services
Financial Status Report FY 26

As of July 31, 2026

All Programs
DRS Support Services

	Budget	% of Total Budget	Expenditures	2026 Expenditures in FY 27	% Expended	Encumbrances	% Used
Personnel	8,905,808.00	71.4%	8,291,619.08	59,480.18	93.8%	65,461.82	94.5%
Travel	132,005.00	1.1%	101,613.80	7,421.84	82.6%	1,400.00	83.7%
General Operating	3,368,825.00	27.0%	1,960,690.98	112,659.75	61.5%	795,549.23	85.2%
Office Furniture & Equipment	63,468.00	0.5%	15,968.97	4,315.62	32.0%	1,306.65	34.0%
Client / General Assistance	0.00	0.0%	3,166.44	450.00	0.0%	0.00	0.0%
Indirect Cost	7,566.00	0.1%	7,566.00	0.00	100.0%	0.00	100.0%
Total	12,477,672.00	100.0%	10,380,625.27	184,327.39	84.7%	863,717.70	91.6%

Department of Rehabilitation Services
Financial Status Report FY 26

As of July 31, 2026

Personnel

- Salary Expense
- Insurance Premium -Health-Life, etc
- FICA-Retirement Contributions

Travel

- Travel - Agency Direct
- Travel - Reimbursements

General Operating

- AFP Encumberances
- Bond Indebtness and Expenses
- Buildings-Purchase, Construction and Renovation
- General Operating
- Inter/Intre 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

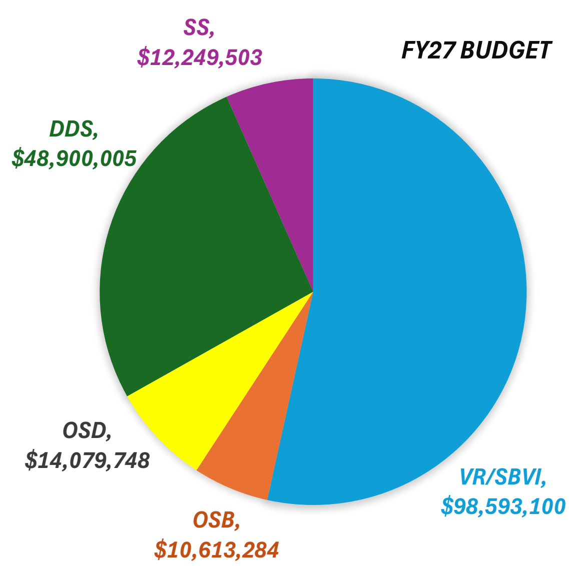
- Library Equipment & Resources
- Office Furniture & Equipment

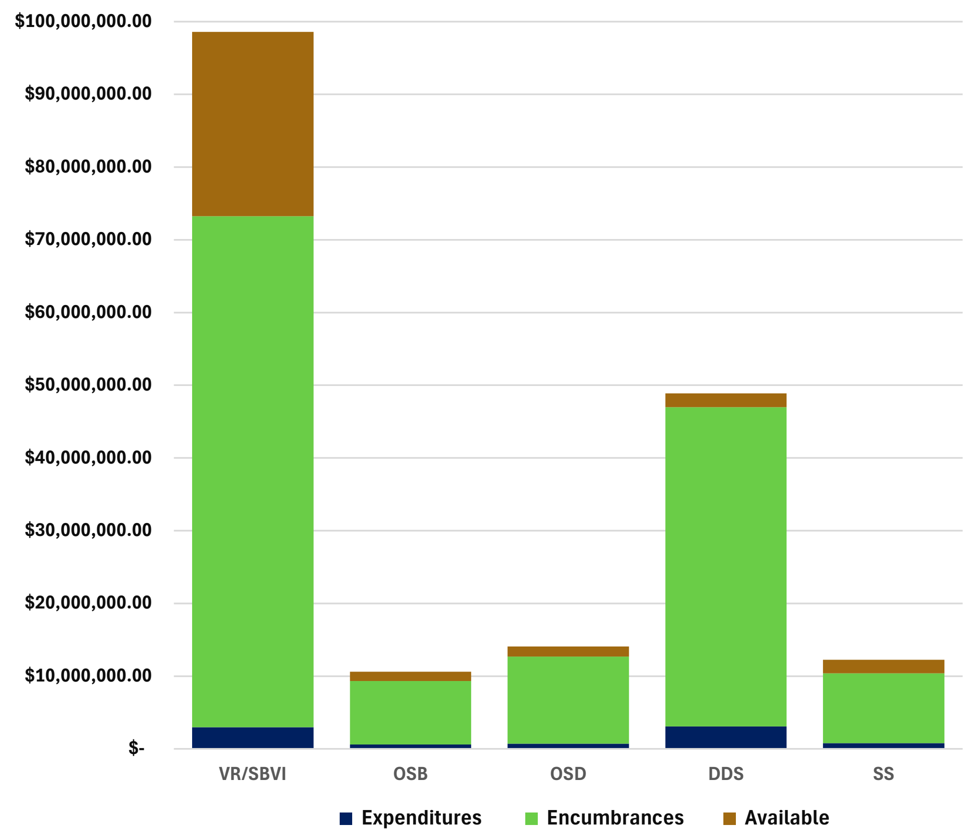
Client / General Assistance

- Social Service and Assistance Payments

Indirect Cost

DRS FY27 Financial Status Report
as of July 31, 2026





Division		Budget		Expenditures		Encumbrances		Available
VR/SBVI	$	98,593,100.00	$	2,990,528.66	$	70,250,166.17	$	25,352,405.17
OSB	$	10,613,284.00	$	617,954.52	$	8,723,395.65	$	1,271,933.83
OSD	$	14,079,748.00	$	712,159.51	$	11,974,676.74	$	1,392,911.75
DDS	$	48,900,005.00	$	3,100,439.55	$	43,866,841.90	$	1,932,723.55
Support Services	$	12,249,503.00	$	777,762.11	$	9,608,776.12	$	1,862,964.77
TOTAL	**$**	**184,435,640.00**	**$**	**8,198,844.35**	**$**	**144,423,856.58**	**$**	**31,812,939.07**

Department of Rehabilitation Services
Financial Status Report FY 27

As of July 31, 2026

Agency Summary

	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	89,103,241.00	48.3%	6,218,457.50	7.0%	80,021,881.76	96.8%
Travel	1,854,650.00	1.0%	1,715.72	0.1%	0.00	0.1%
General Operating	20,047,519.00	10.9%	529,441.93	2.6%	12,715,097.69	66.1%
Office Furniture & Equipment	1,504,397.00	0.8%	6,970.00	0.5%	850.00	0.5%
Client / General Assistance	60,605,891.00	32.9%	704,652.04	1.2%	41,103,692.29	69.0%
Indirect Cost	11,319,942.00	6.1%	737,607.16	6.5%	10,582,334.84	100.0%
Total	184,435,640.00	100.0%	8,198,844.35	4.4%	144,423,856.58	82.8%

Department of Rehabilitation Services
Financial Status Report FY 27

As of July 31, 2026

All Programs
Vocational Rehabilitation and Services for the Blind & Visually Impaired

	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	29,804,644.00	30.2%	2,050,804.70	6.9%	27,032,596.68	97.6%
Travel	1,374,350.00	1.4%	1,580.36	0.1%	0.00	0.1%
General Operating	9,599,902.00	9.7%	299,504.63	3.1%	5,508,802.13	60.5%
Office Furniture & Equipment	1,173,051.00	1.2%	6,970.00	0.6%	850.00	0.7%
Client / General Assistance	51,987,391.00	52.7%	339,080.67	0.7%	33,346,743.66	64.8%
Indirect Cost	4,653,762.00	4.7%	292,588.30	6.3%	4,361,173.70	100.0%
Total	98,593,100.00	100.0%	2,990,528.66	3.0%	70,250,166.17	74.3%

Vocational Rehabilitation Grant

	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	27,400,776.00	29.0%	1,885,426.84	6.9%	24,873,048.16	97.7%
Travel	1,347,300.00	1.4%	1,580.36	0.1%	0.00	0.1%
General Operating	8,872,197.00	9.4%	292,645.30	3.3%	4,747,600.84	56.8%
Office Furniture & Equipment	916,044.00	1.0%	0.00	0.0%	0.00	0.0%
Client / General Assistance	51,491,667.00	54.6%	338,222.08	0.7%	33,248,208.24	65.2%
Indirect Cost	4,358,379.00	4.6%	271,962.43	6.2%	4,086,416.57	100.0%
Total	94,386,363.00	100.0%	2,789,837.01	3.0%	66,955,273.81	73.9%

Department of Rehabilitation Services
Financial Status Report FY 27

As of July 31, 2026

All Programs
Oklahoma School for the Blind

	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	7,575,644.00	71.4%	545,235.43	7.2%	6,834,908.57	97.4%
Travel	83,500.00	0.8%	0.00	0.0%	0.00	0.0%
General Operating	2,080,218.00	19.6%	4,128.37	0.2%	1,191,413.80	57.5%
Office Furniture & Equipment	57,758.00	0.5%	0.00	0.0%	0.00	0.0%
Client / General Assistance	50,500.00	0.5%	0.00	0.0%	0.00	0.0%
Indirect Cost	765,664.00	7.2%	68,590.72	9.0%	697,073.28	100.0%
Total	10,613,284.00	100.0%	617,954.52	5.8%	8,723,395.65	88.0%

Department of Rehabilitation Services
Financial Status Report FY 27

As of July 31, 2026

All Programs
Oklahoma School for the Deaf

	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	9,635,167.00	68.4%	614,483.16	6.4%	8,904,119.17	98.8%
Travel	222,800.00	1.6%	0.00	0.0%	0.00	0.0%
General Operating	2,645,417.00	18.8%	12,052.26	0.5%	2,122,936.66	80.7%
Office Furniture & Equipment	97,639.00	0.7%	0.00	0.0%	0.00	0.0%
Client / General Assistance	483,000.00	3.4%	0.00	0.0%	37,520.00	7.8%
Indirect Cost	995,725.00	7.1%	85,624.09	8.6%	910,100.91	100.0%
Total	14,079,748.00	100.0%	712,159.51	5.1%	11,974,676.74	90.1%

Department of Rehabilitation Services
Financial Status Report FY 27

As of July 31, 2026

All Programs
Disability Determination Services

	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	33,058,345.00	67.6%	2,330,765.73	7.1%	29,924,078.27	97.6%
Travel	64,000.00	0.1%	0.00	0.0%	0.00	0.0%
General Operating	2,684,840.00	5.5%	114,099.55	4.2%	1,615,035.90	64.4%
Office Furniture & Equipment	109,518.00	0.2%	0.00	0.0%	0.00	0.0%
Client / General Assistance	8,085,000.00	16.5%	365,571.37	4.5%	7,719,428.63	100.0%
Indirect Cost	4,898,302.00	10.0%	290,002.90	5.9%	4,608,299.10	100.0%
Total	48,900,005.00	100.0%	3,100,439.55	6.3%	43,866,841.90	96.0%

Department of Rehabilitation Services
Financial Status Report FY 27

As of July 31, 2026

All Programs
DRS Support Services

	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	9,029,441.00	73.7%	677,168.48	7.5%	7,326,179.07	88.6%
Travel	110,000.00	0.9%	135.36	0.1%	0.00	0.1%
General Operating	3,037,142.00	24.8%	99,657.12	3.3%	2,276,909.20	78.3%
Office Furniture & Equipment	66,431.00	0.5%	0.00	0.0%	0.00	0.0%
Client / General Assistance	0.00	0.0%	0.00	0.0%	0.00	0.0%
Indirect Cost	6,489.00	0.1%	801.15	12.3%	5,687.85	100.0%
Total	12,249,503.00	100.0%	777,762.11	6.3%	9,608,776.12	84.8%

Department of Rehabilitation Services
Financial Status Report FY 27

As of July 31, 2026

Personnel

Salary Expense

Insurance Premium -Health-Life, etc

FICA-Retirement Contributions

Travel

Travel - Agency Direct

Travel - Reimbursements

General Operating

AFP Encumberances

Bond Indebtness and Expenses

Buildings-Purchase, Construction and Renovation

General Operating

Inter/Intre 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

OKLAHOMA COMMISSION FOR REHABILITATION SERVICES
EXECUTIVE SUMMARY

ISSUE:
Approval of the FY 2028 Budget Request

BACKGROUND:
At the Commission meeting held August 12, 2026, the Commission for Rehabilitation Services reviewed funding change requests and justifications for the FY 2028 Budget Request.

STAFF RECOMMENDATION:
Staff requests Commission approval of the FY 2028 Budget Request.

BUDGET IMPACT:

FY 2027 Supplemental Request

Description	State	Federal	Total	FTE
DRS – Benefit allowance Jan – Jun 2027	$433,750	$550,950	$984,700	0.0
TOTAL	**$433,750**	**$550,950**	**$984,700**	**0.0**

FY 2028 Budget Request

Description	State	Federal	Total	FTE
DVR / DSBVI – State match	$2,750,000	$9,237,089	$11,987,089	0.0
State Appropriated Programs – Maintenance request	$790,000	$0	$790,000	0.0
OSB and OSD – Restore capital funds	$1,500,000	$0	$1,500,000	0.0
Support Services – Offset increased rent	$158,500	$0	$158,500	0.0
Support Services – Relocation costs	$211,000	$0	$211,000	0.0
SBVI – OK Library for the Blind renovation	$1,300,000	$0	$1,300,000	0.0
OSB – Cafeteria construction	$3,000,000	$0	$3,000,000	0.0
DRS – Salary increase of 10%	$4,925,100	$1,736,300	$6,661,400	0.0
DRS – Benefit allowance 12 months	$867,500	$1,101,900	$1,969,400	0.0
DRS – Biweekly payroll	$2,732,300	$0	$2,732,300	0.0
TOTAL	**$18,234,400**	**$12,075,289**	**$30,309,689**	**0.0**

Department of Rehabilitation Services

FY 2027 Supplemental Budget Request						
Agency Priority	**Program**	**Funding Purpose**	**State Appropriated Funding**	**Federal Funding**	**Total Funding**	**Requested FTE**
1	DRS	Increased benefit allowance January - June 2027	$433,750	$550,950	$984,700	0.0

FY 2028 Budget Request						
Agency Priority	**Program**	**Funding Purpose**	**State Appropriated Funding**	**Federal Funding**	**Total Funding**	**Requested FTE**
1	DVR / DSBVI	Maintain necessary state match funding associated with Title I federal funds	$2,750,000	$9,237,089	$11,987,089	0.0
2	State Appropriated Programs	Annual maintenance request	$790,000	$0	$790,000	0.0
3	OSB and OSD	Restore capital funds	$1,500,000	$0	$1,500,000	0.0
4	Support Services	Increase in operating to offset increased rent	$158,500	$0	$158,500	0.0
5	Support Services	Increase in operating to offset relocation costs	$211,000	$0	$211,000	0.0
6	SBVI	Oklahoma Library for the Blind renovation	$1,300,000	$0	$1,300,000	0.0
7	OSB	School cafeteria construction	$3,000,000	$0	$3,000,000	0.0
8	DRS	Salary increase of 10% across all divisions	$4,925,100	$1,736,300	$6,661,400	0.0
9	DRS	Increased benefit allowance	$867,500	$1,101,900	$1,969,400	0.0
10	DRS	Biweekly payroll	$2,732,300	$0	$2,732,300	0.0
Total FY 2028 Budget Request			**$18,234,400**	**$12,075,289**	**$30,309,689**	**$0**

FY 2027 Supplemental Request

Agency Priority:	1
Program Description:	Department of Rehabilitation Services
Requested FTE:	0.0
State Appropriations:	$433,750
Funding Description:	Funding Request for State Appropriations
Purpose:	Increased Benefit Allowance

The employee benefit allowance amounts have been established for calendar year 2027, which take effect January 1, 2027. The allowance is increasing across all categories compared to 2026. Following is the comparison between years sent by OMES to all state agencies.

Coverage level	2026 monthly allowance	2027 monthly allowance	Monthly increase
Member	$754.30	**$869.52**	**$115.22**
Member + spouse	$1,375.96	**$1,589.38**	**$213.42**
Member + 1 child	$1,021.02	**$1,178.38**	**$157.36**
Member + 2 children	$1,206.90	**$1,393.62**	**$186.72**
Member + spouse + 1 child	$1,642.68	**$1,898.22**	**$255.54**
Member + spouse + 2 children	$1,828.56	**$2,113.46**	**$284.90**

DRS is required to pay the additional allowance for each employee, based on the employee's individual coverage level. The 6-month cost for this increase is estimated at $984,700. Additional appropriations of $433,750 are needed to cover the state portion during the final two quarters of SFY-27.

FY 2028 Operations Funding Change Requests

Agency Priority:	1
Program Description:	Vocational Rehabilitation and Services for the Blind and Visually Impaired
Requested FTE:	0.0
State Appropriations:	$2,750,000
Funding Description:	Funding Request for State Appropriations
Purpose:	Maintain Necessary State Match Funding Associated with Title I Federal Funds

Increased funding maximizes services to Oklahomans with disabilities, enhancing their opportunity to become self-sufficient through employment and becoming independent in their homes and communities. This means more Oklahomans can terminate their dependence on state and federal programs and move toward becoming taxpayers. This funding increase will positively impact the stability of the Oklahoma economy. The ratio of funding is $4 federal dollars to every $1 dollar of state matching funds. Funding this request will allow DRS to fully match all federal funds available and keeps DRS in a position to put disabled Oklahomans on a path to independence through employment.

The Vocational Rehabilitation Grant is a formula grant which adjusts for annual economic growth. This request is an incremental request of $2,750,000 above current appropriations to fully meet the federal allocation for the FFY-28 grant. This will allow Oklahoma to match an additional $9.2 million dollars in federal grant proceeds to continue serving existing clients and expand services to better reach underserved populations and will allow DRS to fund all obligations associated with the Vocational Rehabilitation Federal Grant awarded to the State of Oklahoma.

Agency Priority:	2
Program Description:	State Appropriated Programs
Requested FTE:	0.0
State Appropriations:	$790,000
Funding Description:	Funding Request for State Appropriations
Purpose:	Annual Maintenance Request

This maintenance funding request is based on the 3.2% Consumer Price Index as of June 2026 and keeps operating budgets economically current by allowing for incremental adjustments to funding that would not otherwise be available. Programs include Older Blind, Oklahoma Library for the Blind, AIM Center, and Able Tech in the VR/SBVI divisions; Oklahoma School for the Blind; Oklahoma School for the Deaf; Commission and Support Services State Funds. The Older Blind program includes $684k in annual appropriations above the required 10% match for the federal grant. All other programs are state funded.

The Older Blind program provides independent living skills training, orientation and mobility training, and other services for individuals aged 55 and older who are blind or severely visually impaired.

OLBPH provides books, periodicals, textbooks, and other instructional materials in recorded, large print and Braille formats for library patrons and students with visual impairments, as well as specialized educational aids to students with blindness or other disabilities in pre-K through 12th grade through the Accessible Instructional Materials (AIM) Center.

The Oklahoma School for the Blind (OSB) in Muskogee and Oklahoma School for the Deaf (OSD) in Sulphur provide effective education options for children with all levels of blindness or visual impairments and deaf or hard-of-hearing impairments. The schools do not receive funding from local ad valorem taxes or the State Department of Education funding formula.

Funding for the State Assistive Technology Program (Able Tech) improves access to assistive technology for individuals with disabilities of all ages.

State funds for Support Services provides necessary funding for payroll and operating costs associated with the Commission, Communications, and Legislative Liaison.

Agency Priority:	3
Program Description:	Oklahoma School for the Blind and Oklahoma School for the Deaf
Requested FTE:	0.0
State Appropriations:	$1,500,000
Funding Description:	Funding Request for State Appropriations
Purpose:	Restore Capital Funds

The Oklahoma School for the Blind (OSB) in Muskogee, and Oklahoma School for the Deaf (OSD) in Sulphur provide effective education options for children with all levels of disabilities. The goals of the schools are to provide an environment that maximizes the learning opportunities for children with disabilities, certify their learning in accordance with State standards, and provide a solid foundation of knowledge that the students can lean on well into adulthood. Both schools serve as a resource center to complement the spectrum of services provided within common education for the State of Oklahoma. Communication and literacy are the two most crucial components for learning. OSB and OSD provide an education tailored to the needs of the students. Both schools are state appropriate and do not receive funding from local ad valorem taxes or the State Department of Education funding formula.

OSB and OSD have the same budgetary challenges as all other local school districts, but with the additional challenge of operating a residential facility. Appropriations for capital projects at the schools were $2,507,214 in SFY-26; however, this amount was reduced by $1.5 million dollars for SFY-27. Restoring $1.5 million dollars would allow both schools to continue addressing urgent maintenance needs across their respective campuses.

Agency Priority:	4
Program Description:	DRS Support Services
Requested FTE:	0.0
State Appropriations:	$158,500
Funding Description:	Funding Request for State Appropriations
Purpose:	Increase in Operating to Offset Increased Rent

DRS State Office moved its office location in July 2026 due to termination of the lease agreement by Landmark Apartments (previously Landmark Towers). Cost of the new space increased from 22,409 sq.ft. at $12.50 per sq.ft., to 25,811 sq.ft. at $16.50 per sq.ft. in SFY-27 and is scheduled to increase annually by 3% per the lease agreement, resulting in an increased cost of $158,545 in SFY-28 compared to the previous rent at Landmark Apartments. At the same time, DRS is unable to increase its indirect cost recovery due to a three-year fixed rate of 10.1% which began in SFY-26 and continues through SFY-28. Requests to renegotiate the rate with U.S. Department of Education have so far been unsuccessful.

Agency Priority:	5
Program Description:	DRS Support Services
Requested FTE:	0.0
State Appropriations:	$211,000
Funding Description:	Funding Request for State Appropriations
Purpose:	Increase in Operating to Offset Relocation Costs

DRS State Office moved its office location in July 2026 due to termination of the lease agreement by Landmark Apartments (previously Landmark Towers). Relocation costs were approximately $211,000, including moving expenses and IT retrofit at the new office. At the same time, DRS is unable to increase its indirect cost recovery due to a three-year fixed rate of 10.1% which began in SFY-26 and continues through SFY-28. Requests to renegotiate the rate with U.S. Department of Education have so far been unsuccessful. This one-time request of $211,000 is to offset increased operating costs in Support Services due to the move and the inability to adjust the indirect cost rate.

Agency Priority:	6
Program Description:	Services for the Blind and Visually Impaired
Requested FTE:	0.0
State Appropriations:	$1,300,000
Funding Description:	Funding Request for State Appropriations
Purpose:	Oklahoma Library for the Blind Renovation

This request is to renovate space at Oklahoma Library for the Blind. The goal is to make room for the SBVI office currently housed at Shepherd Mall which would allow that lease to terminate. The renovated library space would include offices for staff currently located at Shepherd Mall, as well as an assistive technology lab, mock apartment and kitchen area for training visually impaired clients. Renovation would include removing large electronically controlled shelving and adding a door in one of the library walls for an egress to meet fire marshal guidelines.

Agency Priority:	7
Program Description:	Oklahoma School for the Blind
Requested FTE:	0.0
State Appropriations:	$3,000,000
Funding Description:	Funding Request for State Appropriations
Purpose:	School Cafeteria Construction

This request is for construction of a new school cafeteria. The existing cafeteria is built over original sewer and plumbing lines dating back to 1904. These systems are outdated and failing. Floor drains do not function properly, and maintenance has made repeated repairs to the piping. The water lines and grease traps are aging and require full replacement. The current facility also presents functional and safety challenges. Ceilings are low, lighting is inadequate, and multiple load-bearing columns throughout the dining area create obstacles, making it difficult for visually impaired students to navigate safely and independently. A new cafeteria would address these infrastructure and accessibility concerns. The existing cafeteria could be repurposed by converting the space into additional classrooms, which would expand the capacity for the school.

Agency Priority:	8
Program Description:	Department of Rehabilitation Services
Requested FTE:	0.0
State Appropriations:	$4,925,100
Funding Description:	Funding Request for State Appropriations
Purpose:	Salary Increase of 10% Across All Divisions

DRS is requesting funding for a 10% increase in salaries across all divisions. This increase is needed to remain competitive among other state agencies and to bring salaries closer to market rates. The increased salaries will improve employee retention, morale, and will help in attracting professional and competent workers in all job codes and geographical areas across the state. DRS has locations across the state making recruiting in some areas more difficult. This increase would help expand the capacity around the state.

The annual cost for this increase is estimated at $6,661,400 which includes an increase of $2.8 million dollars for DDS. The increase for DDS could possibly be covered by federal funds; however, because it's subject to approval by SSA and is not guaranteed, the $2.8 million is included in the $4,925,100 appropriation request.

Agency Priority:	9
Program Description:	Department of Rehabilitation Services
Requested FTE:	0.0
State Appropriations:	$867,500
Funding Description:	Funding Request for State Appropriations
Purpose:	Increased Benefit Allowance

The employee benefit allowance amounts have been established for calendar year 2027, which take effect January 1, 2027. The allowance is increasing across all categories compared to 2026. Following is the comparison between years sent by OMES to all state agencies.

Coverage level	2026 monthly allowance	2027 monthly allowance	Monthly increase
Member	$754.30	**$869.52**	**$115.22**
Member + spouse	$1,375.96	**$1,589.38**	**$213.42**
Member + 1 child	$1,021.02	**$1,178.38**	**$157.36**
Member + 2 children	$1,206.90	**$1,393.62**	**$186.72**
Member + spouse + 1 child	$1,642.68	**$1,898.22**	**$255.54**
Member + spouse + 2 children	$1,828.56	**$2,113.46**	**$284.90**

DRS is required to pay the additional allowance for each employee, based on the employee's individual coverage level. The annual cost for this increase is estimated at $1,969,400. Additional appropriations of $867,500 are needed to cover the state portion for SFY-28.

Agency Priority:	10
Program Description:	Department of Rehabilitation Services
Requested FTE:	0.0
State Appropriations:	$2,732,300
Funding Description:	Funding Request for State Appropriations
Purpose:	Biweekly payroll

DRS is currently a monthly payroll agency. To assist employees in making the transition from monthly to biweekly, agencies can pay employees for accrued leave up to 80 hours maximum, including up to 40 hours from sick leave, to cover the conversion gap period. The total estimated cost of conversion leave payout is $2,732,300. Using federal funds to cover the federal programs' share will require prior approval from the U.S Department of Education and Social Security Administration. Unless approval is received by the federal partners, that portion will need to be covered 100% from state funds.

Proposed Fixed Rate Change for Driver Services

REVISION OF FIXED RATE FOR DRIVER SERVICES

EXECUTIVE SUMMARY

Issue:

The Services for the Blind and Visually Impaired are requesting approval to increase the fixed rate for Driver Services provided to the blind and visually impaired, and physically disabled employees while on agency business. We have been working with Galt Staffing to help us recruit new drivers, and it is exceedingly hard to find any drivers who will work for our current rate.

Background:

Driver Services are provided as an Americans with Disabilities Act (ADA) accommodation for employees who are blind and/or visually impaired, and those who are physically disabled who need to travel while on agency business. The Department of Rehabilitation Services adopted fixed rates for Driver Services July 24, 1995. The current fixed rate is $12.50 per hour, and the rate was last revised April 11, 2022.

Proposal:

According to Indeed, the average base salary of a Driver in Oklahoma is $16.60 per hour. In Oklahoma City, that rate increases to $17.44 per hour. In Tulsa, the rate is $16.94 per hour. Based on these averages and input from Galt Staffing, we are proposing a new fixed rate of $15.00 per hour. This rate will allow us to recruit new drivers and retain our current drivers.

Financial Impact:

An analysis of the 10 months of FY26 hours billed at $12.50/hour compared to 10 months of the new, higher rate of $15.00 would lead to an increase of approximately $28,325 for the remainder of FY27 driver contracts. The impact for future fiscal years would be an increase of approximately $33,990 per year.

Service Labor Category - Fiscal Year	DRS Fixed Rate	Hours Paid by DRS	DRS Rate x Hours Paid	Total Increase
Driver Services - FY26 (October 2025 to July 2026 - 10 months - 1133 avg hours driven monthly)	$12.50	11330	$141,625.00	
Driver Services - October 2026 to November 2026 (with current fixed rate)	$12.50	2266	$28,325.00	
Driver Services - December 2026 to September 2027 (with increased hourly rate and estimated hours for 10 months of increased rates)	$15.00	11330	$169,950.00	$28,325.00
Driver Services - FY28 (12 months with increased hourly rate)	$15.00	13596	$203,940.00	$33,990.00

Amanda Otis
State Purchasing Director
Central Purchasing

OKLAHOMA
Office of Management
& Enterprise Services

Mark Wood
OMES Executive Director

August 18, 2026

Sterling Zearley
Executive Director
Oklahoma Department of Rehabilitation Services
7301 NW Expressway, Suite 200
Oklahoma City, Oklahoma 73132

RE: Request to modify existing fixed and uniform rates for services as requested in your letter to the State Purchasing director submitted on August 7, 2026.

Dear Mr. Zearley,

Based on our review of your submitted information, your request to modify existing fixed and uniform rates is approved, contingent upon approval at the Commission for Rehabilitation Services, for the various services identified in Attachment A included with this letter.

Please provide the results of your public hearing and commission meeting scheduled for September 9, 2026, and the Commission for Rehabilitation Services meeting scheduled for October 14, 2026, by forwarding a copy of the minutes to the State Purchasing Director.

No other changes are authorized related to the above requests without submitting the proposed changes for approval to the Office of Management and Enterprise Services (OMES).

Respectfully,

Signed by:
Amanda Otis
669CCBBCE8C942E...
8/18/2026

Amanda Otis
State Purchasing Director

Attachment: Attachment A

Attachment A

1. **Advantage Waiver Service Increases:** Oklahoma Human Services Community Living, Aging & Protective Services is seeking to implement an array of provider rate increase. The Oklahoma State Legislature passed legislation requiring the rate increase and provided funding for the rate increase through Senate Bill 1137 with a commensurate rate increase for State Plan Personal Care (SPPC) services. The services are available to recipients on the Medicaid ADvantage Waiver and State Plan Personal Care programs. The current rate structure for services provided in the proposed rate changes are fixed and uniform rates established through the State Plan Amendment Rate Committee process.

Proposed Fixed Rate Change for Orthotics and Prosthetics

REVISION OF FIXED RATE FOR ORTHOTICS AND PROSTHETICS

EXECUTIVE SUMMARY

Issue:

The Vocational Rehabilitation and Services for the Blind and Visually Impaired Divisions are requesting approval to increase the fixed rate fee schedule to align with Medicare allowable rates for orthotic and prosthetic patient care. The orthotic and prosthetic field has experienced substantial increases in the cost of raw materials, supplies, components, and fabrication of these custom devices. These rising expenses continue to erode already narrow provider margins. Without adjustments to reimbursement rates, providers may be forced to limit or discontinue participation in the DRS program. If that occurs, the unintended consequence will be reduced provider availability and a shift toward lowest-cost options, which may compromise the quality of care delivered to the individuals DRS is committed to serving.

Background:

Individuals with limb deformity, disfunction, limb loss and limb difference rely on orthotic and prosthetic services throughout their lives to maintain mobility, independence, and the ability to work. Access to appropriate orthotic and prosthetic care directly impacts not only ambulation, but also overall quality of life and meaningful participation in the community. The current DRS fixed rate fee schedule is closely aligned to the Medicaid fee schedule, which is substantially lower than the Medicare fee schedule.

Proposal:

Aligning the DRS fee schedule with Medicare allowable rates is a necessary and reasonable step to ensure continued access to high-quality orthotic and prosthetic services for Oklahomans who depend on them. This adjustment would help sustain provider participation, preserve care standards, and support successful vocational outcomes for patients.

Financial Impact:

An analysis of the FY26 total orthotic and prosthetic procedures billed at DRS rates ($125,497) compared to the current Medicare rates ($174,527) would lead to a yearly increase of approximately $49,030.

Procedure_Code_ ID	Procedure_Category_Desc	Procedure_Desc	DRS Rate	Medicare Rate	Increase per Procedure	Times Paid by DRS	DRS Rate Time Quanity	Medicare Rate Times Quanity	Total Increase
L5100	DMP - Durable Medical Purchase	Below knee, molded socket, shin, SACH foot	$2,279.69	$3,480.09	-$1,200.40	1	$2,279.69	$3,480.09	-$1,200.40
L5301	DMP - Durable Medical Purchase	Below knee, molded socket, shin, SACH foot, endoskeletal system	$2,211.76	$3,376.36	-$1,164.60	1	$2,211.76	$3,376.36	-$1,164.60
L5321	DMP - Durable Medical Purchase	Above knee, molded socket, open end, SACH foot, endoskeletal system, single axis knee	$3,085.71	$4,710.53	-$1,624.82	1	$3,085.71	$4,710.53	-$1,624.82
L5613	DMP - Durable Medical Purchase	Addition to lower extremity, exoskeletal system, above knee-knee disarticulation, 4 bar linkage,	$1,990.24	$3,038.19	-$1,047.95	1	$1,990.24	$3,038.19	-$1,047.95
L5620	DMP - Durable Medical Purchase	Additions to lower extremity, test socket, below knee	$444.32	$453.81	-$9.49	2	$888.64	$907.62	-$18.98
L5624	DMP - Durable Medical Purchase	Additions to lower extremity, test socket, above knee	$585.00	$593.44	-$8.44	2	$1,170.00	$1,186.88	-$16.88
L5629	DMP - Durable Medical Purchase	Addition to lower extremity, below knee, acrylic socket	$339.82	$518.74	-$178.92	2	$679.64	$1,037.48	-$357.84
L5631	DMP - Durable Medical Purchase	Addition to lower extremity, above knee or knee disarticulation, acrylic socket	$469.82	$717.21	-$247.39	2	$939.64	$1,434.42	-$494.78
L5637	DMP - Durable Medical Purchase	Addition to lower extremity, below knee, total contact	$308.91	$471.56	-$162.65	2	$617.82	$943.12	-$325.30
L5647	DMP - Durable Medical Purchase	Addition to lower extremity, below knee suction socket	$637.93	$973.84	-$335.91	1	$637.93	$973.84	-$335.91
L5649	DMP - Durable Medical Purchase	Addition to lower extremity, ischial containment/narrow M-Lsocket	$1,948.55	$2,974.58	-$1,026.03	2	$3,897.10	$5,949.16	-$2,052.06
L5650	DMP - Durable Medical Purchase	Additions to lower extremity, total contact, above knee or knee disarticulation socket	$459.41	$701.34	-$241.93	2	$918.82	$1,402.68	-$483.86
L5651	DMP - Durable Medical Purchase	Addition to lower extremity, above knee, flexible inner socket, external frame	$1,284.13	$1,960.29	-$676.16	2	$2,568.26	$3,920.58	-$1,352.32
L5652	DMP - Durable Medical Purchase	Additions to lower extremity, suction suspension, above knee or knee disarticulation socket	$407.91	$622.71	-$214.80	1	$407.91	$622.71	-$214.80
L5665	DMP - Durable Medical Purchase	Addition to lower extremity, socket insert, multi-durometer, below knee	$438.85	$669.92	-$231.07	1	$438.85	$669.92	-$231.07
L5668	DMP - Durable Medical Purchase	Additions to lower extremity, below knee, molded distal cushion	$107.98	$164.84	-$56.86	1	$107.98	$164.84	-$56.86
L5671	DMP - Durable Medical Purchase	Addition to lower extremity, below knee/above knee suspension locking mechanism (shuttle, la	$461.09	$703.88	-$242.79	1	$461.09	$703.88	-$242.79
L5673	DMP - Durable Medical Purchase	Addition to lower extremity; below knee/above knee, custom fabricated from existing mold or pr	$587.53	$896.90	-$309.37	5	$2,937.65	$4,484.50	-$1,546.85
L5679	DMP - Durable Medical Purchase	Addition to lower extremity, below knee/above knee, custom fabricated from existing mold or pr	$489.59	$747.37	-$257.78	2	$979.18	$1,494.74	-$515.56
L5683	DMP - Durable Medical Purchase	Addition to lower extremity, below knee/above knee, custom fabricated socket insert for other t	$1,089.08	$1,628.34	-$539.26	1	$1,089.08	$1,628.34	-$539.26
L5685	PRO - Prosthetics	Addition to lower extremity prothesis, below knee, suspension/sealing sleeve, with or without va	$123.06	$158.53	-$35.47	2	$246.12	$317.06	-$70.94
L5701	DMP - Durable Medical Purchase	Replacement, socket, above knee/knee disarticulation, including attachment plate, moded to p	$2,759.22	$4,212.11	-$1,452.89	1	$2,759.22	$4,212.11	-$1,452.89
L5704	DMP - Durable Medical Purchase	Replacement, custom shaped protective cover, below knee *	$429.83	$656.17	-$226.34	1	$429.83	$656.17	-$226.34
L5785	DMP - Durable Medical Purchase	Additions exoskeletal system, below knee, ultra-light material (titanium, carbon fiber or equal)	$464.55	$709.19	-$244.64	1	$464.55	$709.19	-$244.64
L5845	DMP - Durable Medical Purchase	Addition, endoskeletal, knee-shin system, stance flexion feature, adjustable	$1,453.47	$2,218.82	-$765.35	1	$1,453.47	$2,218.82	-$765.35
L5850	DMP - Durable Medical Purchase	Addition, endoskeletal system, above knee or hip disarticulation, knee extension assist	$136.79	$208.81	-$72.02	1	$136.79	$208.81	-$72.02
L5910	DMP - Durable Medical Purchase	Addition, endoskeletal system, below knee, alignable system	$387.27	$591.19	-$203.92	2	$774.54	$1,182.38	-$407.84
L5920	DMP - Durable Medical Purchase	Addition, endoskeletal system, above knee or hip disarticulation, alignable system	$567.35	$866.11	-$298.76	2	$1,134.70	$1,732.22	-$597.52
L5925	DMP - Durable Medical Purchase	Addition, endoskeletal system, above knee, knee disarticulation or hip disarticulation manual	$359.29	$548.48	-$189.19	1	$359.29	$548.48	-$189.19
L5940	DMP - Durable Medical Purchase	Addition, endoskeletal system, below knee, ultra-light material (titanium, carbon fiber or equal)	$536.37	$818.79	-$282.42	1	$536.37	$818.79	-$282.42
L5950	DMP - Durable Medical Purchase	Addition, endoskeletal system, above knee, ultra-light material (titanium, carbon fiber or equal)	$831.92	$1,269.97	-$438.05	2	$1,663.84	$2,539.94	-$876.10
L5962	DMP - Durable Medical Purchase	Addition, endoskeletal system, below knee, flexible protective outer surface covering system	$508.76	$776.67	-$267.91	1	$508.76	$776.67	-$267.91
L5968	DMP - Durable Medical Purchase	Addition to lower limb prosthesis, multiaxial ankle with swing phase active dorsiflexion feature	$3,314.34	$4,498.47	-$1,184.13	2	$6,628.68	$8,996.94	-$2,368.26
L5980	DMP - Durable Medical Purchase	All lower extremity prosthese, flex foot system	$3,145.13	$4,801.22	-$1,656.09	1	$3,145.13	$4,801.22	-$1,656.09
L5981	DMP - Durable Medical Purchase	All lower extremity prosthesis, flex-walk system or equal	$2,401.93	$3,666.67	-$1,264.74	2	$4,803.86	$7,333.34	-$2,529.48
L8400	DMP - Durable Medical Purchase	Prosthetic sheath, below knee, each	$13.47	$19.27	-$5.80	2	$26.94	$38.54	-$11.60
L8420	DMP - Durable Medical Purchase	Prosthetic sock, wool, below knee, each	$16.68	$25.45	-$8.77	2	$33.36	$50.90	-$17.54
L8430	DMP - Durable Medical Purchase	Prosthetic sock, wool, above knee, each	$18.31	$27.95	-$9.64	2	$36.62	$55.90	-$19.28
L8440	DMP - Durable Medical Purchase	Prosthetic shrinker, below knee, each	$35.43	$54.07	-$18.64	1	$35.43	$54.07	-$18.64
L8470	DMP - Durable Medical Purchase	Stump sock, single ply, fitting, below knee, each	$13.47	$9.80	$3.67	2	$26.94	$19.60	$7.34
L8480	DMP - Durable Medical Purchase	Stump sock, single ply, fitting, above knee, each	$13.47	$12.87	$0.60	2	$26.94	$25.74	$1.20
L8614	DMP - Durable Medical Purchase	Cochlear device, includes all internal and external components	$16,189.65	$23,695.45	-$7,505.80	1	$16,189.65	$23,695.45	-$7,505.80
L8619	DMP - Durable Medical Purchase	Cochlear implant, external speech processor and controller, integrated system, replacement	$7,946.08	$10,172.28	-$2,226.20	7	$55,622.56	$71,205.96	-$15,583.40
L8624	DMP - Durable Medical Purchase	Lithium ion battery for use with cochlear implant device speech processor, ear level, replaceme	$146.90	$199.61	-$52.71	1	$146.90	$199.61	-$52.71
		Totals	**$61,440.06**	**$89,621.89**	**-$28,181.83**		**$125,497.48**	**$174,527.79**	**-$49,030.31**

Commission Minutes

OKLAHOMA
Rehabilitation Services

Oklahoma Commission for Rehabilitation Services

DRAFT REGULAR MEETING MINUTES
August 12, 2026

Disability Determination Services
9801 N. Kelley Avenue
Oklahoma City 73131-2433

Welcome, Roll Call and Determination of Quorum

Dr. Janet Barresi, Vice Chair

The meeting was called to order at 10:38 a.m. by Commissioner Barresi with a quorum present: Janet Barresi, Wanda Felty, Lindsay Hanna, Kelsey Lee, Noel Tyler and Kevin Wallace. Lance Robertson was absent.

Statement of Compliance

Commission Assistant Kathleen Arrieta confirmed the Commission for Rehabilitation Services follows the Open Meetings Act.

Interim Executive Director's Report

Sterling Zearley, Interim Director

Report Highlights:

- Director Zearley met with Senate Committee Chair Paul Rosino and House Committee Chair Daniel Pae to discuss agency priorities, disability services, workforce development, and continued legislative collaboration.
- The Oklahoma Combined State Plan was approved on July 17, 2026. The Oklahoma Employment Security Commission (OESC) is completing final modifications. A link to the final version, when published, will be disseminated.
- The 2026 amended Administrative Rules were approved and then became effective on July 278, 2026. The 2027 Administrative Rules process is underway.
- A three-to-five-year deferred maintenance plan will be presented at the September meeting.
- The Director reported on the recent organizational retreat and development of an agency roadmap that may eventually become a strategic plan. The Director emphasized improved communication and transparency between the DRS executive team and the Commission.
- An Organizational Committee consisting of Commissioners Lindsey Hanna, Noel Tyler, and Lance Robertson was established by Vice Chair Janet Barresi to review the agency's organizational structure and provide recommendations.

- The Chief Financial Officer position has been posted. Recruitment for a legislative liaison position is still being developed.

Acting Chief Financial Officer's Report
Paula Nelson, Financial Budget Manager, Financial Services Division

- Financial Status Report FY 2026 - As of June 30, 2026 the agency spent $150.5 million of the $194.2 million budget, with remaining encumbrances of $27.9 million, which represents 91.9% of the budget

- FY 2027 Expenditure and Full Time Equivalent (FTE) Budgetary Limits
  DRS's FY 2027 state appropriations decreased $723,146 (1.71%) from the FY 2026 appropriations. FY 2027 total Expenditure Limits are $204 Million. The Full time Equivalent (FTE) limit for FY 2027 is set at 1000.0 FTE. This is a 20% reduction, and DRS does not expect to reach 1000 FTE.

  Commissioner Wallace made a motion to approve the FY 2027 Expenditure and Full Time Equivalent (FTE) Budgetary Limits. Commissioner Hanna seconded. All Commissioners voted in the affirmative and the motion carried.

- FY 2028 Budget Request: The FY 2028 request includes approximately $12.85 million in state funds, which would generate approximately $10.31 million in federal funds. No additional FTEs were requested. The Commission will vote on the budget request at the September 9th meeting.

Proposed Increase to Staff Incentive Payments for Successful Social Security Administration (SSA) SSI/SSDI Reimbursement Cases
Mark Kinnison, Division Administrator, Vocational Rehabilitation (VR) Services
Jason Price, Program Manager II, SSA VR Programs Office

Vocational Rehabilitation (VR) Services requested an increase in incentive payments for VR counselors and designated support staff for successful SSI/SSDI beneficiary cases that result in the Oklahoma Department of Rehabilitation Services (OKDRS) receiving 100% reimbursement from the Social Security Administration (SSA) under its VR Cost Reimbursement Program. A VR Counselor incentive would increase from $500 to $800, and the Rehabilitation Technician/support staff incentive would increase from $100 to $300.

Commissioner Lee made a motion to approve the proposed increases to VR staff incentive payments for successful Social Security Administration SSI/SSDI reimbursement cases. Commissioner Hanna seconded. All Commissioners voted in the affirmative and the motion carried.

Approval of the Oklahoma Commission for Rehabilitation Services 2027 Meeting Schedule
Dr. Janet Barresi, Vice Chair

Commissioner Hanna made a motion to approve the 2027 Commission for Rehabilitation Services meeting schedule as submitted. Commissioner Tyler seconded. All Commissioners voted in the affirmative, and the motion carried.

Approval of the June 10, 2026 Commission Regular Meeting Minutes
Dr. Janet Barresi, Vice Chair

Commissioner Hanna made a motion to approve the June 10, 2026 minutes as submitted. Commissioner Wallace seconded. All Commissioners voted in the affirmative, and the motion carried.

Acceptance of Donations to the Oklahoma School for the Deaf (OSD)
Randy Weaver, COO

The donations for June 2026 totaled $1512.60, and the donations for July 2026 totaled $69.93.

Commissioner Tyler made a motion to accept the June and July 2026 OSD donations. Commissioner Hanna seconded. All Commissioners voted in the affirmative, and the motion carried.

Acceptance of Donations to the Oklahoma School for the Blind (OSB)
Brent Pearce, Superintendent

The donations for June 2026 totaled $2,952.42, and the donations for July totaled $131.61.

Commissioner Wallace made a motion to accept the June and July 2026 OSB donations. Commissioner Tyler seconded. All Commissioners voted in the affirmative, and the motion carried.

Acceptance of Donations to the Oklahoma Library for the Blind and Physically Handicapped (OLBPH)
Tracy Brigham, Division Administrator, Services to the Blind and Visually Impaired (SBVI)

The donations for June 2026 totaled $714.00, and the donations for July totaled $682.67,

Commissioner Tyler made a motion to accept the June and July 2026 OLBPH donations. Commissioner Hanna seconded. All Commissioners voted in the affirmative, and the motion carried.

Human Resources Report
LaChelle Westfahl, Human Resources Programs Manager

- As of June 30, 2026, 12 vacant positions were filled, and 47 positions were open. There were 17 separations, which included retirements, resignations, and discharges. There were 887 filled positions.
- As of July 31, 2026, eight vacant positions were filled, and 59 positions were open. There were 19 separations, which included retirements, resignations, and discharges. There were 879 filled positions.

Priority Group Updates and Portal Referrals
Mark Kinnison, Division Administrator, Vocational Rehabilitation Services (VR)

<u>Priority Group Update:</u>
On August 5, 2026, 18 clients were cleared off the Priority Group 3 wait list.

As of August 11, 2026
- Priority groups 1 and 2 are open
- Priority group 3 clients waiting: 2

Total clients waiting: 2

<u>Portal Referral Update for July 2026</u>
- 108 applications received:
  - 70 active assignments
  - 5 pending assignments
  - 33 closed for reasons which include referrals to other agencies, no shows, application already taken, refused services, and already has an open referral.

Communications Report
Mark Beutler, Director of Communications

DRS received a 2026 Telly Award for the public service announcement series "See Me, Not My Disability." The report also covered television and media appearances, planned outreach for National Disability Employment Awareness Month, White Cane Safety Day, development of employee-focused communications, and work on the 2026 annual report. The current Public Service Announcement (PSA) campaign resulted in 3,621 television and radio spots in June with 29, 323 spots to date, for a total value on spots broadcast of $687,637.00.

Oklahoma ABLE Tech Report
Allyson Robinson, Director of Accessibility Programs

Highlights of the report included data for the assistive technology services, alternative financing program, workforce accessibility initiatives, digital accessibility training, technical assistance, and pre-employment transition services. The alternative financing program provided 75 loans which were used to purchase 130 assistive technology devices totaling about $574,000 during the past year.

Oklahoma Rehabilitation Council (ORC)
Carolina Colclasure, Program Manager

Report highlights included an overview of ORC's role as a federally mandated advisory partner to DRS, administrative rule review, self-employment training for DRS counselors, legislative outreach, collaboration with the Business Services Program, transition resources for students and families, and development of transition folders for elementary, middle, and high school students.

Statewide Independent Living Council Report
Sidna Trimmell, Executive Director

Report highlights included updates on independent living services, including interim services for the Norman area, the upcoming state plan process, and efforts to maintain collaboration between DRS and the independent living network. The Council also reported on national initiatives, accessible voting efforts, and workforce-related projects. Ms. Trimmell was invited to serve on the committee for Cornell University's Yang-Tan Institute on Employment and Disability and Worker Institute's "Making Work Work" Project. The initiative will explore how addressing the needs of care workers with disabilities can help them remain employed.

New Business
Dr. Janet Barresi, Vice Chair

Dr. Barresi made a statement regarding an incident at the Oklahoma School for the Deaf:

"Information has recently come to the attention of the Commission concerning an incident that occurred at the Oklahoma School for the Deaf. The issue is, of course, very serious and of greatest concern to the Commission. Let me emphasize that the safety and security of students are our primary concern. The individual involved was immediately removed from his position and is no longer employed by DRS."

Executive Session to Discuss the Appointment of the Executive Director
Dr. Janet Barresi, Vice Chair
There was no Executive Session.

Appointment of Executive Director
Dr. Janet Barresi, Vice Chair

The Hiring Committee, consisting of Noel Tyler, Lindsay Hanna, and Kelsey Lee, reported on its review of the agency's leadership needs and its meeting with Interim Executive Director Sterling Zearley. The report cited his leadership, transparency, decision-making, organizational stability, employee confidence, stakeholder relationships, and commitment to the agency's mission.

Commissioner Tyler made a motion to appoint Mr. Zearley as permanent Executive Director effective immediately. Commissioner Lee seconded. All Commissioners voted in the affirmative, and the motion carried.

Election of Officers to the Oklahoma Commission for Rehabilitation Services
Dr. Janet Barresi, Vice Chair

Commissioner Barresi made a motion to appoint Lindsay Hanna as Chair and Noel Tyler as Vice Chair, both effective immediately. Commissioner Felty seconded. All Commissioners voted in the affirmative, and the motion carried.

Adjournment
Dr. Janet Barresi, Vice Chair

Commissioner Hanna made a motion to adjourn. Commissioner Tyler seconded. All Commissioners voted in the affirmative, and the motion carried.

Oklahoma School for the Blind Donation Report

OKLAHOMA SCHOOL FOR THE BLIND DONATION REPORT

August 2026 Donations

Donations under $500

Date	Name	Cash	Fund	Property	Value

Subtotal of Cash (under $500) donated in August 2026	**$ -**		**Subtotal prop.**	**$ -**

Donations $500 and over $ -

Date	Name	Cash	Fund
8/27/2026	NanoPac/Cane Quest & Braille Challenge	$ 1,500.00	701

Subtotal of Cash ($500 and over) donated in August 2026	**$ 1,500.00**		**Subtotal prop.**	**$ -**
TOTAL DONATION AMOUNTS August 2026	**$1,500.00**			

Oklahoma Library for the Blind and Physically Handicapped

Donation Report

OLBPH Donations under $500				
DATE	**NAME**	**CASH**	**PROPERTY**	**VALUE**
08/15/2026	Oklahomans for Special Library Services (OSLS)		Sam Noble Museum Admissions (x20)	$187.05
08/15/2026	OSLS		Summer Reading Program (SRP) Children's Prize	$53.95
08/15/2026	OSLS		SRP Adult Prize (Gift Card)	$100
08/15/2026	OSLS		SRP Wrap-Up Party Catering	$488.22
08/19/2026	OSLS		Action Imprints T-Shirts	$237.32
08/28/2026	OSLS		SRP Accessible Game Prizes	$85
Subtotal of Donations Under $500	**$1,151.54**			

Total Donation Amount	**$1,151.54**

Oklahoma School for the Deaf Donation Report

OSD Donation Report

August 2026

Donations Under $500.00

Date	Name	Cash	Fund	Explanation	Property Value
8/26/2026	Restored Hearts & Soles		Clothes Closet	Shoes for student	$ 44.95
	Subtotal Cash Under $500.00			**Subtotal Property Under $500.00**	

Donations Over $500.00

Date	Name	Cash	Fund	Explanation	Property Value
8/26/2026	Walmart		Student Life	Garden Supplies	$ 1,200.00
	Subtotal Cash Over $500.00			**Subtotal Property Over $500.00**	**$ 1,200.00**
	Subtotal Cash Combined			**Subtotal Property Combined**	**$ 1,244.95**

Total donations for August 2026 **$1,244.95**

Oklahoma School for the Deaf Report

Oklahoma School for the Deaf
Report for the DRS Commission
September 9, 2026
Dr. Heather Laine
Superintendent

Current OSD Data:

- **<u>2026-2027: As of August 31, 2026</u>**
  - Student Enrollment at OSD (Preschool–12th Grade): **89**
  - Student Enrollment at the Satellite Preschool in Moore: **4**
    - **Total: 93 Students**
  - New Students Not Yet Enrolled: **4 (3 at OSD and 1 at Moore)**
  - Family Engagement and Early Language Supports (Birth–Five): **87**

- **<u>2025-2026 School Year - Statewide</u>**
  - Outreach Program – Educational Consultant Services:
    - Served **289 students in 122 school districts** (OSD/SDE Partnership)
  - Interpreter Mentor -
    - Provided support and guidance to K-12 Educational interpreters: **30 mentees** (OSD/SDE Partnership)
  - **Telecommunications for Deaf and Hard of Hearing Revolving Fund**
    - Oklahoma Statute 63 OK Stat § 2418: Telephone Access Line Surcharge ($0.05 per access line (landline only) by a local exchange telephone company)
      - Oklahoma Telecommunication Equipment Distribution Program (OTEDP) Served **126 clients**
      - Senior Citizen Hearing Aids Program (SCHAP): Served **536 clients**
      - Children's Hearing Aids Program (CHAP): **6** (OSD students)

OSD Happenings:

The first four weeks of school have already passed, and it has been wonderful to see our students back on campus! Our teachers and staff were excited to welcome everyone back and see our campus filled with students again.

Our theme for this year is **"One Herd. One Heart. One Win."**

We are in our second year of the **OSD Housing System**, which brings students and staff together in mixed-age groups, with students in grades 5–12 participating together and elementary students participating as one group. The system is designed to foster a strong sense of belonging, school spirit, leadership, teamwork, and positive relationships across campus.

Five houses participate in monthly challenges and earn points for demonstrating positive behaviors, academic achievement, attendance, school spirit, community service, leadership, and participation in school activities. Students and staff are regularly recognized for their positive contributions, accomplishments, and involvement in the OSD community. This initiative continues to strengthen our school culture by encouraging students to support one another, take pride in their house, and work together toward shared goals.

The goal of the Housing System is not simply competition. It is to build a strong OSD community where students and staff feel **connected, valued, supported, and proud to be Bison.**

—--

Football and volleyball practices are now underway, and we are looking forward to cheering on both teams during their upcoming home games, especially with the first home games on the week of August 31 - September 3.

—--

After a year of thoughtful discussion, collaboration, and planning in partnership with Moore Public Schools, we opened a satellite preschool program with a teacher and paraeducator at Red Oak Elementary School for the 2026–2027 school year. This expansion was informed by data collected through Family Engagement and Early Learning Supports (FEELS), which identified a high concentration of babies and young children who are Deaf or Hard of Hearing in the Oklahoma City metropolitan area.

OSD previously operated a satellite preschool program at University of Science and Arts (USAO) in Chickasha from fall 2023 through spring 2025. The program was discontinued due to a low number of babies and young children who were Deaf or Hard of Hearing in the area, which made it difficult to sustain the program.

Public school districts in the OKC region often face challenges in providing specialized preschool programs that are designed to meet the unique needs of Deaf and Hard of Hearing children. The satellite preschool program provides these students with access to a language-rich learning environment where they can develop strong communication, academic, and social skills using American Sign Language and English. Our goal is to ensure that students are given the foundation they need to thrive and enter kindergarten prepared for continued academic success.

—--

We are especially excited about our **Homecoming on Saturday, September 19!** It will be a full day of Bison spirit and school pride:

- **Volleyball: 1:00 p.m. OR 2:00 p.m.** in the gym
- **Open to Alumni, Community and Families between 3:00 PM and 6:00 PM:**
    - Check out Betty Fine OSD Museum
    - Presentation in Auditorium to Celebrations Jack Tucker and OTOD Program. (Occupational Training Opportunities for the Deaf)
    - Athletic Fundraiser - Walking Taco 3pm-5:30pm

- **Royal Procession:** Begins at **6:00 p.m.**
- **Football:** OSD vs. New Mexico School for the Deaf at **6:30 p.m.**

This year's Homecoming will be especially exciting as we celebrate on our new football field! We look forward to welcoming our students, families, alumni, and community members to campus to support our Bison and celebrate together.

OSD Updates as of August 31, 2026:

- Several campus improvement projects are currently in progress.
    - The Griffing Hall elevator replacement is also underway, including construction of the elevator tower and connections to the existing structure.
    - Grading work around several buildings has been completed with the goal of improving drainage and directing rainwater away from the buildings and into the surrounding ground. This work will help reduce water accumulation near the buildings and protect the foundations and surrounding areas.

Upcoming Events and Activities:

The fall semester includes a number of key events and opportunities for students:

- September 11-13: First Out of State Travel for Football and Volleyball to Tennessee School for the Deaf on (Game Day on September 12)
- September 19: Homecoming Day
- September 25-26: OSD Hosts ACE Volleyball Tournament (7 Schools)
- Saturday, October 24: Last Home Football game against Minnesota State Academy for the Deaf
- October 27: OSD Annual Trunk or Treat Event - 5:30 PM
- November 19: OSD Science Fair - AM
- December 17: OSD Christmas Program - AM

OSD remains committed to ensuring the safety and well-being for all students; and providing meaningful academic, extracurricular, and community engagement opportunities for all students and families.

Respectfully submitted by Dr. Heather Laine, Superintendent

Human Resources Report

PERSONNEL ACTIVITY REPORT
AS OF AUGUST 31, 2026

FILLED AND VACANT POSITIONS

Personnel Activity = 18 vacant positions filled / 64 positions in Announcement or Selection Process

Division	Title/PIN	Date Vacated	Location	Begin date	End date	Ann. #	Action/Incumbent	Date Filled
DDS	Deputy Administrator / 1282	07/31/2025	DDS	08/03/2026	08/20/2026	27-012	In Selection Process	
DDS	Disability Determination Specialist / 0637, 0763, 1279, 1383, 1407	01/01/2025 05/01/2025 01/14/2025 06/30/2025 05/01/2026	DDS	08/17/2026	09/03/2026	27-020	Currently Open	
EXEC	Chief Financial Officer / 0853	07/10/2026	EXEC	08/04/2026	Continuous	27-014	In Selection Process	
EXEC	Customer Service Representative / 0972	08/24/2026	EXEC	N/A	N/A	N/A	Brennan Thompson	08/24/2026
MSD	Administrative Programs Officer / 0992	07/28/2026	MSD	08/27/2026	Continuous	27-028	Currently Open	
OSB	Recreational Activities Specialist / 0419	04/01/2026	OSB	07/09/2026	Continuous	27-003	Currently Open	
OSB	Direct Care Specialist / 0378, 0576, 0586, 0729	02/08/2026 03/04/2026 04/27/2026 07/01/2026	OSB	07/13/2026	Continuous	27-008	Natalie Lane	08/10/2026
OSB	Direct Care Specialist / 0069	05/31/2026	OSB	06/12/2026	Continuous	26-086	Currently Open	
OSB	Teacher / 0212	07/31/2026	OSB	05/15/2026	Continuous	26-076	Darla Ford	08/01/2026
OSB	LPN / 0420	04/08/2026	OSB	04/01/2026	Continuous	26-064	Currently Open	
OSD	Administrative Assistant / 0172	08/01/2026	OSD	08/10/2026	Continuous	27-015	Currently Open	
OSD	Construction/Maintenance Technician / 0245	07/20/2026	OSD	08/10/2026	Continuous	27-016	Currently Open	
OSD	Food Service Manager / 0224	07/31/2026	OSD	08/11/2026	Continuous	27-017	Currently Open	
OSD	Transportation Officer / Student Aide / 0460	08/11/2026	OSD	08/24/2026	Continuous	27-024	Currently Open	
OSD	Early Development Specialist / P108259	NEW PIN	OSD	07/08/2026	Continuous	27-001	Currently Open	
OSD	Housekeeping/Custodial Worker / 0542	07/01/2026	OSD	07/09/2026	Continuous	27-002	Currently Open	
OSD	Teacher / 0635	08/01/2024	OSD	06/02/2026	Continuous	26-082	Abigail Buster	08/01/2026
OSD	Early Development Specialist / 1499	07/31/2026	OSD	05/11/2026	Continuous	26-072	Kimberly Obregon	08/01/2026
OSD	Teacher / 0619	07/31/2026	OSD	04/03/2026	Continuous	26-060	Brianna Neese	08/01/2026

OSD	Teacher / 0243	06/01/2026	OSD	04/03/2026	Continuous	26-063	Christine Wright	08/01/2026
OSD	Administrative Assistant / 0088	12/01/2025	OSD	02/27/2026	Continuous	26-053	Shandy Wade	08/01/2026
OSD	Teacher / 0423	06/01/2024	OSD	09/19/2025	Continuous	26-016	Eric Reed	08/01/2026
OSD	Speech Language Pathologist / P107653	NEW PIN	OSD	07/17/2025	Continuous	26-003	Currently Open	
OSD	School Counselor / 1488	10/06/2022	OSD	07/15/2024	Continuous	25-007	Kimberly Paul	08/01/2026
OSD	Sign Language Specialist / 1090	07/20/2023	OSD	08/17/2023	Continuous	24-023	Currently Open	
OSD	Direct Care Specialist (Classroom) / 0934, P106372, 0111	02/26/2025 06/30/2026 06/30/2026	OSD	12/02/2024	Continuous	25-055	Allyssa Sievert	08/03/2026
OSD	Direct Care Specialist (Dorm) / 0115, 0578, 1028, 0746, 0028	08/20/2025 05/21/2026 11/13/2024 06/17/2026 06/30/2026	OSD	10/24/2023	Continuous	23-032	Joshua Gelona Suhani Patel Kelly Fletcher	08/03/2026 08/03/2026 08/03/2026
OSD	Teacher, 2083 / 0890, 0022, 0282, 0666	08/01/2021 07/31/2026 07/31/2026 07/31/2026	OSD	10/04/2023	Continuous	23-079	Currently Open	
VR	Rehabilitation Technician / 0148	07/31/2026	VR67 – Tulsa	08/06/2026	Continuous	27-013	Currently Open	
VR	Administrative Programs Officer / 0971	10/01/2026	VR ADMIN	08/14/2026	08/20/2026	27-019	In Selection Process	
VR	Rehabilitation Technician / 0220	08/17/2026	VR80 – Tulsa	08/24/2026	Continuous	27-025	Currently Open	
VR	Customer Service Representative / 0125	N/A	VR45 – Tulsa	08/27/2026	Continuous	27-027	Currently Open	
VR	Rehabilitation Technician / 1189	07/12/2026	VR44 – Stillwater	07/14/2026	Continuous	27-009	Currently Open	
VR	Rehabilitation Technician / 0708	06/22/2026	VR05 – Weatherford	07/14/2026	Continuous	27-010	Currently Open	
VR	Secretary / 0086	08/31/2026	VR82 – Tulsa	07/20/2026	Continuous	27-011	Kelby Gonzalez	08/17/2026
VR	Vocational Rehabilitation Specialist / 0690	03/31/2026	VR80 – Tulsa	05/12/2026	Continuous	26-074	Currently Open	
VR	Vocational Rehabilitation Specialist / 0820	04/28/2026	VR56 – Woodward	05/15/2026	Continuous	26-075	Currently Open	
VR	Vocational Rehabilitation Specialist / 0627	04/30/2026	VR18 – Muskogee	05/15/2026	Continuous	26-077	Currently Open	
VR	Vocational Rehabilitation Specialist / 0776	05/15/2026	VR86 – Ada	05/26/2026	Continuous	26-079	Currently Open	

VR	Rehabilitation Technician / 0437	05/08/2026	VR81 – Chickasha	05/20/2026	Continuous	26-080	Currently Open	
VR	Vocational Rehabilitation Specialist / 0119	05/19/2026	VR12 – Lawton	05/27/2026	Continuous	26-081	Currently Open	
VR	Vocational Rehabilitation Specialist / 0138	04/01/2026	VR47 – OKC	04/22/2026	04/28/2026	26-067	Brandi Fulgham	08/24/2026
VR	Vocational Rehabilitation Specialist / 0671	04/30/2026	VR77 – Miami	04/24/2026	Continuous	26-068	Currently Open	
VR	Rehabilitation Technician / 0011	04/21/2026	VR08 – Enid	04/29/2026	Continuous	26-069	Currently Open	
VR	Vocational Rehabilitation Specialist / 0690	04/01/2026	VR80 – Tulsa	02/20/2026	Continuous	26-047	Currently Open	
VR	Programs Field Representative / 0786	08/31/2024	VR – TBD	05/01/2025	Continuous	25-093	Currently Open	
VR	Job Placement Specialist / 0925	05/31/2023	VR86 – Ada	05/09/2025	Continuous	25-098	Currently Open	
VR	Behavioral Health Clinician / 0165	03/01/2011	VR13 – McAlester	05/15/2025	Continuous	25-101	Currently Open	
VR	Assistive Technology Specialist / 0263	02/01/2025	VR36 – OKC	04/22/2025	Continuous	25-089	Currently Open	
VR	Assistive Technology Specialist / 0085	05/01/2024	VR36 – OKC	04/18/2025	Continuous	25-085	Currently Open	
VR	Vocational Rehabilitation Specialist / 0567	09/01/2020	VR67 – Tulsa	11/01/2023	Continuous	21-028.1	Currently Open	
SBVI	Assistive Technology Specialist / 0930	08/01/2026	SBVI90 – OKC	08/11/2026	Continuous	27-018	Currently Open	
SBVI	Rehabilitation Technician / 0407	02/01/2016	SBVI65 – Stillwater	08/20/2026	Continuous	27-021	Currently Open	
SBVI	Assistive Technology Trainer / 0498	03/01/2022	SBVI90 – OKC	08/20/2026	Continuous	27-022	Currently Open	
SBVI	Rehabilitation Technician / 0285	08/31/2026	SBVI91 – Tulsa	08/21/2026	Continuous	27-023	Currently Open	
SBVI	Vending Machine Technician / 1075	07/06/2026	SBVI33 – OKC	08/24/2026	Continuous	27-026	Currently Open	
SBVI	Rehabilitation Technician / 0038	06/30/2026	SBVI90 – OKC	07/09/2026	Continuous	27-004	Currently Open	
SBVI	Vocational Rehabilitation Specialist / 0367	06/12/2026	SBVI64 – Tulsa	07/10/2026	Continuous	27-005	Allison Freeman	08/17/2026
SBVI	Rehabilitation Technician / 0513	06/18/2026	SBVI90 – OKC	07/13/2026	Continuous	27-006	Currently Open	
SBVI	Programs Manager / 0006	06/30/2026	SBVI72 – OKC	07/13/2026	Continuous	27-007	Currently Open	
SBVI	Vocational Rehabilitation Specialist / 0563	05/08/2026	SBVI – TBD	06/02/2026	Continuous	26-084	Currently Open	
SBVI	Vending Facility Business Consultant / 0134	05/04/2026	SBVI33 – OKC	06/02/2026	Continuous	26-083	Currently Open	

SBVI	Programs Manager / 0193	05/31/2026	SBVI91 – Tulsa	05/26/2026	Continuous	26-078	Magan Rowan	08/01/2026
SBVI	Rehabilitation of the Blind Spec / 0812	03/06/2026	SBVI69 – Weatherford	03/25/2026	Continuous	26-055	Currently Open	
SBVI	Rehabilitation Technician / 0267	02/13/2026	SBVI64 – Tulsa	02/19/2026	Continuous	26-051	Currently Open	
SBVI	Mechanical Systems Technician / 0560	08/11/2017	SBVI33 – OKC	06/03/2025	Continuous	25-114	Currently Open	

DISCHARGES/RESIGNATIONS/RETIREMENTS = 8
As of August 31, 2026

SUPPORT SERVICES DIVISION (Executive/MSD/FSD)
Resignation = 1
1 = 33 years 1 month

DIVISION OF VOCATIONAL REHABILITATION

SERVICES FOR THE BLIND AND VISUALLY IMPAIRED DIVISION
Retirement = 1
1 = 16 years 8 months

OKLAHOMA SCHOOL FOR THE BLIND

OKLAHOMA SCHOOL FOR THE DEAF
Discharge = 2
1 = 4 years 10 months
1 = 10 months

Resignation = 1
1 = 1 day

DISABILITY DETERMINATION SERVICES
Resignation = 1
1 = 6 years 10 months

Retirement = 2
1 = 16 years 7 months
1 = 18 years 4 months

CURRENT FTE STATUS
FY 2027

FTE as of August 31, 2026

DIVISION	BUDGETED FTE	FILLED	PENDING	EXEMPT FTE	TOTAL FILLED PLUS PENDING MINUS EXEMPT FTE
Support Services (Executive/MSD/FSD)	79.0	78.00	2.00	(1.00)	79.00
Vocational Rehabilitation	232.5	212.00	21.00	0.00	233.00
Services for the Blind and Visually Impaired	115.5	99.00	13.00	0.00	112.00
VR/SBVI-DP	3.00	3.00	0.00	0.00	3.00
Oklahoma School for the Blind	100.5	93.00	6.00	0.00	99.00
Oklahoma School for the Deaf	132.5	112.00	16.00	0.00	128.00
Total (NON-EXEMPT)	663.0	597.00	58.00	(1.00)	654.00
Disability Determination Services (EXEMPT)	284.4	278.00	6.00	(284.00)	284.00
TOTAL NON-EXEMPT & EXEMPT	947.4	875.00	64.00	(285.00)	938.00

FY 27 Budgetary Limit = 1000

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

ROUTING TO: Sterling Zearley, Executive Director
Danielle Durkee, Fractional Chief Financial Officer
Randy Weaver, Chief of Operations
LaChelle Westfahl, Human Resources Program Director
Mark Beutler, Director of Communications
Kathleen Arrieta, Executive Assistant
Brett Jones, Public Information Officer III

Vocational Rehabilitation Services Report

Vocational Rehabilitation Services (VR)
September 2026 Commission Report

Overview

As of August 30, 2026, we have approximately one month remaining in the production year. Overall, we are tracking very close to the production levels achieved last year.

Our staff continue to work diligently, and I am proud of their efforts. I believe we are providing quality service delivery across the board to our clients, partners, and employers. It is equally important that we continue to extend that same level of commitment and support to one another.

Program Activity

- Applications Completed: 4,027
- Employment Plans Developed: 2,768
- Successful Outcomes Achieved: 824

Employment Outcomes

- Average Hourly Wage: $17.25
- Average Weekly Hours Worked: 33

Timeliness Metrics

- Application to Eligibility: 34 days — 98% compliance rate
- Eligibility to Plan Development: 51 days — 97% compliance rate

Staffing and Caseloads

- Vacant Counselor Positions: 6
- Active Caseloads: 88
- Average Clients per Caseload: 95
- Total Active Cases: 9,299

Collaboration and Partnerships

VR staff continue to actively engage in partnerships and collaborative efforts throughout the state. Several significant activities and initiatives have occurred over the past several months.

Tribal VR Partnerships

Staff have participated in Oklahoma Tribal Vocational Rehabilitation (OKTVR) meetings and continue to coordinate closely with Tribal VR partners. Staff also attended the Consortium of Administrators for Native American Rehabilitation (CANAR) conference in June.

The Comanche Nation Vocational Rehabilitation Program recently hosted its Disability Awareness Day in Lawton, with strong participation from VR staff. Our partnership with Tribal VR programs continues to be one of the strongest collaborative relationships of its kind in the nation.

Developmental Disability Services
Ongoing meetings are being held with the Developmental Disabilities Services Department (DDSD) to coordinate the sequencing of services and work-readiness assessments for individuals pursuing competitive integrated employment.

The group is also exploring marketing strategies to promote both programs and highlight the work being accomplished through these partnerships. The Governor's Disability Employment Awards of Excellence are scheduled for October 21, 2026. Current discussions indicate that this may be a record year for nominations.

Sub-Minimum Wage Task Force
The last meeting was held on June 25th. The group listened to direct service providers and their testimonies. The next meeting will focus on next steps and planning.

Field Coordination
The Division Administrator continues to meet biweekly with Coordinators and the Tribal Liaison to ensure that issues are being addressed and that services are being delivered as efficiently and effectively as possible.

Budget and Staffing
VR/SBVI employment programs held their annual budget meeting with Finance in May. Overall, the current understanding is that funding for the employment programs will remain consistent at this time.

The VR Division Administrator requested funding for four additional positions based on anticipated future needs:

- Customer Service Representative for Deaf and Hard of Hearing Services in Tulsa
- Rehabilitation Technician for the Lawton office
- Job Placement Specialist in Enid to support Business Services
- VR Specialist to assist with expanding caseloads

Oklahoma Rehabilitation Council
The Division Administrator continues to participate in regular and quarterly Oklahoma Rehabilitation Council (ORC) meetings. The Division Administrator also assisted the ORC Program Manager with recent recommendations regarding appointments to vacant Council positions.

Oklahoma Rehabilitation Association
The Oklahoma Rehabilitation Association (ORA) continues to meet regularly in preparation for its annual conference scheduled for September 17–18, 2026. Many ORA members and officers are DRS employees who contribute significantly to the organization and to the advancement of the rehabilitation profession.

Office Locations
Open houses are scheduled for the Guymon and Alva locations on September 15 and 16, respectively. Special thanks to Dusty Price and her staff for their efforts in identifying and securing suitable office space.
Efforts are continuing to identify appropriate locations for the Edmond, Ardmore, and Idabel offices.

Performance and Program Management
Monthly Performance Meetings continue to be held and include updates regarding workforce, performance, budget, and program data.
We have been fortunate to keep Priority Groups 1 and 2 open while continuing to clear Priority Group 3 on a monthly basis.

University Partnership and Internship Opportunities
A meeting was held in June with Jeremy Lee, Josh Bullock, and staff from the University of Oklahoma to discuss the possibility of hosting interns currently enrolled at OU.

The discussion focused primarily on the Psychological Clinician program. Jeremy Lee and Josh Bullock currently serve the agency in this capacity, and the potential internship program could provide valuable opportunities for students while supporting future workforce development.

Administrative Rules and Staff Training
On August 21, the VR and SBVI Field Coordinators conducted Administrative Rules Training. A subsequent meeting was held with VR and SBVI Program Managers, who then returned to their respective units to provide the training to staff. A VR staff meeting was also held later that afternoon to address a variety of program and operational topics.

Pre-Employment Transition Services
The Division Administrator attended the inaugural Regional Pre-Employment Transition Conference on August 18–20. This was the first opportunity for states within the region to meet collectively to discuss program development, emerging trends, and best practices related to Transition Services.

I am especially proud of our Oklahoma team. It is evident that significant and meaningful work is taking place across the state to improve services and outcomes for students with disabilities.

Staff Retirements
Toni Stine, Administrative Programs Officer, and Mike Goza, Programs Manager, have announced their retirements.

I want to sincerely thank both Toni and Mike for their many years of service and dedication to the agency. They have each devoted a significant portion of their lives to serving others and contributing to the mission of DRS. Their contributions are greatly appreciated, and they will be missed.

VR Staff Update
The most recent VR staff update was canceled due to heating and air-conditioning issues at the state office. Please see the additional summary provided to staff regarding the information that was scheduled to be covered during the update.

Respectfully submitted,

Mark Kinnison, M.Ed., CRC, LPC-S
Vocational Rehabilitation Services Administrator
Oklahoma Rehabilitation Services

Disability Determination Services Report

Disability Determination Services Commission Report – September 2026

Disability Determination Services (DDS) is responsible for determining eligibility for Social Security Disability benefits. These determinations are made for Oklahoma citizens by the Oklahoma DDS, with National assistance also provided through the OK DDS Extended Service Team (EST). That team is currently assisting the states of Georgia and Texas with initial-level claim processing for Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefits.

The DDS is primarily responsible for processing claims at the following levels:

- Initial Claims (IN) – claims for claimants who have initiated a new request for disability benefit approval.
- Reconsideration Claims (RC) – the first level of appeal, for claimants who were not found to meet disability requirements at the IN level (or received an onset of disability that was unfavorable and sometime after the date initially requested).
- Continuing Disability Review Claims (CDR) – claims generated by local Social Security Field Offices and that are prompted by the expiration of a diary previously set at the time of a finding of disabled; this review ensures those who are receiving benefits remain medically eligible to continue receiving those benefits.

Fiscal Year (FY) 2026 Performance Expectations and Achievements

The Social Security Administration (SSA) oversees the operations of each state's DDS, and it monitors the progress the DDS makes in meeting annual production, quality, and processing time goals.

Production

The following are the OK DDS FY26 targets, as well as its year-to-date performance (as of week 47 of the current Federal Fiscal Year, that will conclude at September's end):

Oklahoma Claims				EST Claims			
Claim Level	Target	YTD Produced	Percent to Target	Claim Level	Target	YTD Produced	Percent to Target
IN	31,000	29,433	4.50%	**IN**	13,077	11,256	-4.30%
RC	7,998	8,157	Completed	**RC**	0	2	N/A
CDR	10,515	9,664	1.50%	**CDR**	2,000	2,260	Completed

As of week 47, the OK DDS achieved its reconsideration target and was subsequently tasked with continuing to maximize its production of reconsideration claims through the fiscal year's end; achievements of this kind allow the OK DDS to serve as both a state and national resource, assisting SSA with achieving national targets in addition to its own state target.

Additionally, the OK DDS is very well-positioned to achieve and exceed its FY26 targets for initial and CDR claims, and it will have produced a total of more than 67,000 claims if able to reach all targets for all case-types in FY26 (this includes smaller workloads, such as disability pre-hearing and hearing claims that are annually targeted in addition to the three case-types discussed above).

Processing Time and Backlogs

The OK DDS has a YTD processing time average of 172.7 days for initial-level claims, compared to a national average of 160.1 days across all DDS sites. For reconsideration claims, it has a YTD processing time average of 174.1 days and is more than 10 days less the national average of 184.6 days across all DDS sites.

While not given specific processing time targets by SSA, DDS sites are able to somewhat measure their processing time performance through comparisons with national averages. FY26 processing time accrual has largely happened within the OK DDS backlogs, which have seen improvements but still have much progress that needs to be made.

The OK DDS currently has a backlog of approximately 15,000 IN, RC, CDR, PH (pre-hearing), and DH (disability hearing) claims. This is a reduction of more than 2,700 claims when compared to the YTD high that was seen in week 3 of FY26; additionally, the current age of the OK DDS initial and reconsideration backlogs (approximately 122 and 127 days, respectively) is a reduction of 25 days for initial claims (compared to week 20) and 19 days for reconsideration claims (compared to week 22). When referencing the age of these backlogs, it is a measure of the oldest claims vs. an average age.

Accuracy (Quality)

DDS quality is namely measured through Performance and Decisional averages, with the Performance average representing the overall accuracy of initial-level claim processing (i.e., determinations made with no errors found) and the Decisional average representing the accuracy of initial-level decision making (i.e., determinations made with the correct finding of disabled or not disabled).

Performance Accuracy				Decisional Accuracy			
Claim Level	Target	YTD Achieved	National Ranking	Claim Level	Target	YTD Achieved	National Ranking
IN	90.60%	96.30%	#10	IN	97.00%	96.50%	#40

The OK DDS is currently performing well with regard to its Performance average, and significant improvements were made in the way of achieving an 18-point rank increase in a period of only two months.

While the current Decisional average is below target, it does lag the national average by less than only one percentage point and is equal to the Decisional average of the former Dallas region (a valuable comparison measure that has persisted for the OK DDS, even though the traditional regional breakdowns that had been previously used by SSA were done away with at FY25's end).

(It is important to note that performance measures are provided to the DDS on a monthly basis, but with a 3-month delay for Decisional averages; the Decisional average above is therefore representative of the OK DDS Decisional accuracy through April).

General Updates

The DDS has seen the loss of 13 full-time examiners in FY26. While some of this loss can be attributed to general attrition reasons, a handful of staff have been lost to Federal hiring that has offered salary incentives that the DDS is unable to match. Four examiners were lost to this hiring in June, with another known loss that is anticipated for October (a recent posting for subsequent Federal hires is expected to result in some additional number of losses, though an exact number cannot be predicted at this time).

While hiring has been a challenge for the OK DDS for the past three years, SSA has recently extended five examiner hires that the DDS anticipates onboarding in October. Indicators of additional hiring authority for FY27 are very promising at this time.

Though the age and size of the DDS backlog have been concerning, several steps were taken in FY26 that have contributed to a shrinking that is expected to continue into the upcoming fiscal year. Assignment levels for examiner staff were returned (increased) to pre-2024 numbers at the beginning of the current fiscal year, and direct case assignments to examiner supervisors were begun in June. The DDS has also leveraged direct case assignments as its primary means of overtime work for the majority of the fiscal year, which has significantly offset the assignment deficit that would have resulted from staff attrition.

Where the DDS is realizing some staff losses as a result of Federal hiring, these hires are in an effort on SSA's part to internally manage the CDR workload. The plans they have made for Federal CDR processing in FY27 are resulting in a significant decrease in the OK DDS CDR workload (Oklahoma will see a reduction in its CDR target of more than 6,000 claims in FY27).

While the DDS sites would prefer to continue to have full jurisdiction over the CDR workload, the lowering of the FY27 target will allow the OK DDS to more greatly focus its own assignment efforts on initial and reconsideration claims; this, in combination with the hiring authority that is finally once again being extended by SSA, is a very promising sign that the DDS will be able to make additional (and potentially even greater) strides in reducing the age and size of its backlog by FY27's end.

Respectfully,

Jake Zuker, Interim DDS Administrator

Notice of Rulemaking Intent – 2007 Administrative Rules Amended Overview

CHAPTER 1. ADMINISTRATIVE OPERATIONS

SUBCHAPTER 3. ADMINISTRATIVE COMPONENTS OF THE DEPARTMENT

612:1-3-1. The Commission for Rehabilitation Services [AMENDED]

~~(a) Title 74, Section 166.1 et seq. of the Oklahoma Statutes provides that the Department of Rehabilitation Services is under the control of the Oklahoma Commission for Rehabilitation Services, composed of three members: one member appointed by the President Pro Tempore of the Oklahoma State Senate, one member appointed by the Speaker of the Oklahoma House of Representatives, and one member appointed by the Governor. The first three members of the Commission shall serve concurrent terms of three years. At the expiration of the terms of the three members initially appointed, the Commission shall consist of three members: one member appointed by the President Pro Tempore of the Oklahoma State Senate for a term of one year, one member to be appointed by the Speaker of the Oklahoma House of Representatives for a term of two years, and one member to be appointed by the Governor for a term of three years. Thereafter, terms of office of the Commission members are for three years, with the term of one Commission member expiring each year. Members are selected on the basis of having a knowledge and concern for rehabilitation and disability-related issues. A member of the Commission may be appointed to succeed himself or herself. Commission members do not receive compensation for their services but are reimbursed for necessary travel and related expenses incurred in the performance of their official duties. The Commission meets a minimum of ten (10) times per calendar year and holds a regular annual meeting at which it elects from among its membership a chairperson and a vice-chairperson. The Commission may also hold special sessions at such times as deemed necessary or advisable by a majority of Commission members~~.

~~(b)~~ Members of the Commission for Rehabilitation Services shall be appointed as provided for at 74 O.S. § 166.2. The Commission has the legal authority and responsibility to govern the Department of Rehabilitation Services, appoint and remove the Director of the Department of Rehabilitation Services; approve programs; policy and budgets; and perform the necessary functions of a governing board. The Commission has the authority to accept monies gifts and bequests of real and personal property, which become available for operation of programs under the jurisdiction of the Department.

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

SUBCHAPTER 1. GENERAL PROVISIONS

612:10-1-1. Purpose [AMENDED]

(a) The purpose of this Chapter is to set forth rules for the provision of services provided by the Division of Vocational Rehabilitation and the Division of Services for the Blind and Visually Impaired.

(b) **SSA Reimbursement Incentive.** Oklahoma Statutes, Title 74, § 166.8 (B), authorizes the Commission for Rehabilitation Services to use SSA reimbursements as an incentive program for direct service delivery staff if service costs are reimbursed for job placement of SSI or SSDI recipients.

(1) These funds from the Social Security reimbursement program shall be used for incentive payments to counselors and technicians when casework results in nine consecutive months of substantial gainful activity level employment for clients who were receiving SSI or SSDI benefits. Amount of incentive payments will be subject to commission approval.

(2) The payments will go to the counselor and technician who have been designated by the Program Manager as having done the majority of work on the case. Each employee must be employed by DRS at the time the SSA Reimbursement Program Coordinator receives the deposit notice from the Social Security Administration. Cases in which the SSA Reimbursement Program Coordinator has decided to function as an Employment Network are not eligible for the incentive award. All traditional reimbursements received after November 1, 2007, will be eligible for the incentive award. Payments will be provided once per year and are subject to tax and payroll regulations. There is no limit on how many incentive payments a counselor and technician can qualify for.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Consumer Independence Support Services" or **"(CISS)"** means providing independent living assessment, intensive counseling, community integration, and housing modifications to further assist individuals with significant disabilities in achieving independence.

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

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

"Credential attainment" means the percentage of those clients enrolled in an education or training program (excluding those in OJT and customized training) who attained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program. Under the WIOA, workforce agencies are required to report this percentage during participation in or within one year after closure of the case. This is based on the sub-regulatory guidance related to the implementation and operation of the performance accountability system under section 116 of WIOA and the implementing regulations in 34 C.F.R. parts 361 subpart E.

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

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

"Designated State Unit" or "State Unit" means either the State vocational rehabilitation bureau, division, or other organizational unit that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities and that is responsible for the administration of the vocational rehabilitation program of the State agency, as required under 34 C.F.R. § 361.13(b); or the State agency that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities. (Authority: Sections 7(8)(B) and 101(a)(2)(B) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 705(20)(A) and722(a)(1))

"Driver Rehabilitation Training – High Tech" means, High-tech: Driver rehabilitation training is typically for clients driving in a power wheelchair, in a wheelchair accessible van that has been electronically modified. Modifications can include powered gas brake system, reduced effort steering and reduced diameter steering wheel, switch arrays that interface with the vehicles original electronics such as wipers, lights, etc.

"Driver Rehabilitation Training – Low Tech" means, Low-Tech: Driver rehabilitation training is conducted with mechanical driving controls. Some examples are a mechanical gas/brake hand control, or pedal extensions, remote wiper controls and a spinner knob. Client would typically transfer into and drive from the driver's seat.

"DRS" means the Department of Rehabilitation Services.

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

"DVR" means the Division of Vocational Rehabilitation.

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

"Eligible individual" means an applicant for vocational rehabilitation services who meets the eligibility requirements of 34 C.F.R. § 361.42(a).

"Employment and Retention" or **"(ER)"** means short-term on-site and/or off-site support for individuals with significant disabilities who require assistance preparing for, obtaining, and maintaining employment. If Employment and Retention Services are used with an individual with a most significant disability, the DRS Counselor must justify on the DRS-C-301 Employment Services Referral form how Employment and Retention is the most appropriate placement service rather than Supported Employment.

"Employment Consultant" or **"(EC)"** refers to a specialist who uses structured intervention techniques to help the individual learn job tasks to the employer's specifications and learn the interpersonal skills necessary to be accepted as an employee at the job site. In addition to job site training, job coaching includes related assessment, job development, advocacy, travel training, and other services needed to maintain the employment.

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

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

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

"Extended services" means ongoing support services provided to individuals with the most significant disabilities, including youth with the most significant disabilities, after the time-limited vocational rehabilitation services have been completed and job stabilization has been achieved. They consist of specific services, including natural supports, needed to maintain the supported employment placement. Extended services are paid from funding sources other than DRS and are specifically identified in the IPE, except that DRS may provide and pay for extended services for youth with the most significant disabilities for a period not to exceed 4 years or extend beyond the date when the youth reaches age 25.

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

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

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

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

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

"Highly challenged" means an individual receiving supported employment services who, due to the nature of the disability, requires a greater level of support from the job coach to maintain employment. The individual must meet at least two (2) or more of the following criteria to be considered highly challenged:

(A) Requires a personal care attendant at the job site.

(B) Has exhibited an ongoing, documented pattern of explosive behavior, physical aggression, self-abuse, or destruction of property which would jeopardize their opportunity for achieving a successful employment outcome.

(C) During the last two (2) years has experienced three (3) or more events (e.g., hospitalization, recurring health, or mental health issues), or a total of twelve (12) weeks incarceration or other institutionalization, which interrupted work or ability to live independently.

(D) Documentation (e.g. client statement, DRS Counselor confirmation, etc.) of rejection of the individual by other Contractors (e.g., employment, educational etc.) as being too difficult to serve.

(E) Is a member of the Hissom class.

(F) Meets eligibility criteria for the Program of Assertive Community Treatment (PACT) program.

(G) Alcohol and/or substance abuse is a secondary disability which has resulted in loss of employment within the last two (2) years.

(H) The individual's primary or secondary disability is Borderline Personality, Autism, ~~Deaf-Blindness~~deafblindness, Intellectual Disability, or Traumatic Brain Injury.

(I) Has had three (3) or more required changes of anti-psychotic medications in the past year.

(J) Requires specialized assistive technology such as sensory aids, telecommunication devices, adaptive equipment, and/or augmentative communication devices to succeed in Employment.

(K) Other - Contractor must provide documentation to assigned ESS TA to support an additional employment limiting factor not listed above that would likely increase service costs and difficulty to serve.

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

"Individual with a disability" means an individual who has a physical or mental impairment; whose impairment constitutes or results in a substantial impediment to employment; and who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

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

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

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

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

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

"Individual with the most significant disability" means an individual with a significant disability who meets the designated State unit's criteria for an individual with a most significant disability. These criteria must be consistent with the requirements in 34 C.F.R. § 361.36(d)(1) and (2):

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

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

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

"Individual's representative" means any representative chosen by an applicant or eligible individual, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the individual's representative.

"Integrated setting" means:

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

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

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

"IPE" means the Individualized Plan for Employment.

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

"Job Coach" means a qualified individual providing support services to eligible individuals in employment programs. Services directly support the eligible individual's work activity including applied behavioral analysis, training and worker assessment, and teaching job skills.

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

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

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

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

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

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

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

"OMES" means Office of Management & Enterprise Services, which sets thresholds for State Purchasing guidelines.

"Ongoing support services" means, as used in the definition of supported employment, services that:

(A) Are needed to support and maintain an individual with a most significant disability, including a youth with a most significant disability, in supported employment;

(B) Are identified based on a determination by the DRS of the individual’s need as specified in an individualized plan for employment;

(C) Are furnished by the DRS from the time of job placement until transition to extended services, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the individual's term of employment in a particular job placement;

(D) Include an assessment of employment stability and provision of specific services or the coordination of services at or away from the worksite that are needed to maintain stability based on:

(i) A minimum of twice-monthly monitoring at the worksite of each individual in supported employment; or

(ii) If under specific circumstances, at the request of the individual, the individualized plan for employment provides for off-site monitoring, twice monthly meetings with the individual;

(E) Consist of:

(i) Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs described at 34 C.F.R., § 361.5(c)(5)(ii);

(ii) The provision of skilled job trainers who accompany the individual for intensive job skill training at the worksite;

(iii) Job development and training;

(iv) Social skills training;

(v) Regular observation or supervision of the individual;

(vi) Follow-up services including regular contact with the employers, the individuals, the parents, family members, guardians, advocates or authorized representatives of the individuals, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;

(vii) Facilitation of natural supports at the worksite;

(viii) Any other service identified in the scope of vocational rehabilitation services for individuals, described in 34 C.F.R. § 361.48(b); or

(ix) Any service similar to the foregoing services.

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

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

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

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

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

"Post-employment services" means Post-employment services defined in 34 C.F.R. § 361.5(c)(41) as one or more of the VR services identified in 34 C.F.R. § 361.48(b) that are provided subsequent to the achievement of an employment outcome and prior to case closure that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. As described in the note following the regulatory definition of "post-employment services" at 34 C.F.R. § 361.5(c)(41), post-employment services are:

(A) Provided under an amended individualized plan for employment (IPE); thus, a re-determination of eligibility is not required;

(B) Limited in scope and duration; and

(C) Available to meet rehabilitation needs that do not require a complex and comprehensive provision of services.

(D) Thus, after the employment outcome has been achieved but before the individual is reported as having exited the VR program is the period of time that the individual is most likely to need discrete short-term services (i.e., post-employment services) to ensure that the employment outcome can be maintained.

"Pre-employment transition services" means the required activities and authorized activities specified in 34 C.F.R. § 361.48(a)(2) and (3).

"Prior approval" means the receipt of approval from the granting authority prior to issuing the authorization for the purchase of goods and services.

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

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

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

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

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

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

"Situational Assessment" means to determine the best match between an individual, a type of job, and a work environment. Situational assessment (also known as job sampling, on-the-job assessment, or environmental assessment), is assessment using actual employment and community settings.

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

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

"Stabilization" means the time period when EC support is reduced to the long-term maintenance level where the individual retains employment, and personal satisfaction with the job, as well as employer satisfaction with the individual's job performance.

"Student with a disability" means, in general, an individual with a disability in a secondary, postsecondary, or other recognized education program who meets the requirements set forth in 34 C.F.R. § 361.5(c)(51).

(A) is not younger than the earliest age for the provision of transition services under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (codified at 20 U.S.C. § 1414(d)(1)(A)(i)(VIII));

(B) is not older than 21, unless the state law provides for a higher maximum age on or before for receipt of services under the Individuals with Disabilities Education Act and is not older than the maximum age; and

(C) is eligible for and receiving special education or related services under Part B of the Individuals with Disabilities Education Act; or is an individual with a disability for the purpose of section 504 of the Rehabilitation Act of 1973 (Pub.L. 93-112), as amended.

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

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

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

"Supported employment" or **"(SE)"** means

(A) competitive integrated employment, including customized employment, or employment in an integrated work settings in which an individual with a most significant disability, including a youth with a most significant disability, is working on a short-term basis toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including with ongoing support services for individuals with the most significant disabilities who meet the requirements set forth in 34 C.F.R. § 361.5(c)(53).

(i) For whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and

(ii) Who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services after the transition from support provided by the designated state unit, in order to perform this work.

(B) For purposes of this part, an individual with a most significant disability, whose supported employment in an integrated setting does not satisfy the criteria of competitive integrated employment, as defined in paragraph (c)(9) of this section is considered to be working on a short-term basis toward competitive integrated employment so long as the individual can reasonably anticipate achieving competitive integrated employment –

(i) Within six months of achieving a supported employment outcome; or

(ii) In limited circumstances, within a period not to exceed 12 months from the achievement of the supported employment outcome, if a longer period is necessary based on the needs of the individual, and the individual has demonstrated progress toward competitive earnings based on information contained in the service record.

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

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

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

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

"Team Meeting" means a meeting between the individual, guardian, EC, DRS Counselor, and all other team members chosen by the individual and/or guardian. The individual, or with the support of a designee identified by the individual, will lead the meeting.

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

"Transportation" means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service(s), including expenses for training in the use of public transportation vehicles and systems.

"Vocational rehabilitation services" means, if provided to an individual, those services listed in 34 C.F.R. § 361.48; and if provided for the benefit of groups of individuals, means those services listed in 34 C.F.R. § 361.49.

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

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

SUBCHAPTER 3. CLIENT PARTICIPATION IN COST OF SERVICES

612:10-3-2. Consideration of comparable services and benefits [AMENDED]

(a) **Determination of availability.** Prior to providing an accommodation or auxiliary aid or service or any vocational rehabilitation services, except those services listed under 34 ~~CFR~~C.F.R. § 361.53(b)(1-6), to an eligible individual or to members of the individual's family, the VR or SBVI counselor must determine whether comparable services and benefits, ~~as defined in 34 CFR 361.5(c)(8)~~ are available to the individual unless such a determination would interrupt or delay services ~~according to 34 CFR 361.53(a-c)~~. However, comparable services and benefits may be used for these VR services if the comparable services and benefits are readily available at the time the VR services are needed.

(b) **Exempt services.** The vocational rehabilitation services described in ~~34 CFR 361.48 (b)~~C.F.R. § 361.53(b)(1-6) are exempt from a determination of the availability of comparable services and benefits under paragraph (a) ~~of this section as identified in 34 CFR 361.53(b)(1-6). However, comparable services and benefits may be used for these VR services if the comparable services and benefits are readily available at the time the VR services are needed.~~

(1) Assessment for determining eligibility and vocational rehabilitation needs.

(2) Counseling and guidance, including information and support services to assist an individual in exercising informed choice.

(3) Referral and other services to secure needed services from other agencies, including other components of the statewide workforce development system, if those services are not available under this part.

(4) Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.

(5) Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.

(6) Post-employment services consisting of the services listed under paragraphs (b)(1) through (5) of this section.

(c) **Provision of services.**

(1) If comparable services or benefits exist under any other program and are available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment, DRS must use those comparable services or benefits to meet, in whole or part, the costs of the vocational rehabilitation services.

(2) If comparable services or benefits exist under any other program but are not available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome specified in the individualized plan for employment, DRS must provide vocational rehabilitation services until those comparable services and benefits become available.

(3) Each eligible individual is required to apply for such benefits. DVR and DSBVI will not participate in the cost of services for any client who fails to apply for and accept available comparable benefits.

(4) Whether or not the client must participate in the cost of VR services has absolutely no effect upon the required search for, or use of, available comparable benefits. Available comparable benefits cannot be used in place of client resources when the client is required to participate in the cost of VR services.

(5) A student loan is not a comparable benefit. Failure to apply for a student loan which must be repaid will not be cause to withhold participation by DVR or DSBVI. Clients who have defaulted on a student loan will not be assisted with post-secondary training until the client has cleared the default or has made arrangement with the lender on the terms of payment.

(6) Clients will be informed of and are expected to provide the counselor a copy of the award letter(s) or other written notice of comparable benefits received from other sources.

(d) **Interagency coordination.** The vocational rehabilitation services portion of the Unified or Combined State Plan must assure that the Governor, in consultation with DRS and other appropriate agencies, will ensure that an interagency agreement or other mechanism for interagency coordination takes effect between DRS and any appropriate public entity, including the State entity responsible for administering the State Medicaid program, a public institution of higher education, and a component of the statewide workforce development system, to ensure the provision of vocational rehabilitation services, and if appropriate, accommodations or auxiliary aids and services, (other than those services listed in paragraph (b) of this section) that are included in the individualized plan for employment of an eligible individual, including the provision of those vocational rehabilitation services (including, if appropriate, accommodations or auxiliary aids and services) during the pendency of any interagency, dispute in accordance with the provisions of ~~paragraph (d) (3) (iii) of~~ 34 ~~CFR~~C.F.R. § 361.53(d)(1-3).

(e) **Responsibilites under other law.** If a public entity other than DRS is obligated under Federal law (such as the Americans with Disability Act, Section 504 of the Act, or section 188 of the Workforce Innovation and Opportunity Act) or State law, or assigned responsibility under State administrative rules or an interagency agreement established under this section, to provide or pay for any services considered to be vocational rehabilitation services (e.g., interpreter services under 34 ~~CFR~~C.F.R. § 361.48(j)), and, if appropriate, accommodations or auxiliary aids and services other than those services listed in paragraph (b) of this section, the public entity must fulfill that obligation or responsibility according to the terms in 34 ~~CFR~~C.F.R. § 361.53(e)(1-2).

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

PART 15. TRAINING

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

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

(b) Personal or work adjustment training is the provision of skills or techniques for the purpose of enabling the individual to compensate for a disability such as the loss of a member of the body or the loss of sensory function. Personal or work adjustment training includes but is not limited to conditioning activities for developing work tolerance, work therapy, occupational therapy, lip reading, speech training and speech correction, auditory training, gait training, diabetes management courses, driver's training, and mobility training. It may also include development of personal habits, attitudes, and work habits necessary to orient the individual to the world of work. This service does not require client participation in cost of services.

(1) High school students eligible for this service must be at least 16 years of age and may not participate for more than 24 months unless client and counselor determine additional time is needed.

(2) Driver's training is intended to be of a rehabilitative and adapted nature~~ due to a disability such as an amputation or residual effects of stroke, etc,~~ which necessitates the need for training using specialized accommodations, ie; hand controls, adapted foot pedals, simplified instructions, extra processing time, etc.

(3) Clients with significant or progressive vision loss will not be considered for adapted driving training by DRS due to potential liability implications. Cases of this nature shall be reviewed by the appropriate ~~Programs~~Program Manager or Field Service Coordinator.

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

612:10-7-196. Interpreter services [REVOKED]

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

~~(1) Does not include spoken language interpretation.~~

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

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

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

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

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

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

PART 21. PURCHASE OF EQUIPMENT, OCCUPATIONAL LICENSES AND CERTIFICATIONS

612:10-7-222. Rehabilitation technology, assistive technology devices and assistive technology services [AMENDED]

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

(~~b~~a) Rehabilitation technology is the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas which include education, rehabilitation, employment, transportation, independent living and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

(1) Home and vehicular modification, telecommunications, sensory, and other technological aids and devices, other assistive devices including, but not limited to hearing aids, low vision aids and wheelchairs. This includes the hardware portion of neuroprosthetic devices, such as cochlear implants, visual prosthetics, and motor prosthetic devices.

(2) Does not include medical and surgical procedures required for implantation of neuroprosthetic devices.

(~~c~~b) Rehabilitation technology services, including prescribed adaptive aids and devices, must be provided by qualified persons. Prescriptions/recommendations for nonmedical adaptive technology may be accepted from individuals listed in 74 O.S. § 85.7(12) including physicians, rehabilitation engineers, qualified rehabilitation technicians or sensory aids specialists and from qualified assistive technology specialists and assistive technology professionals.

(~~d~~c) Under ADA title II, 35 ~~CFR~~ C.F.R. 104 Definitions, "auxiliary aids and services" includes; Qualified interpreters on-site or through video remote interpreting (VRI) services; note takers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing.

(~~e~~d) Assistive Technology Devices are any items, piece of equipment, or product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain, or improve the functional capabilities of a VR customer.

(~~f~~e) Assistive Technology Services are any services that directly assist an individual with a disability in the selection, acquisition, or use of an assistive technology device. Services may include:

(1) the evaluation of the needs of an individual, including a functional evaluation of the individual in his/her customary environment;

(2) purchasing, leasing, or otherwise providing for the acquisition by an individual of an assistive technology device;

(3) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(4) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) training or providing technical assistance for an individual or, if appropriate, the family members, guardians, advocates, or authorized representatives of the individual; and

(6) training or providing technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities, to the extent that training or technical assistance is necessary to the achievement of an employment outcome.

(~~g~~f) Rehabilitation technology services such as assessment or consultation are not based on financial need; however, equipment, appliances, and aids will be based on available financial resources of the client.

~~(h) Rehabilitation technology services, including prescribed adaptive aids and devices, must be provided by qualified persons. Prescriptions/recommendations for nonmedical adaptive technology may be accepted from individuals listed in 74 O.S. 85.7(12) including physicians, rehabilitation engineers, qualified rehabilitation technicians or sensory aids specialists and from qualified assistive technology specialists and assistive technology professionals.~~

~~(i) Assistive technology devices, including prescribed adaptive aids and devices, may be purchased commercially or designed and manufactured by a rehabilitation engineer, assistive technology or sensory aids specialist depending on individual need.~~

(~~j~~g) Counselors and rehabilitation teachers may refer clients with visual disabilities to the Division of Services for the Blind and Visually Impaired assistive technology laboratory for blindness and low vision which may provide or procure:

(1) assistive technology evaluations;

(2) recommendation of assistive technology devices and services to meet individual needs;

(3) training in use of technology and devices, referral to training sources and information on training options;

(4) information on technologies and devices to meet specific individual needs;

(5) technical assistance for installation and operation of select applications and devices; and

(6) demonstration and loan of adaptive aids, devices, electronic and computer technologies and other assistive technology products.

SUBCHAPTER 9. REHABILITATION TEACHING SERVICES

PART 5. SERVICES

612:10-9-37. Referral for Support Services [AMENDED]

The consumer can take advantage of additional services provided through the agency and referred to by the rehabilitation teacher, including:

(1) Low Vision Services

(2) Support Groups

(3) Assistive Technology

(4) ~~Deaf-Blind~~deafblind Consultant Services

(5) Orientation & Mobility Services

(6) Older Blind Services

(7) Vocational Rehabilitation Services

(8) Personal Adjustment Training

(9) Management of Secondary Disabilities

(10) Adult Blind Living Evaluation / Training Adult Program

(11) Library for the Blind and Physically Handicapped

(12) Other resources as identified

SUBCHAPTER 11. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

PART 5. PROVISION OF SERVICES

612:10-11-42. Interpreter services [AMENDED]

(a) Interpreter services including tactile interpretation for individuals who are ~~deaf-blind~~deafblind may be purchased for clients who are deaf and hearing impaired when necessary to enable them to benefit from OB services. Rate of pay will be determined by rates adopted by the commission for Rehabilitation Services.

(b) Special telecommunications services and devices for the hearing impaired are also available.

(c) Interpreter services may also be provided to individuals who do not speak English and/or who have a speaking impairment. The rate of pay for interpreter services of this type will be determined by the DRS commission.

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

PART 1. SERVICE PROGRAMS [REVOKED]

612:10-13-1. Mission of the program [REVOKED]

~~(a) **Purpose.** This Subchapter describes the special services available from the Department of Rehabilitation Services specifically targeted to the needs of individuals who are Deaf, hard of hearing and/or have other communicative disorders. These services are provided to meet the unique needs of this population and include but are not limited to:~~

~~(1) vocational rehabilitation counseling and services provided by specialists with knowledge of the medical, functional, communicative, cultural and employment issues experienced by individuals who are Deaf, hard of hearing, late deafened and deaf-blind;~~

~~(2) specialized client services including cultural mediation, information and referral for services related to hearing loss, client self-advocacy training, assistive technology devices and services for communication access, and instruction in specialized skills for independence, socialization and work adjustment;~~

~~(3) facilitation of effective communication between persons with hearing loss and providers of planned VR services;~~

~~(4) community outreach to educate consumers and the hearing population regarding hearing loss, communications accessibility, and rehabilitation and employment opportunities for persons with hearing loss;~~

~~(5) sign language interpreter certification for the State of Oklahoma;~~

~~(6) provision and coordination of interpreter services for DRS purposes including client communications; and~~

~~(7) providing a conduit for communication between Oklahomans with hearing loss and the Department, advising the agency on current issues, needs and concerns of Oklahomans with hearing loss.~~

~~(b) **Acronyms.** The following acronyms, when used in this subchapter, stand for the following:~~

~~(1) **"CDI"** Certified Deaf Interpreter~~

~~(2) **"CI"** Certificate of Interpretation~~

~~(3) **"CSC"** Comprehensive Skills Certification~~

~~(4) **"CT"** Certificate of Transliteration~~

~~(5) **"NAD"** National Association of the Deaf~~

~~(6) **"RCD"** Rehabilitation Counselors for the Deaf and Hard of Hearing~~

~~(7) **"RID"** Registry of Interpreters~~

~~(8) **"SDHH"** Services to the Deaf and Hard of Hearing~~

PART 3. CERTIFICATION OF INTERPRETERS [REVOKED]

612:10-13-14. Legal basis [REVOKED]

~~Title 56, Section 199.2 of Oklahoma statute directs the Department of Rehabilitation Services to establish policy and procedures for the evaluation and certification of interpreters for the deaf in Oklahoma, and authorizes the Department to charge a fee to recoup costs incurred in testing and certifying interpreters~~.

612:10-13-15. Certification levels [REVOKED]

~~Interpreter certification levels are set by the Department. Each certification level should adhere to established guidelines or laws that instruct, restrict or prohibit interpreting in specified settings/environments.~~

612:10-13-16. Evaluation [REVOKED]

~~(a) **Evaluation components and conditions.** An applicant must be 18 years old or older to be eligible to take the written examination and the skill-based performance evaluation. To be eligible to take the skill-based interpreter performance evaluation, an applicant should have earned at least 30 credit hours from an accredited college or university, with a cumulative GPA of 2.0 or higher or 60 hours of Continuing Education Units relating to interpreting. To be certified as an interpreter, an applicant must pass a skill-based performance evaluation. The process for certification consists of a written examination and a sign language skill-based performance evaluation. The written examination and performance interview may include items from the NAD-RID Code of Professional Conduct and the Certification Levels limitations. Interpreters who hold Level III certification in either Interpreting or Transliterating are required to take the IV/V performance evaluation, which is in compliance with the Ethical Standards.~~

~~(b) **Written examination.** The written examination consists of questions designed to measure knowledge of interpreting and situational ethics. Applicants must make a passing score, as established by the program, before being allowed to take the performance evaluation. If the written test is failed, retesting may be taken again in 30 calendar days.~~

~~(c) **Performance Evaluation.** The Interpreter Certification and Resource Center (ICRC) administers two performance evaluations, certification levels for category I-III and certification levels for category IV/V. Both of the performance evaluation categories consists of ethical situational questions, which is called an interview, and a skill-based proficiency test, which will test the candidate's ability to interpret and transliterate interactive settings. Individuals may request testing for category levels I-III or category levels IV/V. A candidate is eligible to apply in the same performance category, I-III or IV-V, in three months from prior testing date. A performance application can be submitted before three months and will be placed on the next available evaluation date after the three months waiting period. If an interpreter obtains a level III in either transliterating or interpreting, he/she is immediately eligible to apply for the IV/V performance. Certification will be granted to an individual whose total score falls within the acceptable range for that level.~~

~~(d) **Conflict of interest.** Interpreter certification program staff who select, manage or coordinate the certification process or select evaluators are not eligible to test for Oklahoma interpreter certification through this process.~~

612:10-13-17. Evaluation team [REVOKED]

~~The evaluation team will consist of three trained evaluators, with effort given to one deaf or hard of hearing evaluator on the panel. Hearing evaluators of the evaluation team must hold a recognized national certification or an ICRC level V/V. Either certification must be in good standing with the certifying body for a minimum of one year. The evaluators must attend the ICRC evaluation trainings, participate in interpreter evaluations annually, and have a current contract on file with the State Department of Rehabilitation Services. Evaluation team members will be selected from a list of qualified individuals prepared by the Department.~~

612:10-13-18. Fees [REVOKED]

~~(a) A fee will be charged to each applicant who applies for the written test and performance evaluation for state certification of an interpreter for the deaf. A yearly certification renewal fee will also be charged. Individuals failing to timely pay the renewal fee must submit a reinstatement fee and the annual certification renewal fee along with the application for reinstatement. The fee structure will be based on the cost of the evaluations, materials and certificate maintenance program.~~

~~(b) The fee for the written test is $50.00. The fee for performance evaluation is $125.00. The yearly certification renewal fee is $50.00. The certification reinstatement fee is $100. Out of state residents may take the written test and interpreter skill-based performance for double the fee.~~

612:10-13-19. Refunds [REVOKED]

~~Fees paid for performance evaluations may be refunded, provided, the request to cancel is submitted in writing at least four weeks prior to the scheduled date of the performance evaluation. An applicant may request to reschedule the date of the performance evaluation three weeks prior to the confirmed scheduled date and may only be rescheduled once. A second request to reschedule will only be granted if documentation can be provided due to an uncontrolled situation. The new date must be within one year of the originally scheduled performance evaluation and must be before the certification level(s) expiration date or the fee is forfeited.~~

612:10-13-20. Certification maintenance [REVOKED]

~~(a) **General provisions for certification maintenance.** The interpreter certification in Interpreting and Transliterating, for levels I-V, are valid for a term of three years at which time the certification will expire unless the interpreter takes the skill-based performance evaluation again, including paying the appropriate fee. The exception for re-testing applies to those that achieve a certification level in Transliterating: V and Interpreting: V; those are the only levels that will not be required to retest providing the annual CEUs and the annual renewal fee is satisfied.~~

~~(1) Level V certification: An interpreter holding a certification level V in either Transliterating or Interpreting, but not both, will be required to retest. Testing will include performance test that consists of the ethical situation interview, and only the interactive section that the interpreter does not hold a level V in. The interpreter must pass the ethical situation interview with 80% before a level is granted. If a level V is not obtained, the interpreter will continue to follow the retesting process.~~

~~(2) Level I-IV certification: An interpreter with levels I, II, III, IV are required to take the 3 part performance evaluation that consists of the ethical situation interview, interactive Interpreting and interactive Transliterating. The interpreter must pass the ethical situation interview with at least an 80% before a level is granted.~~

~~(3) Certification will remain valid for an interpreter who has applied for evaluation and cannot be scheduled for testing prior to his/her certificate's expiration date, provided the application is received no later than 160 calendar days before the expiration date. Any certification will lapse if any of the following occurs: annual renewal fee is not paid, continuing education requirements are not met by stipulated due dates, and/or if the application is not submitted 160 days before levels expire. Individuals who have allowed certification to lapse due to non-compliance with requirements must take and pass the written test before they are eligible for the skill-based performance evaluation.~~

~~(4) An interpreter that holds only one level V in either Interpreting or Transliterating, and holds a nationally recognized certification in good standing, such as, CI and CT or NIC, can be exempted from the requirement of retesting for the mode they do not have a level V in. The exemption is only valid providing the interpreter satisfies the annual ICRC CEUs by due date, the annual renewal fee by due date, and provides a current copy of their national certification card. If any of the stated requirements are not satisfied, the exemption is voided, and the interpreter will be required to take to meet the V/V certification requirements.~~

~~(b) **Continuing education requirements.** QAST certified interpreters are required to satisfy one (10 hours) Continuing Education Unit (CEU) annually, with .1 (1 hour) of this in the category of Ethics. It is the interpreter's responsibility to ensure all supportive CEU documentation is submitted to the Interpreter Certification Resource Center (ICRC) staff before or on December 31st, to avoid certification becoming invalid. If certification becomes invalid, the individual must apply to test, and will be required to take and pass the written ICRC/QAST test before becoming eligible for the performance portion.~~

~~(c) **Certification renewal fee.** A certification renewal fee and renewal form are due by January 31st each year. The renewal form must be postmarked on or before January 31st to avoid certification becoming suspended.~~

~~(d) **Certification suspension and reinstatement**. If the certification renewal fee and renewal form are submitted after January 31st, the interpreter's certification will become suspended. An interpreter whose certification has become suspended has an option to make application for reinstatement. The reinstatement process includes the following: (1) The reinstatement application, (2) a $100 reinstatement fee, and (3) payment of the annual certification renewal fee, with the renewal form. The reinstatement process must be submitted on or before February 28th to avoid certification becoming invalid. If certification becomes invalid, the individual must take and pass the written test before becoming eligible for the skill-based performance evaluation.~~

~~(e) **Expiration of certification.** If an interpreter does not submit an application and appropriate fee for testing 160 days prior to the level(s) expiration date, the interpreter's certification level(s) will be considered invalid on the expiration date. If level(s) become invalid, the individual must take and pass the sign language interpreter written test before becoming eligible for the skill-based performance evaluation. If an interpreter's certification becomes invalid twice consecutively due to non-compliance with either, the CEU or annual renewal fee requirements, the interpreter will not be allowed to take the written test or the skill-based performance evaluation until one (1) year from the date of the second documented non-compliance.~~

~~(f) **Modification of requirements**. Requirements for certification renewal of any level may be changed or modified by future amendments to this section or the rules of this subchapter.~~

612:10-13-21. Code of ethics [REVOKED]

~~The interpreter/transliterator shall agree to abide by the National Association of the Deaf (NAD) and the Registry of Interpreters for the Deaf, Inc. (RID) Code of Professional Conduct. Federal, state, or other laws or regulations may supersede the NAD-RID Code of Professional Conduct if a conflict is present between existing law or regulations and the Code of Professional Conduct. The interpreter/transliterator will abide the rule of the law.~~

612:10-13-22. Grievance procedures [REVOKED]

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

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

~~(c) Each complaint must be in writing and must provide:~~

~~(1) The date of the incident;~~

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

~~(3) The location of the incident;~~

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

~~(5) The specific policy or procedure in question or the NAD-RID Code of Professional Conduct ethical tenet(s) and/or the ICRC Certification of Levels, and/or governing State or Federal law in possible violation.~~

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

~~(e) Upon the receipt of a written response, the designated Oklahoma interpreter certification program official and Department will review the information presented and make an initial decision regarding the merit of the complaint based on facts presented. The designated Oklahoma interpreter certification program official has thirty (30) days from the submission of the grievance to provide a decision. All parties concerned will be notified of the decision in writing. If there has not been sufficient information provided, from either party, the Oklahoma Interpreter Certification program official can request more information, in writing, to make a determination.~~

~~(f) The Department can seek the assistance from a merit panel to determine if there is a direct violation against (c) 5.~~

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

~~(2) Possible course of action(s) are set forth as defined in 612:10-13-23 in (1) through (8) of that subsection.~~

~~(g) If it is determined that no violation of rules related to evaluation and certification or violation of interpreting standards and ethical behavior has occurred, the involved~~

~~parties will be notified, and the complaint will be dismissed. If the complaint is dismissed, the complainant or respondent may appeal and request a formal hearing. The appeal must be in written form and submitted within thirty (30) days of receiving the notification. The request for formal hearing must be in writing and addressed to the designated Oklahoma interpreter certification program official at the Department of Rehabilitation Services.~~

612:10-13-23. Formal hearing [REVOKED]

~~(a) A formal hearing may be requested by the complainant by contacting the designated Oklahoma interpreter certification program official.The hearing will be scheduled at a time and place convenient to all parties concerned. All parties will receive two weeks notice of the hearing date.~~

~~(b) The complainant and/or respondent may invite a representative (including legal) to assist during the proceedings. Either party may present witnesses, affidavits or other written documentation related to any relevant aspect of the charge or defense.~~

~~(c) The hearing will be conducted by a grievance board selected by the Oklahoma interpreter certification program Advisory Committee and the Department. At least one member must be deaf or hard of hearing and must be either a former or current Oklahoma interpreter certification test evaluator; one member must be an interpreter holding national or Oklahoma State Level V certification; one member will be selected at the discretion of DRS and may be from a profession other than interpreting for the deaf, but must be knowledgeable of interpreter skills. The grievance board will review information presented and make a determination of the facts. Based upon this determination, the grievance board will recommend the appropriate action the Oklahoma interpreter certification program should take. Possible actions are set forth in (1) through (8) of this Subsection.~~

~~(1) The complaint be dismissed;~~

~~(2) A written warning be issued;~~

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

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

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

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

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

~~(8) A change in policy or procedures in the interpreter evaluation process.~~

~~(d) The decision of the Oklahoma interpreter certification program grievance board will be reviewed by the designated interpreter certification program official who will notify all parties involved in writing of the decision within thirty (30) days. If a party is dissatisfied with the outcome of a formal hearing, an appeal may be made to the Director of the Department of Rehabilitation Services. The Director shall have forty-five (45) days to render a decision. The Director's decision shall be final.~~

612:10-13-24. Interpreter certification program advisory committee and interpreter quality committee [REVOKED]

~~(a) An Oklahoma interpreter certification program advisory committee shall serve in an advisory capacity to provide expert assistance in maintaining the integrity of the Oklahoma interpreter certification performance and overall testing system. The committee will communicate the needs and concerns of the interpreting community regarding the interpreter certification performance process and convey current industry standards for the best business practice for the interpreting profession. The advisory committee does not have formal authority to govern and cannot issue directives which must be followed. Rather, the advisory committee serves to make recommendations and/or provide key information, experiences, and suggestions for the betterment of the interpreter certification performance and overall testing system. It is imperative the advisory committee members demonstrate knowledge, expertise, and an understanding of the dynamics of the interpreter certification skill-based performance and overall testing system. Advisory committee members are also bound by confidentiality in safeguarding the integrity of the performance/testing system. The Oklahoma interpreter certification program advisory committee may participate in selecting a grievance panel member(s) providing there is no conflict in any parties involved.~~

~~(b) The Oklahoma interpreter certification program advisory committee members shall be selected according to the qualifications: hearing interpreter must have either an ICRC level V/V or a national recognized interpreter certification and must be bilingual in ASL and English. The selection of the Deaf or hard of hearing members should hold a nationally recognized certification and must be bilingual in ASL and English. The members should be a current or former ICRC performance/testing evaluator, which is defined by 612:10-13-17.~~

~~(c) Oklahoma interpreter certification program advisory committee members may be nominated by others that are familiar with the interpreting field and will be chosen from a pool of qualified applicants that meets the qualifications set forth in 612:10-13-17. The qualified, nominated applications will be selected by the Department of Rehabilitation Services. The selection of qualified members should be from various sectors that serve the interpreting and Deaf/hard of hearing communities that may include educational, community interpreter, interpreter referral agency, professional agency, and/or professional organization. Members serve terms of two years, and may serve consecutive terms up to five years or longer if there are no other qualified individuals. Meetings will be held at least once annually, or as needed.~~

~~(d) Oklahoma interpreter certification program can host an interpreter quality committee that will serve to bring insight to the interpreter certification program (ICRC) regarding the basic needs from the interpreting profession. The interpreter quality committee does not have formal authority to govern and cannot issue directives which must be followed. Rather, the interpreter quality committee serves to make recommendations and/or provide key information, experiences, and suggestions for the betterment of the interpreter certification program.~~

~~(e) The quality committee members can be nominated from the interpreting community and the Deaf/Hard of Hearing community and serve on the committee for a term of two (2) years and may serve consecutive terms up to four (4) years. Meetings will be held at least twice annually, or as needed.~~

CHAPTER 17. INTERPRETER SERVICES FOR THE DEAF AND HARD OF HEARING [NEW]

SUBCHAPTER 1. INTERPRETER SERVICES [NEW]

612:17-1-1. Mission and Purpose [NEW]

(a) Interpreter Services supports the Department of Rehabilitation Services' commitment to effective communication access and the availability of qualified sign language interpreters through two program areas:

(1) Interpreter Contracts and Service Delivery (ICSD), which coordinates qualified independent contract interpreters and other approved communication access services to meet interpreter service needs associated with Department programs, services, activities, employees, clients, applicants, and other authorized participants throughout the state; and

(2) Interpreter Certification and Resource Center (ICRC), which administers the statewide interpreter screening and credentialing program, maintains the Registry of qualified interpreters, and provides resources, training support, and guidance to strengthen interpreter competency and support access to qualified interpreting services throughout the state.

(b) ICSD and the ICRC operate as distinct program functions within Interpreter Services. Requirements governing Interpreter Contracts and Service Delivery are set forth in Subchapter 3. Requirements governing the Interpreter Certification and Resource Center are set forth in Subchapter 5.

612:17-1-3. Authority [NEW]

Pursuant to Section 199.2 of Title 56 of the Oklahoma Statutes, the Department of Rehabilitation Services is authorized to establish and operate interpreter services and to establish rules and procedures for the evaluation and certification of interpreters for deaf and hard-of-hearing individuals. The Department carries out these responsibilities through Interpreter Contracts and Service Delivery and the Interpreter Certification and Resource Center. The Department may also establish fees to recoup costs associated with interpreter testing and certification.

612:17-1-5. Definitions [NEW]

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

"American Sign Language" or **" ASL"** means the visual language predominantly used by members of the deaf community.

"Assessment team" means the group of individuals who serve on the panel for Oklahoma Quality Assurance Screenings.

"Candidate" means any person who has applied to take the Oklahoma Quality Assurance Screening.

"Code of ethics" means the guidelines for interpreters established by the Registry of Interpreters for the Deaf, Inc., currently identified as the Code of Professional Conduct.

"Consumer" means any individual, deaf, hard of hearing, or hearing, who is a recipient of interpreter services.

"Coordinator" means the individual designated by the Interpreter Certification and Resource Center to coordinate and administer the Oklahoma Quality Assurance Screening process.

"Deaf" means any person who has a hearing loss such that, with or without amplification, the person is unable to receive information in an auditory fashion and whose primary means of receiving communication is through visual input such as lip reading, sign language, finger spelling, cued speech, reading, or writing.

"Department" means the Oklahoma Department of Rehabilitation Services.

"Director" means the Director of the Oklahoma Department of Rehabilitation Services.

"Expressive" means to convey a spoken message into a visual equivalent.

"Hard of hearing" means any person who has a hearing loss such that hearing is difficult but the understanding of spoken communication through the ear alone, with or without a hearing aid, is not precluded.

"Hearing" means any person who is able to comprehend conversational speech without an assistive device.

"Interpret" means to accurately convey messages without personal interjection between two or more parties using two languages.

"Interpreter" means an individual who facilitates communication between two or more persons who use different languages or different modes of communication, including sign language interpreting, transliterating, and oral interpreting.

"Interpreting (ASL)" means the specific process of interpreting ASL vocabulary, structure, and grammatical components and does not include oral or cued speech transliterating or forms of manual communication using an English-based structure. The term is used specifically herein when discussing components of the assessment process.

"Interpreter Certification and Resource Center" or **"(ICRC)"** means the program within the Department responsible for administering the Oklahoma Quality Assurance Screening, maintaining the ICRC interpreter registry, and supporting the availability and development of qualified interpreters in Oklahoma.

"Interpreter Contracts and Service Delivery" or **"(ICSD) "** means the program within the Department responsible for coordinating and administering qualified independent contract interpreters and other approved communication access services for Department programs, services, activities, and operations throughout the state.

"Interpreter Coordinator" means the individual designated by the Department to coordinate interpreter service requests, scheduling, contract interpreter outreach, and related service delivery activities within Interpreter Contracts and Service Delivery.

"Interpreter Services" means the program within the Department comprised of Interpreter Contracts and Service Delivery and the Interpreter Certification and Resource Center.

"Oklahoma QA" means Oklahoma Quality Assurance Screening, which is designed to assess the interpreting and transliterating skills of interpreters who facilitate communication between persons who are deaf or hard of hearing and persons who are hearing and is administered by the Interpreter Certification and Resource Center.

"Oral" means a communication mode that is dependent upon speech reading and spoken communication.

"Panel" means the individuals selected to serve on an assessment team for the Oklahoma Quality Assurance Screening.

"Panelist" means any person who has satisfied the requirements for serving as a member of the assessment team for Oklahoma Quality Assurance Screenings during live panel rating sessions.

"Qualified interpreter" means an interpreter who currently holds at least one of the following credentials:

(1) Certification issued by a national certifying organization recognized by the Interpreter Certification and Resource Center;

(2) A current screening level issued through the Oklahoma Quality Assurance Screening; or

(3) A current certification, screening level, or comparable credential issued by another state that is recognized by the Interpreter Certification and Resource Center as meeting substantially equivalent standards.

"Rater" means any person who has satisfied the requirements for serving as a member of the assessment team for rating candidates who participate in the Oklahoma Quality Assurance Screening.

"Receptive" means to convey a visual message into a spoken equivalent.

"Registry" means the listing maintained by the Interpreter Certification and Resource Center of interpreters who hold current credentials recognized by ICRC.

"Registry of Interpreters for the Deaf, Inc. " or **"RID"** means the national membership organization of the interpreting profession.

"Screening" means the Oklahoma Quality Assurance Screening.

"Screening level" means the level of competency awarded to an interpreter who has successfully satisfied the minimum standards established for the Oklahoma Quality Assurance Screening.

"Service provider" means the person requesting interpreter services who may or may not also be the consumer.

"Session" means a scheduled date and time during which a candidate completes one or more components of the Oklahoma Quality Assurance Screening.

"Transliterate" means to accurately convey messages without personal interjection between two or more parties using more English-influenced features in sign production.

SUBCHAPTER 3. INTERPRETER CONTRACTS AND SERVICE DELIVERY [NEW]

1

612:17-3-1. Purpose and scope [NEW]

Interpreter Contracts and Service Delivery coordinates and administers communication access services necessary to support effective communication in Department programs, services, activities, and operations throughout the state. Services may be provided for Department clients, applicants, employees, and other authorized participants when necessary, in connection with a Department program, service, activity, or operation. Interpreter Contracts and Service Delivery does not administer or coordinate spoken-language interpretation services.

612:17-3-3. Communication Access Services [NEW]

(a) Communication access services coordinated by the Department may include:

(1) Sign language interpreting;

(2) Tactile interpreting for individuals who are deaf-blind;

(3) Communication Access Realtime Translation (CART) or other real-time captioning services; and

(4) Other communication access services approved by the Department when appropriate to meet an individual's communication needs.

(b) The Department shall consider the communication needs of the individual and the nature of the communication when coordinating services.

612:17-3-5. Interpreter Service Request [NEW]

Requests for interpreter or other communication access services shall be submitted through the process established by the Department. Requests shall include sufficient information to allow the Department to determine the service needed and coordinate an appropriate provider, including the date, time, location or method of service delivery, anticipated duration, and type of communication access requested, when known. The requesting party shall provide accurate and timely information and shall notify the Department as soon as practicable of cancellations, schedule changes, location changes, or other circumstances affecting the request.

612:17-3-7. Coordination and Assignment of Services [NEW]

(a) The Department shall coordinate interpreter assignments through qualified independent contract interpreters and other approved communication access service providers. In coordinating an assignment, the Department may consider factors including:

(1) The communication needs and preferences of the consumer;

(2) The qualifications, credentials, skills, and experience of the interpreter or service provider;

(3) The nature and complexity of the assignment;

(4) Availability of qualified providers;

(5) Location and method of service delivery;

(6) Continuity of services when appropriate; and

(7) Other factors necessary to support effective communication.

(b) Placement on the ICRC Registry or possession of a credential recognized by the Department does not guarantee an interpreter an assignment or establish an employment relationship with the Department.

612:17-3-9. Contracted Interpreters and Service Providers [NEW]

(a) Independent contract interpreters and other communication access service providers utilized by the Department shall satisfy applicable qualification, credentialing, contracting, and other requirements established by the Department.

(b) Contract interpreters and service providers shall perform assignments consistent with applicable law, professional standards, the terms of their contract or agreement with the Department, and Department requirements applicable to the service provided.

(c) Nothing in this Chapter shall be construed to create an employer-employee relationship between the Department and an independent contract interpreter or independent service provider.

612:17-3-11. Cost of Services [NEW]

A Department client, applicant, or other eligible consumer shall not be required to participate in the cost of interpreter or communication access services authorized and coordinated by the Department.

<u>612:17-3-13. Claims and Compensation</u> [NEW]

<u>Independent contract interpreters and other approved service providers shall submit claims for authorized services in the form and manner established by the Department. Claims shall contain sufficient information to verify the services provided and shall be submitted within applicable Department timeframes. Compensation, including applicable rates, authorized expenses, cancellation provisions, and other payment requirements, shall be governed by the provider's contract or agreement with the Department and applicable Department requirements.</u>

SUBCHAPTER 5. INTERPRETER CERTIFICATION AND RESOURCES CENTER [NEW]

612:17-5-1. Purpose and Administration [NEW]

The Interpreter Certification and Resource Center (ICRC) administers the Oklahoma Quality Assurance Screening and related interpreter credentialing activities for the Department. ICRC is responsible for administering screenings, maintaining the Registry, supporting the maintenance and development of qualified interpreters, and carrying out other interpreter certification and resource activities established by the Department.

612:17-5-3. Notification of Intent to be Screened [NEW]

A candidate seeking to participate in the Oklahoma Quality Assurance Screening shall submit a request to ICRC in the manner established by the Department. The candidate shall identify the screening component or components the candidate intends to complete. ICRC shall acknowledge a request to be screened in writing within 30 working days of receipt of the request. Current registration information, screening schedules, fees, and instructions shall be made available by ICRC.

612:17-5-5. Screening Fees [NEW]

(a) Pursuant to Section 199.2 of Title 56 of the Oklahoma Statutes, the Department may assess fees to recoup costs associated with interpreter testing and certification. Fees for the components of the Oklahoma Quality Assurance Screening shall not exceed the following amounts:

(1) Written Examination — up to $50;

(2) Ethical Interview — up to $50; and

(3) Performance Screening — up to $150.

(b) The Department shall make current fees available to candidates before registration is completed. Payment of the applicable fee must be received before the candidate may participate in the applicable screening component.

612:17-5-7. Scheduling of Screenings [NEW]

The Department may establish a calendar of available screening dates and times. Candidates shall complete and submit the required registration materials and select a preferred screening session from available options. The Coordinator or designee shall schedule and confirm candidates in the order completed registration requests are received, subject to availability. Payment of applicable fees is required to confirm a screening session. The Department may establish reasonable procedures for cancellation, rescheduling, and refunds. Those procedures shall be made available to candidates before registration.

612:17-5-9. Assessment Team [NEW]

(a) A candidate's performance shall be assessed by a screening panel present during the assessment or through a recorded assessment evaluated by qualified raters. Panelists and raters shall evaluate only those screening components for which they have been specifically trained and approved by the Department.

(b) A screening panel or group of individual raters shall include at least:

(1) One panelist or rater who is hearing; and

(2) One panelist or rater who is deaf or hard of hearing.

(c) All panelists and raters shall:

(1) Be fluent in the language or communication mode being assessed;

(2) Successfully complete rater training approved by the Department;

(3) Meet qualification requirements established by the Department;

(4) Apply Department-established scoring and evaluation standards;

(5) Maintain the confidentiality of screening materials and candidate information; and

(6) Disclose any actual or potential conflict of interest involving a candidate.

(d) A panelist or rater shall not participate in the evaluation of a candidate when the Department determines that an actual or potential conflict of interest could affect the fairness or integrity of the assessment.

612:17-5-11. Screening Components **[NEW]**

(a) **Written Examination.** The Written Examination assesses a candidate's overall knowledge of the interpreting profession, understanding of standard practices, and application of guiding professional principles:

(1) The examination shall consist of 50 multiple-choice questions.

(2) A passing score is 86 percent.

(3) A passing score remains valid for three years or until a screening level is achieved, whichever occurs first.

(4) A candidate who does not achieve a passing score may retest after 30 calendar days.

(5) A candidate may not participate in the Performance Screening until a passing score on the Written Examination has been achieved.

(b) **Ethical Interview.** The Ethical Interview assesses a candidate's ability to apply ethical and professional principles to sample scenarios.

(1) The assessment consists of video scenarios presented in sign language to which the candidate provides signed responses.

(2) A passing score is 80 percent.

(3) A passing score remains valid for three years or until a screening level is achieved, whichever occurs first.

(4) A candidate who does not achieve a passing score may retest after 30 calendar days.

(5) A candidate may not participate in the Performance Screening until a passing score on the Ethical Interview has been achieved.

(c) **Performance Screening.** To qualify for the Performance Screening, a candidate must have current passing scores on both the Written Examination and Ethical Interview. The candidate shall participate in a recorded or other standardized assessment and respond as instructed according to the communication skill or competency being evaluated. The Performance Screening assesses the candidate's interpreting and transliterating skills and may include:

(1) Interpreting (ASL) Performance — expressive and receptive abilities using ASL vocabulary, structure, and grammatical components; and

(2) Transliterating Performance — expressive and receptive abilities using English-influenced features in sign production.

(d) **Awarding of Screening Levels.** Each panelist or rater shall independently assess the candidate's performance and assign scores for the required competencies within each applicable category. Scores shall be calculated and combined in accordance with the standardized scoring methodology established for the Oklahoma Quality Assurance Screening. Based upon the candidate's performance, the candidate may:

(1) Receive no screening level;

(2) Receive a screening level for Interpreting (ASL);

(3) Receive a screening level for Transliterating; or

(4) Receive screening levels for both Interpreting (ASL) and Transliterating.

(e) **Notification of Screening Results.** The Department shall notify the candidate in writing of the screening results within 120 days following the applicable screening date.

612:17-5-13. Screening Levels [NEW]

Screening levels awarded through the Oklahoma Quality Assurance Screening represent the level of competency demonstrated by the candidate through the assessment process. ICRC shall make available descriptions of the competencies represented by each screening level and any applicable requirements or limitations associated with the level. An interpreter shall only accept assignments consistent with applicable law, professional standards, and the interpreter's demonstrated knowledge, skills, experience, and credentials.

612:17-5-15. Validity Period [NEW]

A screening level or passing result for an individual screening component shall remain valid for three years from the date of the Department's written notification unless otherwise provided by this Part. A credential holder shall satisfy applicable maintenance requirements necessary to retain a Department-issued credential beyond its initial validity period.

612:17-5-17. Registry [NEW]

ICRC shall maintain a Registry of interpreters who hold current credentials recognized by ICRC. The Registry may include information regarding an interpreter's recognized credentials, screening levels, and other information approved by the Department to assist consumers and service providers in identifying qualified interpreters. An interpreter listed on the Registry shall provide accurate information to ICRC and notifying ICRC of changes affecting the interpreter's credentials or eligibility for continued listing. ICRC may update or remove a Registry listing when an interpreter no longer holds a current recognized credential, fails to satisfy applicable maintenance requirements, or is otherwise no longer eligible for listing under this rule.

612:17-5-19. Maintenance of Credentials [NEW]

(a) An interpreter holding a Department-issued credential shall satisfy the following requirements to maintain the credential:

(1) Complete 1.0 continuing education unit (CEU), equivalent to ten (10) hours of continuing education, during each annual maintenance period. At least 0.1 CEU, equivalent to one (1) hour, shall be in ethics. Continuing education requirements shall be completed and submitted to ICRC, no later than December 31 of each year;

(2) Submit a completed credential renewal form to ICRC no later than January 31 following the end of the annual maintenance period; and

(3) Pay an annual credential maintenance fee of up to fifty dollars ($50.00) no later than January 31 following the end of the annual maintenance period.

(b) ICRC shall make renewal procedures and requirements available to credential holders. Failure to satisfy applicable maintenance requirements may result in expiration, suspension, or other action affecting the credential. The Department shall establish procedures governing renewal, expiration, and reinstatement of Department-issued credentials.

612:17-5-21. Professional Conduct [NEW]

Interpreters holding Department-issued credentials shall adhere to the current Code of Professional Conduct established by the Registry of Interpreters for the Deaf, Inc., to the extent the Code is consistent with applicable federal and state law. Violation of applicable professional conduct requirements may constitute grounds for action affecting a Department-issued credential or Registry status in accordance with this rule.

612:17-5-23. Complaints [NEW]

(a) Any individual may submit a complaint concerning the Oklahoma Quality Assurance Screening, a Department-issued credential, or the professional conduct of an interpreter holding a Department-issued credential. A complaint shall be submitted in writing or by recorded video using a Department grievance form or another accessible format approved by the Department.

(b) The complaint shall identify the individual or matter involved, describe the conduct or action at issue, and contain sufficient information for the Department to determine whether the matter falls within its authority.

(c) Upon receipt of a complaint, the Department shall:

(1) Review the complaint to determine whether it falls within the Department's authority;

(2) Notify the complainant whether the complaint has been accepted for review or dismissed;

(3) Notify an interpreter whose credential or professional conduct is the subject of an accepted complaint and provide an opportunity to respond;

(4) Review or investigate the matter as necessary;

(5) Consider information provided by the parties and other relevant sources; and

(6) Issue a written determination.

(d) The Department may dismiss a complaint that is outside its authority, does not allege facts that would constitute a violation of applicable requirements, or does not contain sufficient information to permit review.

612:17-5-25. Appeal of Screening Results [NEW]

(a) A candidate who wishes to contest the results of any component of the Oklahoma Quality Assurance Screening shall file an appeal with the Director within 30 calendar days of the date of the Department's decision. The Director or designee shall provide for an informal conference with the candidate within 30 working days after receipt of a timely appeal.

(b) For an appeal involving the Written Examination or Ethical Interview, the remedy available through the appeal process is an opportunity to retake the applicable screening component.

(c) For an appeal involving the Performance Screening, the remedy available through the appeal process is reassessment by additional qualified panelists or raters. The reassessment shall be completed within 90 working days.

(d) The Department shall provide the candidate written notice of the outcome of the appeal.

612:17-5-27. Confidentiality [NEW]

Oklahoma Quality Assurance Screening materials shall be maintained as confidential by Department personnel and other persons authorized by the Department to access the materials. Individual candidate scores and screening results shall be maintained as confidential and shall not be released to another person without the candidate's written authorization except as required or authorized by law. Panelists, raters, contractors, employees, and other individuals granted access to confidential screening materials or candidate information shall comply with Department confidentiality requirements.

CHAPTER 25. BUSINESS ENTERPRISE PROGRAM

SUBCHAPTER 2. GENERAL PROVISIONS

612:25-2-1. Purpose [AMENDED]

(a) The purpose of the Business Enterprise Program Manual is to provide uniform rules and regulations for the administration of the Business Enterprise Program (BEP) operated by the State Licensing Agency (SLA).

(b) The purpose of this Chapter is to set forth the legal authority from which these rules are derived, to proclaim the mission of the ~~Business Enterprise Program~~BEP, define terms used in this body of ~~policy~~administrative rule(s), and to set forth the organization of the ~~Business Enterprise Program~~BEP.

612:25-2-2. Mission of the Business Enterprise Program [AMENDED]

(a) **Mission.** The mission of the ~~Business Enterprise Program~~BEP is to establish and maintain business enterprises operated by qualified individuals who are blind.

(b) **Goals.** The goals for the ~~Business Enterprise Program~~BEP are set forth in (1) and (2) of this Subsection.

(1) Provide employment opportunities for qualified persons who are blind by establishing and maintaining ~~Business Enterprise Program Facilities~~BEP facilities.

(2) Administer a continuing process of career development and upward mobility for qualified persons in the ~~Business Enterprise Program Facilities~~BEP.

(c) **Objectives.** The objectives of the ~~Business Enterprise Program Facilities~~BEP are set forth in (1) through (7) of this Subsection.

(1) Establish and equip ~~Business Enterprise Program Facilities~~BEP facilities.

(2) Assure availability of ~~Business Enterprise Program~~BEP licensed ~~managers~~vendors.

(3) Provide management support services to ~~Business Enterprise Program~~BEP licensed ~~managers~~vendors.

(4) Develop and maintain standards of conduct and a system of accountability for ~~State Licensing Agency~~SLA staff.

(5) Develop and maintain standards of conduct and a system of accountability for ~~Business Enterprise Program~~BEP licensed ~~managers~~vendors.

(6) Establish and maintain procedures for quality customer service.

(7) Attain the program's financial stability through its administration in an operationally efficient and cost-effective manner.

612:25-2-3. Federal legal authority [AMENDED]

(a) The Randolph-Sheppard Act of 1936, as amended [20 U.S.C. ~~Section~~§ 107 et seq.], authorizes designated State Licensing Agencies to establish and administer ~~Business Enterprise Programs~~BEPs in their respective States. The law locates the ~~State Licensing Agency (SLA)~~SLA for the program in the individual State or territorial agency which offers vocational rehabilitation services for individuals who are blind under the Rehabilitation Act [29 ~~USC~~U.S.C. § 701 et seq.].

(b) Primary regulatory authority for the ~~Business Enterprise Program~~BEP is found at 34 ~~CFR~~C.F.R. Part 395. Other regulatory guidelines impacting the ~~Business Enterprise Program~~BEP are found at 34 ~~CFR~~C.F.R. Part 361 and 32 ~~CFR~~C.F.R. § 260.

612:25-2-4. State legal authority [AMENDED]

Rules for the ~~Business Enterprise Program~~BEP are promulgated by the Oklahoma Commission for Rehabilitation Services under the authority of 74 O.S., ~~Section~~§ 166.1 et seq., and in accordance with the Administrative Procedures Act, 75 O.S., ~~Sections~~§ 250 et seq.

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

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

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

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

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

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

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

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

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

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

"Business Enterprise" means an approved business administered by the ~~State Licensing Agency~~SLA. See definition of "Vending Facility."

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

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

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

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

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

"Contract" means a written agreement between the ~~State Licensing Agency~~SLA and officials in control of Federal or other property to establish a business enterprise.

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

"Counselor" means a Division of Vocational Rehabilitation (DVR) or Division of Services for the Blind and Visually Impaired (DSBVI) ~~counselors~~counselor assigned to the ~~State Licensing Agency's~~ SLA's program of vocational rehabilitation.

"Director" or **"Executive Director"** means the chief administrator of the ~~State Licensing Agency~~SLA.

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

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

"Elected Committee of Licensed Managers" or **"(ECM)"** means the committee elected biennially by licensed ~~managers~~vendors in accordance with 34 ~~CFR~~C.F.R. § 395.14.

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

"Employee" means an individual who receives compensation for services rendered to a licensed ~~manager~~vendor.

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

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

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

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

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

"Grantor" means a ~~Federal, State, County, Parish, city~~federal, state, county, parish, or municipal government, private corporation, company, partnership or individual, who grants a permit or enters into an agreement with the ~~State Licensing Agency~~SLA to operate a business enterprise on its/their property.

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

"Gross receipts" means all revenue from a business enterprise, including sales tax.

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

"Inactive Licensee" means a licensed individual who is not currently working in the ~~Business Enterprise Program~~BEP.

"Initial stock and supplies" means those resalable items or supplies necessary ~~for the opening and operation of~~to open and operate a specific type of business enterprise for a period not exceeding six months.

~~**"Interim manager"** means a licensed manager appointed to manage a business enterprise on a temporary basis.~~

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

"Licensed employee" means a licensed individual who is currently working for a licensed ~~manager~~vendor.

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

"Licensed Vendor Agreement" means an agreement between a licensed vendor and the SLA, establishing basic terms and conditions for management of a business enterprise.

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

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

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

"Management" means the personal supervision of the day-to-day operation of the assigned business enterprise facility by the assigned licensed vendor.

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

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

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

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

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

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

"Other income" means money received by a licensed ~~manager~~vendor from sources other than over the counter and machine sales. Examples of other income are money received from ATM commissions and rebates.

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

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

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

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

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

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

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

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

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

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

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

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

"Satellite business enterprise" means a business enterprise assigned to a licensed ~~manager~~vendor on a temporary basis.

"Satellite Vendor" means a licensed vendor appointed to manage a business enterprise on a temporary basis.

"Satellite Performance Evaluation" means an evaluation conducted to determine a licensed vendor's eligibility to continue operating a satellite to be performed at the 180-day satellite review.

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

"Secretary (ED)" means the United States Secretary of Education.

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

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

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

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

"Statewide average ~~manager~~vendor earnings" means the average annual ~~manager~~ licensed vendor earnings, ~~(after set-aside)~~ after deduction of the set-aside, as calculated each year for the RSA-15 Report.

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

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

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

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

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

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

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

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

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

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

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

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

(a) The SLA will ~~assure compliance~~comply with all ~~State and Federal Rules and Regulations~~state and federal rules and regulations applicable to the ~~Randolph Sheppard~~ Randolph-Sheppard Act.

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

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

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

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

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

612:25-2-9 Conflict of interest [AMENDED]

(a) **State Licensing Agency ~~(SLA)~~ employees.** ~~DRS~~Department of Rehabilitation Services (DRS) ~~policy~~administrative rule prohibits the employment of any person in a position that would result in immediate supervision by a relative or two or more relatives reporting to the same supervisor. Employment in the ~~Business Enterprise Program (BEP)~~BEP and SLA is subject to DRS rules governing related employees.

(b) **BEP employee relationship to program participants.** It is the policy of the SLA that BEP employees and SLA administrators with responsibility for BEP operation may not be placed in a position to establish program eligibility, authorize program services or otherwise participate in program decisions for BEP applicants or participants who are related to such employees by blood or marriage. An employee shall immediately disclose to his/her supervisor the existence of a ~~relation to~~relationship with a BEP applicant or participant. The BEP ~~operations coordinator~~Operations Coordinator, SLA administrator or director, ~~(if appropriate)~~if appropriate, may reassign employee duties or take such other measures as are permitted under law and DRS rules to comply with this policy.

(c) **Conflict of interest.** BEP employees are subject to DRS ~~policy~~administrative rules and Oklahoma Ethics Commission rules regarding use of position for personal gain and avoidance of conflicts of interest.

SUBCHAPTER 4. THE STATE LICENSING AGENCY

PART 1. ORGANIZATION AND GENERAL OPERATION STANDARDS

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

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

(b) **Business Enterprise Program administration**. The ~~Business Enterprise Program (BEP)~~ BEP is located in the ~~Division of Services for the Blind and Visually Impaired~~ DSBVI of DRS~~,~~ and is administered by the ~~Business Enterprise Program~~BEP Operations Coordinator who reports to the ~~Services for the Blind and Visually Impaired~~ DSBVI Division Administrator.

(c) **~~BEP~~Business Enterprise Program staff.** The SLA, with consultation from the ~~Elected Committee of Licensed Managers~~ ECM, determines staffing requirements for ~~administration of~~administering the BEP and ~~provision of~~providing services to achieve the mission, goals and objectives of the Program.

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

612:25-4-4. Management services provided by the State Licensing Agency [AMENDED]

(a) **Overview of management services.** Management services provided by the ~~State Licensing Agency (SLA)~~SLA include but are not limited to inspections, quality control, consultation and technical assistance for ~~managers~~licensed vendors, accounting, regulating, training, including in-service training, equipment procurement, and other services provided to support and improve business enterprises.

(b) **Consultation and technical assistance.** The SLA provides ~~managers~~ licensed vendors with consultation and technical assistance services that may include:

(1) Recommendations for optimizing the profitability of the business enterprise;

(2) Recommendations and feedback on business enterprise operations including quality, service, and cleanliness;

(3) Possible solutions to problems recognized by the licensed ~~manager~~vendor or brought to the licensed ~~manager's~~vendor's attention by BEP staff or the grantor;

(4) Explanation of the SLA's procedures, policies, and standards;

(5) Information on compliance with applicable laws and regulations;

(6) Instruction on compliance with all conditions in the ~~manager's agreement~~Licensed Vendor Agreement;

(7) Information and inspection to help the licensed ~~manager~~vendor assure that merchandise is sold in accordance with the grantor's agreement;

(8) Instructions for maintenance of sanitation and safety standards;

(9) Instructions for proper maintenance of equipment;

(10) Recommendations for building effective communications and working relationships between the licensed ~~manager~~vendor and customers, purveyors, employees, grantor, the ~~SLA~~SLA, and the ~~general~~ public; and

(11) Instruction on SLA and other agency requirements for record keeping and reporting.

(c) **On-site location reviews.** On-site location reviews will be made as often as necessary, but not less than once each ~~month~~month, to ensure the continued success of the business enterprise. Each on-site location review of a business enterprise will be documented using such forms or methods as are prescribed by the BEP. ~~The report will contain at a minimum the following information to the extent relevant~~At a minimum, the report will contain the following information, to the extent relevant:

(1) Status of compliance with the ~~licensed manager's agreement~~Licensed Vendor Agreement.

(2) ~~Violations (if any)~~Any violations of State or Federal Laws and the SLA's policies and procedures.

(3) Observation that proper insurance, permits and license are current and posted.

(d) **SLA provision of training.** The SLA shall ensure that effective programs of training shall be provided to licensed ~~manager~~vendor trainees, current licensed ~~managers~~vendors and BEP staff, as appropriate. Programs for trainees and current licensed ~~managers~~vendors shall include, as appropriate, on-the-job training in all aspects of business enterprise operations and upward mobility training that includes improved work opportunities for all licensed ~~managers~~vendors.

PART 3. BUSINESS ENTERPRISE PROGRAM TRAINING

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

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

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

(1) ~~current~~Documentation of a recent eye examination, documenting blindness~~;~~.

(2) ~~documentation for~~Documentation of United States citizenship~~;~~.

(3) ~~documentation~~Documentation that the client is at least 18 years of age~~; and~~.

(4) ~~completion~~Documentation of the completion of any rehabilitation training prerequisites established by the BEP in consultation with the ECM to better optimize the successful employment outcome~~;~~.

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

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

(e) **Duration of training.** To be eligible for licensure as a BEP ~~facility manager~~licensed vendor an individual must complete the full BEP ~~manager~~licensed vendor training program, unless the BEP ~~operations coordinator~~Operations Coordinator, ~~in consultation with the Chair of the Elected Committee of Licensed Managers~~with active participation of the ECM, determines an exception is justifiable. Duration of training consists of 10-12 weeks of online training with 6-8 weeks hands-on, in-person training. Training may be extended or shortened, with active participation of the ECM.

(f) **Completion of training.** Each trainee who completes the BEP ~~manager~~licensed vendor training program is issued a certificate license certifying that the trainee has met all the training criteria to be a licensed ~~manager~~vendor in the ~~Business Enterprise Program~~BEP. ~~Upon assuming management of their first facility, a certified graduate shall be issued.~~

Benefits and seniority will not be applied until the first day of assuming control of a BEP primary facility.

(g) **Failure to complete training.** If it appears that a trainee will not be able to successfully complete training, the BEP ~~operations coordinator~~Operations Coordinator, ~~in consultation~~ with active participation of the ECM ~~Chair~~, will review the individual's training record before ~~making a decision~~deciding to terminate training. The BEP ~~operations coordinator~~Operations Coordinator will notify the trainee and their DSBVI ~~or DVR~~ counselor of any BEP decision to terminate training. If the Trainee is not affiliated with the DSBVI they will be notified of termination by certified letter.

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

(i) **Acceptance of out-of-state licenses.** ~~The BEP Operations Coordinator will evaluate the skills and knowledge of BEP applicants who were licensed managers in other states. Training will be provided to correct any noted deficiencies and acquaint the applicant with Oklahoma's program. After qualifications are met, the applicant is issued a training completion certificate~~All individuals who request a license, but do not reside in Oklahoma, will complete all training requirements for new Oklahoma BEP candidates.

(j) **Seniority.** Seniority in the Oklahoma ~~Business Enterprise Program~~BEP will only accrue when managing an Oklahoma BEP facility. Seniority is earned at a rate of .25 points per year of qualifying time and is tracked by the BEP trainer.

(k) **Licensed ~~Manager~~vendor ~~Benefits~~benefits.** Benefits such as insurance will begin on the same date the L~~icensed Manager signed~~licensed vendor signs the ~~manager's agreement~~Licensed Vendor Agreement.

612:25-4-15. Training for present licensed ~~managers~~vendors [AMENDED]

Post-employment training for licensed ~~managers~~vendors will be provided by the ~~State Licensing Agency~~SLA to encourage greater professional competence and ~~to~~ promote achievement of the licensed vendor's maximum vocational potential. Post-employment training for licensed vendors may include, but is not limited to:

(1) instruction and consultation provided by qualified BEP staff;

(2) training programs offered by industry associations;

(3) courses offered by vocational training facilities, universities, and colleges;

(4) customized training modules to address specific licensed vendor requests;

(5) online training courses;

(6) flexible training options with pace and duration based on individual licensed vendor preferences; and

(7) opportunities to attend annual training conferences.

PART 5. STATE LICENSING AGENCY RESPONSIBILITY FOR BUSINESS ENTERPRISE OPERATIONS

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

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

(b) Equipment for new locations will be determined by the BEP Operations Coordinator and staff, pursuant to 612:25-6-16 Criteria to establish a business enterprise, with active participation of the ECM.

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

612:25-4-26. Maintenance and replacement of business enterprise equipment [AMENDED]

The SLA shall maintain, or cause to be maintained, all business enterprise equipment in good repair and ~~in an~~ attractive condition, and shall replace, or cause to be replaced, worn-out and obsolete equipment as required to ensure the continued successful operation of the business enterprise.

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

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

(b) **Merchandise loan.** When it is necessary to enable a licensed ~~manager~~vendor to acquire initial merchandise inventory, the SLA may extend a merchandise loan, subject to the following terms:

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

(2) The total amount of the loan will not exceed the average of the prior year's inventories without approval from the BEP ~~operations coordinator~~Operations Coordinator. ~~This means the prior year's inventories will be summed and then divided by twelve to obtain the average.~~

(3) All merchandise purchased and placed on a merchandise loan must have prior approval by the SLA. The SLA will not make multiple purchases from any purveyor.

(4) The incoming licensed ~~manager~~vendor, BEP business consultant, and BEP ~~operations coordinator~~Operations Coordinator will determine what may be purchased from the existing stock of the outgoing facility ~~manager~~licensed vendor. Only salable merchandise may be purchased. The BEP business consultant and Operations Coordinator will also assist the outgoing licensed vendor in selling any remaining salable merchandise and arranging its interim storage.

(5) A merchandise loan must be repaid to the SLA by ~~a licensed manager~~ close of the period of performance for the fiscal year in which it was received. The licensed vendor will pay ~~in~~ monthly installments of no less than two percent of gross sales ~~to pay~~until the merchandise loan ~~balance~~is repaid in full. A licensed ~~manager~~vendor shall not allow the value of the facility inventory ~~level~~ to fall below ~~that~~ the value of the balance of the merchandise loan and ~~are~~is subject to disciplinary action should this occur. ~~Managers~~Licensed vendors receiving loans will sign a merchandise security agreement that will be retained on file by DRS. ~~and released to the manager when~~ When loan repayment is complete, the merchandise security agreement, ~~along with~~accompanied by a letter from the BEP Operations Coordinator officially notifying the licensed ~~manager~~vendor of ~~their~~the full repayment, ~~of the loan~~shall be given to the licensed vendor.

(6) When a merchandise loan is secured by ~~stock~~merchandise, a licensed ~~manager~~vendor may not permit the ownership of the ~~stock~~merchandise to vest in any person or organization other than the SLA.

(7) When a licensed ~~manager~~vendor leaves a business enterprise, any remaining merchandise loan balance (and other unmet obligations to the SLA) will be subtracted from the ending inventory to determine the ~~manager's~~licensed vendor's equity in the ending stock.

(8) Merchandise loans are not allowed for satellite facilities unless extenuating circumstances prevail and only after approval of the BEP Operations Coordinator, ~~in consultation~~ with active participation of the ECM ~~chair person~~.

(9) Merchandise loans for existing ~~managers~~licensedvendors currently operating an "A" or "B" classified facility as their primary may be granted at the discretion of the SLA with Active Particpation with Elected Committee of Managers (ECM)~~BEP Operations Coordinator in consultation with the ECM chair person~~.

(c) **Failure of licensed ~~manager~~vendor to repay loan.**

(1) If a licensed ~~manager's~~vendor's merchandise loan payment is not received in the BEP office within five days after the due date, the licensed ~~manager~~vendor will be placed on probation and ~~is not~~will not be eligible to make application into the selection process. Merchandise loan payments are due at the time monthly reports and set-aside payments are due. (612:25-6-22)

(2) If a licensed ~~manager's~~vendor's merchandise loan payment remains delinquent through the succeeding month and is not received in the BEP office within five days after the succeeding month's due date, the BEP ~~operations coordinator~~Operations Coordinator will recommend suspension or termination of the ~~operator's agreement~~Licensed Vendor Agreement by the SLA ~~director~~Director, unless an alternate repayment schedule has been approved by the SLA. The SLA will initiate action to collect a remaining merchandise loan balance when a loan payment is two months overdue.

(3) When a licensed ~~manager~~vendor leaves the program for any reason, the merchandise loan is due in full, unless arrangements are made with the SLA to divide the balance into twelve (12) equal payments that will be due on the first day of each month.

(d) **Second merchandise loan.**

(1) Under documented extreme circumstances, a licensed ~~manager~~vendor who has paid off his/her previous merchandise loan may receive a second merchandise loan for the same facility when it has been determined that the loan is necessary to allow the licensed ~~manager~~vendor to remain in his/her facility.

(2) If a licensed ~~manager~~vendor requires a second merchandise loan while the first loan is still outstanding, other than for the expansion of his/her facility, he/she will be placed on probation until one of the loans is paid in full.

(3) Second merchandise loans for the purpose of facility expansion will be limited to 50% of the cost of additional salable merchandise needed.

(e) It is the incoming ~~Licensed Manager's~~licensed vendor's choice to accept or reject any and or all merchandise or personal property from the out-going ~~Licensed Manager~~licensed vendor, however, a merchandise loan cannot be used to purchase property. The incoming ~~Licensed Manager~~licensed vendor must notify the Business Consultant and the outgoing ~~Licensed Manager~~licensed vendor of his/her intent of purchasing the outgoing ~~manager's~~licensed vendor's inventory seven (7) days prior to the day of the inventory count.

(f) If the incoming ~~manager~~licensed vendor rejects all ~~of~~ the outgoing ~~manager's~~licensed vendor's merchandise, the outgoing ~~manager~~licensed vendor may be allowed two weeks to reduce his/her inventory, before ~~transfer of~~transferring the facility. This two week period must be approved by the BEP Operations Coordinator, ~~in consultation~~ with active participation of the ECM ~~chair~~.

(g) In order to expedite the processing of merchandise loans, the outgoing ~~manager~~licensed vendor must provide a merchandise price list to the business consultant and incoming ~~manager~~licensed vendor seven (7) days before the day of the inventory count.

PART 9. ASSIGNMENT OF LICENSED ~~MANAGERS~~VENDORS

612:25-4-53. Assignment and transfer [AMENDED]

(a) **Assignment.** The ~~State Licensing Agency (SLA)~~SLA administers a competitive selection process to accomplish the assignment of primary facilities to qualified individuals. The selection process established by the SLA provides that the ~~Elected Committee of Licensed Managers (ECM)~~ECM is an active participant in the selection of facility ~~managers~~licensed vendors.

(b) **Transfer.** The SLA,~~ in consultation~~ with active participation of the ECM~~ board~~, may transfer a qualified licensed ~~manager~~vendor to a different ~~location~~facility of similar complexity, ~~and~~ income potential, and geographic location, with the written consent of that licensed vendor, or due to that licensed vendor's failure to meet a standard identified in 612:25-6-2 or commission of a terminable offense identified in 612:25-6-3. ~~when it appears to be in the best interest of the licensed manager and/or the BEP.~~ The SLA ~~notifies~~will notify the licensed ~~manager~~vendor and the ECM~~ board~~, in ~~writing, by registered or certified mail~~the licensed vendor's preferred format, of the transfer and the grounds for the transfer. The transfer ~~policy~~administrative rule ~~cannot~~may not be used to circumvent the competitive selection process.

(c) **Displaced ~~Licensed Manager~~licensed vendor.**

(1) ~~A Displaced Licensed manager will have up to one (1) year to make application for a BEP facility that is comparable to his or her displaced facility~~A displaced licensed vendor is a licensed vendor who loses their facility due to circumstances which are beyond their control.

(2) ~~A Displaced Licensed Manager will be given 15 bonus points in the next interview selection for a permanent placement in a BEP facility that is relatively comparable in complexity, financially and if possible, geographically~~The date of displacement begins on the first day it becomes evident that business operations cannot continue at the displaced licensed vendor’s facility.

(3) ~~A Displaced Licensed Manager could accept a satellite assigned facility that is not comparable to their recent displaced facility without surrendering their displaced bonus points and status~~If available, a displaced licensed vendor may apply for a permanent BEP placement at a facility that is financially and/or geographically comparable to their former facility.

(4) ~~Should the Displaced Licensed Manager elect to accept the assigned satellite as his or her primary placement facility, then that Displaced Licensed Manager would surrender the displacement status with the agreement from the SLA and ECM~~If a displaced licensed vendor bids on a facility, they shall receive fifteen (15) bonus points added to their final score.

(5) ~~The SLA will consult with the ECM Chair to determine beginning and expiration date of eligibility of the Displaced Licensed Manager and provide notice in the Licensed Managers preferred format~~A displaced licensed vendor shall have up to two years to bid on a facility which is geographically and financially comparable to their former facility, after which their displaced licensed vendor exemption shall expire. Health insurance benefits shall expire at the same time.

(6) A displaced licensed vendor may apply for a BEP satellite management opportunity without forfeiting displacement status or bonus points. This option allows the licensed vendor to continue to receive Oklahoma BEP state benefits.

(7) If a displaced licensed vendor elects permanent placement in a satellite or assigned facility, the licensed vendor must agree to relinquish displaced licensed vendor status.

612:25-4-54. Business enterprise vacancy announcement [AMENDED]

(a) The procedure for announcing business enterprise openings is ~~a mail out~~an announcement emailed or sent by accessible format to all licensed ~~managers~~vendors, licensed employees, and licensees.

(b) The announcement period will be ten working days.

(c) If available, the information in (1) through (9) of this Subsection will be contained ~~on~~in, and item (10) will be attached to, each announcement.

(1) ~~type~~Type of business enterprise~~;~~.

(2) ~~estimated~~Estimated number of employees in the building and/or traffic flow, unless security considerations prohibit release of such information~~;~~.

(3) ~~location~~Location of the business enterprise~~;~~.

(4) ~~classification~~Classification~~;~~.

(5) ~~average~~Average gross sales as reported ~~on~~in monthly ~~report~~reports for the previous 12 months~~;~~.

(6) ~~for~~For a new business enterprise, estimates of monthly gross sales based upon potential patronage, with a disclaimer that this estimate is not a guarantee of sales~~;~~.

(7) ~~application~~Application due date~~;~~.

(8) ~~name~~Name and telephone number of the BEP business consultant~~;~~.

(9) ~~name~~Name and telephone number of the current ~~manager~~licensed vendor.~~; and~~

(10) ~~a~~A copy of an OTC Form A 100.

(d) ~~The following statement will be placed on all announcements. "All applicants are to be advised that any records provided with you application, including Business Plans, may be subject to the Oklahoma Open Records Act."~~Prior to the distribution of any facility announcement, the facility will be re-evaluated for proper classification.

612:25-4-55. Qualifications [AMENDED]

(a) In order to apply for ~~manager~~licensed vendor placement, an individual must hold a valid license issued by the ~~State Licensing Agency (~~SLA~~)~~. ~~In addition, the~~The SLA may require~~requires~~ prior program experience ~~in the program~~ before an individual ~~will be~~is considered eligible to apply for ~~"A" or "B" classification~~certain business ~~enterprises~~enterprise facilities, ~~with the exception~~except as provided in subsection ~~of~~ (b) of this section. Certified graduates of the BEP Training Program are ~~only~~ eligible to apply for ~~Classification "C" or "D" facilities with the exception of (b) of this section~~entry-level business enterprise facilities unless otherwise determined appropriate by the BEP Operations Coordinator, with active participation of the ECM. A location new to the BEP shall be designated as entry-level ~~program is to be classified "C"~~ for the initial 90 days of operation. The BEP Operations Coordinator~~,~~shall ~~in consultation with the ECM Chairperson, will~~ determine applicable ~~the need for any~~ experience requirements~~.~~, with active participation of the ECM, including consideration of a new licensed vendor's experience level prior to entering the BEP.

(b) ~~Applicants who qualify for the next lower classification will be considered for interview when~~When no qualified applicants apply for a ~~classification "A" or "B" facility announcement~~posted business enterprise facility requiring higher levels of experience, applicants who otherwise meet the requirements for a lower-level facility may be considered for interview when ~~it is~~ deemed appropriate ~~to do so~~ by the BEP Operations Coordinator, ~~in consultation with the~~with active participation of the ECM ~~Chairperson.~~, including evaluation of prior work history, supervisory experience, or other relevant experience obtained before entry into the BEP.

(c) ~~Experience requirements for each classification are~~Minimum experience guidelines for business enterprise placements are as follows:

(1) ~~Classification A~~Advanced-level facilities. Applicants ~~will be restricted~~are generally limited to individuals ~~who have~~with a minimum of three (3) years of total experience in an Oklahoma Business Enterprise, including ~~a minimum of~~at least one (1) year of management experience. Deviations from this guideline may be considered by the BEP Operations Coordinator, with active participation of the ECM, based on a licensed vendor's prior experience or demonstrated competency.

(2) ~~Classification B~~Intermediate-level facilities. Applicants ~~will be restricted~~are generally limited to individuals ~~who have~~with a minimum of two (2) years of total experience in an Oklahoma Business Enterprise, including ~~a minimum of~~at least six (6) months of management experience. Active participation of the ECM may be used to evaluate equivalent experience gained prior to participation in the BEP.

(3) ~~Classification C~~Entry-level facilities. No prior BEP experience is required; however, additional experience requirements may be applied for certain locations when ~~except on new locations as~~ deemed appropriate by the BEP Operations Coordinator, ~~in consultation~~ with ~~the~~ active participation of the ECM ~~Chairperson.~~, particularly when evaluating a new licensed vendor's readiness based on experience prior to entering the program.

(4) ~~Classification D~~Training or developmental facilities. No prior BEP experience is required.

(d) The BEP Operations Coordinator~~, in consultation with the ECM Chairperson,~~ may require additional BEP experience or relevant management experience ~~on applications~~ for any facility placement~~.~~, with active participation of the ECM, including consideration of

~~Verified BEP~~verified experience ~~from~~obtained in another state ~~may be considered~~or relevant non-BEP experience.

~~(e) Applicants will not be eligible to apply for a business enterprise facility if any of the following conditions exist:~~

~~(1) The applicant's cumulative total days of probation is sixty (60) or more days in the most recent twelve (12) months or the SLA has initiated suspension/termination proceedings against the licensed manager.~~

~~(2) The applicant is not current with their merchandise loan payments.~~

~~(3) The applicant is not current with his/her set-aside owed to the SLA.~~

~~(4) Applicants have not scored at least an 80 on their performance evaluation.~~

~~(5) Conditions 1-4 will not apply to new BEP training graduates.~~

~~(f) Applicants must be eligible to obtain an Oklahoma Tax Permit and be in good standing with the Oklahoma Tax Commission (OTC) for assigned, transferred or satellite business enterprises. Along with each application, the applicant is to provide a signed OTC form A 100 to determine their standing in relation to Sales Tax and Employee Withholding. The OTC form A 100 will be used on a one-time basis for a tax inquiry in relation to that announcement application only.~~

612:25-4-56. Applications [AMENDED]

(a) Applications must be received in the BEP Headquarters by the deadline date and time ~~in order~~ to be considered. The applications may be mailed, emailed, faxed, or hand delivered.

(b) Applications received by the announcement expiration date and time are reviewed to determine if the applicant meets the basic qualifications.

(c) All eligible applicants will be scheduled for an interview with the Selection Committee. Applicants who do not meet the basic qualifications will be notified in writing.

(d) ~~Included with each application an~~An OTC form A-100, Disclosure of Tax Information Authorization, will be completed and submitted with each application. This form will be used to ~~accomplish~~complete a one-time inquiry ~~as to their~~into the applicant's sales tax and tax permit status. This form will be issued with the facility announcement.

Section History

7-1-97	PT Memo #97-9
	Permanent, new Section
7-1-05	PT Memo #06-01
	Permanent, clarification of policy, interview
7-1-12	Permanent, updated language
9-12-14	Permanent, updated language

612:25-4-57. Applicant Selection Committee [AMENDED]

Selection Committee. The Selection Committee shall be established and convened by the SLA, with active participation of the ECM. The Selection Committee will consider applicants for primary assignment. The Selection Committee shall make recommendation(s) to the BEP Operations Coordinator or designee.The BEP ~~selection committee~~Selection Committee is chaired by the BEP Operations Coordinator or designee. In addition to the Committee Chair, committee membership shall ~~Members~~ include: one (1) member of the SLA staff; two members of the ~~SLA~~ECM; one (1) individual approved by the BEP Operations Coordinator and ECM Chair, who is not employed by or directly affiliated with the BEP but who has demonstrated knowledge of the BEP and its financial Operations.~~staff, the area member of the ECM or alternate and the chairperson of the ECM or alternate (vice-chair or secretary or another member of the ECM, in order). If no member of the ECM can serve in either capacity the BEP Operations Coordinator shall poll the licensed managers to complete the committee to complete the committee. No person can serve on the selection committee who has a conflict of interest or is related to an applicant.~~

612:25-4-58. Annual and Performance Evaluations [AMENDED]

(a) The BEP will conduct an annual evaluation of each licensed ~~manager~~vendor at the end of each calendar year. Performance evaluations will be conducted when a ~~manager~~licensed vendor applies for a facility or when a probationary period ends. All evaluations will be based on data collected from the ~~manager's~~licensed vendor's primary assigned facility and will consist of the previous twelve (12) working ~~month's~~months' information. If a ~~Licensed Manager~~licensed vendor does not have a primary facility, the satellite facility will be used, ~~(~~in accordance with BEP 612:25-4-53(c)(1-5). The ~~Licensed Manager~~licensed vendor will be advised of the results of any evaluation in writing. The ~~manager~~licensed vendor will be evaluated in the following areas:

(1) Tasks/responsibilities

(A) Timely submission and accuracy of all required monthly reports and payments (set-aside and merchandise loan payments, if applicable).

(B) Accurately calculated gross profit percentage reported on monthly reports.

(C) Accurately calculated net profit percentage reported on monthly reports.

(D) Maintenance of an acceptable level of merchandise inventory (including preventing the merchandise levels from falling below any outstanding merchandise loan balance).

(E) Attendance at Agency and other certified training.

(F) Attendance at Quarterly ECM Meetings.

(2) Work Habits

(A) Provides preventive maintenance and appropriate cleaning/sanitation.

(B) Merchandise displayed, rotated, and stocked sufficiently.

(C) Maintains required ~~insurances~~insurance.

(D) Maintains agreed upon hours of operation.

(E) Maintains professional relationships with customers and grantors.

(b) When a ~~Licensed Manager~~licensed vendor applies for a facility, a performance evaluation will be conducted to determine their eligibility to apply. To be eligible, the ~~manager~~licensed vendor must score at least 80 of the available 100 points. Any score above 80 will accrue to the benefit of the licensed ~~manager~~vendor in that selection process by adding it to their total score. If there is a second interview conducted, these points will not be added to the total points of the second interview.

(c) For months for which data is not available, a one month's average will be determined using the monthly point totals for the evaluation period. This amount will be added for each month for which data is not available.

612:25-4-59. Interview, Selection Process and Scoring [AMENDED]

(a) All eligible applicants will be referred by the SLA to the Selection Committee for a personal in-person interview.

(b) All personal information made available to the Selection ~~committee~~Committee and all information discussed in the course of a selection is held confidential. Information will not be released to any other individual, agency, or organization by Selection Committee members, unless they are advised in writing by the SLA's legal counsel to release information.

(c) ~~An applicant~~A candidate who is not present at the appointed time for their interview will have his/her name removed from consideration for ~~this location~~the facility unless the applicant's failure to be present is due to reasonable extenuating circumstances ~~make them unable to appear~~ and a majority vote of the ~~selection committee~~Selection Committee agrees to allow a change of the interview time.

(d) Following ~~every~~each interview, each Selection Committee member will complete a score sheet ~~on~~evaluating the ~~applicant.~~candidate's interview and business plan. Members of the Selection ~~committee~~Committee must complete their own score sheets before assisting another member. After each interview, the scores from all score sheets ~~on the~~evaluating each applicant will be totaled and averaged. Selection Committee members may not change their scores for an applicant after scores for the applicant have been tabulated. The total scores for all applicants will then be ranked.

(e) Any candidate ~~not scoring a minimum of 50 percent of the available points, not including seniority, performance evaluation, or displaced manager points,~~who does not receive at least 50 percent of the available points on both the personal interview and business plan will be deemed not qualified to manage the facility ~~being considered~~under consideration.

(f) The ~~score~~scores of the Chairperson of the Selection ~~Committee's score~~Committee will not be added into the ranking unless ~~it~~there is a tie.

(g) Any agreement made ~~to~~with the Selection Committee by a selected candidate will be transferred to an addendum in the ~~manager's agreement~~Licensed Vendor Agreement by the BEP Operations Coordinator.

(h) ~~After all applicants' scores from the initial interview have been tabulated; a second interview will be given to the top scorer and any applicant whose total score is within 5 points of the top score. The SLA will have the responsibility of convening the same Selection Committee and notifying all eligible applicants of the time and place of the second interview. The second interview will be governed by the same process rules as the initial interview described above.~~The final score used to rank candidates for placement into the facility under consideration will be the total point value of the following:

(1) Personal interview scored from 0 to 50.

(2) Business plan scored from 0 to 26.

(3) Performance evaluation points accrued over 80, as allowed by 612:25-4-58(b).

(4) Seniority accrued at 0.25 points per year, as allowed by 612:25-4-14(j); and

(5) Displaced licensed vendor status valued at 15 points, as allowed by 612:25-4-53(c)(4).

(i) ~~To determine the final rankings of the applicants, combine the personal interview points from the second interview to the combined point total of the first interview~~If the final score of one or more candidates is within 5 points of the top ranked candidate, the top ranked candidate and those candidates with scores within 5 points of the top ranked candidate shall be given a second interview. The SLA will have the responsibility of convening the same Selection Committee and notifying all eligible applicants of the time and place of the second interview. The second interview will be governed by the same procedural rules as the initial interview described above and scored from 0 to 50 points.

(j) ~~The initial interview scoring shall be based on the following factors:~~ If a second interview is required, the final candidate rankings shall be determined by adding each candidate's second interview score to their previous total score determined by 612:24-59(h).

~~(1) Personal interview;~~

~~(2) Business Plan;~~

~~(3) Performance evaluation points accrued over 80;~~

~~(4) Seniority; and~~

~~(5) Displaced Licensed Manager point.~~

(k) Once a selection is made, or a second interview is determined to be necessary, all individual applicants who received a personal interview will be immediately notified of their result. This notification will be in writing, and ~~with~~ an attempt will be made to ~~be contacted~~contact each applicant by phone.

612:25-4-60. ~~Ninety day~~Ninety-day replacement [AMENDED]

If the licensed ~~manager~~vendor defaults on the ~~Manager's~~Licensed Vendor Agreement for any reason (i.e. resignation, removal by the SLA, or death) during the first 90 days from the date of selection, the BEP Operations Coordinator will, following such default and completion of any resulting due process action, offer the business enterprise to the applicant who ~~ranked second~~scored the next highest in the previous selection process. If the second person decides to remove his/her name from consideration, it will be offered to the next applicant with the highest accumulated points. In the event of a tie, or ~~there~~if two (2) or more applicants' total scores are ~~scores~~ within five (5) points of the now ~~highest ranking~~highest-ranking score, the procedures identified in 612:25-4-59 will be followed. This procedure will be exercised until a qualified licensed ~~manager~~vendor accepts the business enterprise. If all ~~the~~ applicants have removed their names from consideration, a determination will be made by the BEP Operations Coordinator, ~~in consultation~~ with Active Participation of the ECM ~~Chairperson~~, to combine, remove, re-announce, or satellite the business enterprise.

612:25-4-61. Satellite business enterprise locations [AMENDED]

(a) A business enterprise facility will be considered a satellite and may be assigned to a licensed ~~manager~~vendor on a temporary basis when:

(1) the regular selection process does not produce a permanent licensed ~~manager~~vendor,

(2) a licensed ~~manager~~vendor has been removed by the SLA, or

(3) when a business enterprise is vacated by a ~~Licensed Manager~~licensed vendor without giving the SLA at least 30 ~~days~~days' notice~~.~~, or

(4) when notification of a new business enterprise is received by the SLA from a federal, state, county or private entity with less than a 30 day notice.

(b) The BEP Operations Coordinator, ~~in consultation with the Chairperson of the Elected Committee of Licensed Managers,~~with active participation of the ECM, may assign a licensed ~~manager~~vendor to a satellite business enterprise. The length of the agreement for a temporary assignment will be until the regular selection process can generate a permanent licensed ~~manager~~vendor, but not less than 180 days, unless a shorter period is agreed upon by the satellite ~~manager~~vendor.~~ In order to~~To achieve an equitable distribution of satellite business enterprises, a licensee that currently operates a satellite location will not be eligible for an additional satellite unless there are no other qualified licensed ~~managers~~vendors interested. Licensed ~~Managers~~vendors who only qualify for lower facility classifications than the satellite under consideration may be assigned when it is deemed appropriate by the BEP Operations Coordinator, ~~in consultation~~ with active participation of the ECM~~ Chairperson~~.

(c) Satellite locations will be reviewed by the SLA, ~~in consultation~~ with active participation of the ECM, ~~board through consultation with the ECM chair person,~~ every 10 months for possible advertisement of permanent assignment, ~~adding~~add the location in whole or in part to another business enterprise facility, continue the satellite assignment, or ~~issuing~~issue the Grantor a temporary variance. The satellite ~~manager~~vendor will be kept informed when this will occur and the result of the review.

(d) The licensed ~~manager~~vendor may resign the satellite agreement with 30 ~~days~~days' written notice.

(e) The satellite business enterprise will be managed as a separate business location for all purposes except for insurance and the tax permit. It is the licensed ~~manager's~~vendor's responsibility to notify the Oklahoma Tax Commission and his or her insurance carrier of the ~~addition and when the~~commencement or termination of a satellite ~~manager agreement has ended~~Licensed Vendor Agreement.

(f) If, after review, a satellite assignment is to be continued by the current licensed ~~manager~~vendor, ~~after review,~~ the ~~manager~~vendor must:

(1) Score at least an 80 on the satellite performance evaluation.

(2) Be current with all BEP monthly reports and payments.

(g) Merchandise loans are not allowed for satellite facilities unless extenuating circumstances prevail and only after approval of the BEP Operations Coordinator in consultation with the ECM~~ chair person~~chairperson.

612:25-4-62. Vending machine income [AMENDED]

Collection, distribution, and use of income from vending machines on Federal property shall be governed by applicable Federal rules. Income from non-Federal property will follow the same rules.

PART 11. BUSINESS ENTERPRISE PROGRAM AUDITING AND DUE PROCESS

612:25-4-72. Audits [AMENDED]

The SLA reserves the right to develop audit procedures, with active participation of the ECM. The SLA reserves the right to conduct audits, including the use of ~~third party~~third-party auditors. The licensed ~~manager~~vendor will be given a 30 calendar day written notice.

612:25-4-73. Due process [AMENDED]

(a) **Due process overview.** The SLA provides procedures for the fair ~~hearings~~hearing of licensed ~~managers'~~vendors' grievances. These procedures provide each licensed ~~manager~~vendor with the opportunity to seek remediation of dissatisfaction with any SLA action arising from the operation of the BEP.

(b) **Informal administrative review.** It is the policy of the SLA to resolve complaints in an expeditious and facilitative manner. These resolutions shall be accomplished through the informal administrative review process whenever possible. A licensed ~~manager~~vendor has the right to request a full evidentiary hearing at any time within established due process ~~time lines~~timelines. These timelines are identified later in this ~~policy~~administrative rule. Informal administrative reviews are at the discretion of the licensed vendor and are not mandatory.

(1) Informal administrative reviews are conducted by the SLA staff person closest to the problem who was not involved in the action resulting in the complaint~~,~~ and who can resolve the complaint in the most expeditious manner.

(2) The informal administrative review is to be completed within 30 calendar days of receipt of the complaint ~~to~~by the appropriate SLA staff person.

(3) The results of the informal administrative review are to be reported in writing within 15 calendar days to the BEP Operations Coordinator, with a copy going to the licensed ~~manager~~vendor affected, in accessible format.

(c) **Full evidentiary hearings.** Licensed ~~managers~~vendors have the right to a full evidentiary hearing to resolve dissatisfaction with any SLA action arising from the operation or administration of the ~~Business Enterprise Program~~BEP.

(1) If the complaint cannot be resolved with an informal administrative review, or in the absence of an informal administrative review, the licensed ~~manager~~vendor may request a full evidentiary hearing. The request for a full evidentiary hearing must be made to the BEP Operations Coordinator, in writing, within 30 calendar days from the date the licensed ~~manager~~vendor receives the notification of adverse ~~action,~~ action or the written report of the informal administrative review. The request for a full evidentiary hearing is to be sent by certified mail. Upon receipt, the BEP Operations Coordinator will immediately forward the request to the ~~Visual Services~~ DSBVI Division Administrator. The ~~Licensed Manager~~licensed vendor submitting the request for a full evidentiary hearing will be notified of the date ~~it~~on which the request was forwarded to the Division Administrator.

(2) The licensed ~~manager~~vendor may be represented in the evidentiary hearing by legal counsel, or other representation of the licensed ~~manager's~~vendor's choice~~,~~ and at the licensed ~~manager's~~vendor's expense.

(3) Reasonable ~~accommodations~~accommodation will be arranged by the SLA upon the request of the licensed ~~manager~~vendor.

(4) The hearing will be scheduled by the SLA for a time and place convenient and accessible to the licensed ~~manager~~vendor and the SLA staff involved in the hearing. The licensed ~~manager~~vendor will be notified, in their preferred format, of the place and time of the hearing and the right to be represented by legal or other counsel ~~in writing~~.

(5) The hearing will be conducted by an impartial and qualified official with no involvement or vested interest in the SLA, action at issue, or ~~with~~ the operation of the affected business enterprise. The presiding officer will conduct the hearing in accordance with State and/or Federal laws and rules governing the conduct of such proceedings. ~~In any case, the~~The hearing will be conducted in a manner that avoids delay, maintains order, and provides for a full recording and reporting of the proceedings ~~so that~~to ensure a full and true disclosure of the facts and issues ~~occurs~~.

(6) The hearing officer's determination will be based upon the facts as presented by both parties and upon applicable law and the existing rules of the SLA. The hearing officer does not have the power to rule upon the legality or construction of the rules themselves. The officer's decision will determine the relevant issues and facts to be ruled upon.

(7) The hearing officer shall make a written report of the evidence presented, the laws and rules used in determining a resolution, and the resolution itself. This report shall be issued to the BEP Operations Coordinator and the licensed ~~manager~~vendor, or his/her authorized representative within 15 calendar days of the conclusion of the full evidentiary hearing.

(8) The hearing officer's report shall be issued to the Director of the SLA within 15 calendar days of the conclusion of the full evidentiary hearing. The SLA Director issues his or her final written decision to the BEP Operations Coordinator and the licensed ~~manager~~vendor, in accessible format, within 30 calendar days of the date on which he or she receives the hearing officer's report.

(9) If the licensed ~~manager~~vendor is dissatisfied with the decision, she or he may request that the Secretary of the United States Department of Education (~~USDE~~ED) convene an arbitration panel.

612:25-4-75. Arbitration of complaints after the evidentiary hearing [AMENDED]

(a) The licensed ~~manager~~vendor has the right to file a request for arbitration with the Secretary (~~USDE~~ED) if dissatisfied with the outcome of the evidentiary hearing. By filing a complaint with the Secretary (ED), the licensed ~~manager~~vendor consents to the release of information necessary for the conduct of an ad hoc arbitration panel.

(b) The complaint must be filed in writing and must contain:

(1) a statement of the grievance;

(2) the date and place of the full evidentiary hearing;

(3) a copy of the decision and what actions have been taken because of the decision;

(4) the part of the decision which is causing ~~the~~ dissatisfaction and reason for the dissatisfaction; and

(5) a statement as to what is required to remedy the situation.

(c) The Secretary (~~USDE~~ED) will convene an arbitration panel after receiving a complaint which meets the requirements in (b) of this Section. The decision of the panel will be final, except as provided for in 20 U.S.C. 107d-2. The Secretary (ED) will pay the reasonable costs for the arbitration. ~~An abstract of the arbitration decision will be published in the Federal Register.~~ The decision of the arbitration panel will be published on the RSA website. The panel will be convened by the Secretary (ED) in accordance with (1) through (4) of this Subsection.

(1) The SLA shall designate one member of the panel.

(2) The licensed ~~manager~~vendor shall designate one member of the panel.

(3) The designees of the SLA and the licensed ~~manager~~vendor shall together designate the third panel member, who shall not be an employee of the SLA. This member shall be the chairperson of the panel.

(4) If the SLA or licensed ~~manager~~vendor does not select a member for the panel, the Secretary (ED) will designate such a member on the applicable party's behalf.

612:25-4-76. Arbitration of SLA complaints against federal agencies [AMENDED]

The SLA is to resolve problems related to the operation of a business enterprise with the full participation of the licensed ~~manager~~vendor and the appropriate property manager. The SLA may file a complaint with the Secretary (~~USDE~~ED) if it determines that an agency controlling Federal property is not complying with the provisions of the Randolph-Sheppard Act or U.S. ~~Department of Education~~ED regulations. After the complaint is received, the Secretary (ED) will convene an arbitration panel. If the panel finds that the Federal agency is in violation of the Act or ~~USDE~~U.S. ED regulations, that Federal agency will be notified that it is expected to correct the violation according to 20 U.S.C. 107d-2. The Secretary (ED) ~~pays~~will pay the reasonable costs of this arbitration. The decision resulting from the arbitration will be published in the Federal Register. The arbitration panel will be convened by the Secretary (ED) in accordance with (1) through (4) of this Subsection.

(1) The SLA will designate one member of the panel.

(2) The agency controlling the Federal property over which the dispute arose will designate one member of the panel.

(3) The designees of the SLA and the agency controlling the property will designate a third member who is not an employee of the agency controlling the Federal property. This member will chair the panel.

(4) If either the SLA or the head of the Federal department, agency, or instrumentality fails to designate a member of an arbitration panel, the Secretary (ED) shall designate such member on behalf of such party.

SUBCHAPTER 6. LICENSED ~~MANAGERS~~VENDORS AND BUSINESS ENTERPRISE OPERATION [AMENDED]

PART 1. LICENSED ~~MANAGERS~~VENDORS [AMENDED]

612:25-6-1. Licensing requirements for managing a business enterprise [AMENDED]

(a) **Issuance and conditions of a license.** A license shall be issued by the SLA in accordance with Federal regulations making the individual eligible to operate a business enterprise. This license will be issued upon successful completion of the SLA training program. This license shall be prominently displayed in the licensed ~~manager's~~ vendor's business enterprise. Licensed ~~Managers~~vendors whose facility consists of only vending machines~~,~~ must carry their BEP license with them. This license remains effective for an indefinite length of time, unless terminated or suspended by the SLA in accordance with State and Federal regulations. A license issued to a qualified individual is non-transferable.

(b) **Termination of agreement or removal from a business enterprise.** The SLA, with active participation of the ECM, may terminate a ~~manager's~~licensed vendor's agreement and/or immediately remove the licensed ~~manager~~vendor from operation of a business enterprise for ~~cause shown~~failure to meet a standard identified in 612:25-6-2 or the commission of a terminable offense identified in 612:25-6-3. Termination of a ~~manager's~~licensed vendor's agreement or removal from ~~operation of~~operating a business enterprise does not necessarily ~~mean that the manager's license will be suspended or terminated~~result in suspension or termination of the licensed vendor's license. The licensed ~~manager~~vendor has the right to a full evidentiary hearing when dissatisfied with any ~~State Licensing Agency~~(SLA) action, in accordance with BEP, State, and Federal regulations.

(c) **Reinstatement of suspended or terminated license.** Reinstatement of ~~a~~an individual's BEP license ~~for an individual~~ can be accomplished by formally requesting the SLA reinstate the BEP License within ~~a~~ two ~~year~~years ~~period~~from the date on which the license was suspended or terminated. When the license is reinstated, the amount of seniority/experience in the BEP will also be reinstated.

(d) **Termination of license.** A license automatically expires when the licensed ~~manager~~vendor is no longer a U.S. citizen, no longer meets the definition of legal blindness, surrenders his or her license, resigns, retires, or dies. A license may be terminated or suspended by the SLA, after affording the licensed ~~manager~~vendor an opportunity for a full evidentiary hearing in accordance with State and Federal regulations ~~in accordance with~~and BEP Rule 612:25-6-3.

(e) **Continuation of Benefits**. If a ~~Licensed Manager~~licensed vendor has not worked in the program for 1 year, the ~~Licensed Manager~~licensed vendor has the option of paying for his or her own benefits to continue coverage, rather than~~and not~~ DRS. Examples of benefits are medical insurance and retirement benefits.

612:25-6-2. Standards for licensed ~~managers~~vendors [AMENDED]

(a) The licensed ~~manager~~vendor will agree to the terms of the licensed ~~manager's~~vendor's agreement, rules and regulations governing the ~~Business Enterprise Program~~BEP, and the permit or contract governing the specific business enterprise.

(b) The licensed ~~manager~~vendor will operate the business enterprise in accordance with all applicable health laws and regulations, safety regulations and other federal, state, county, and ~~municipality~~municipal laws and regulations applicable to the business enterprise.

(c) The licensed ~~manager~~vendor will work cooperatively with authorized representatives of the SLA in connection with their official responsibilities.

(d) The licensed ~~manager~~vendor will take proper care of the equipment and fixtures to minimize repair and replacement costs. The licensed ~~manager~~vendor will be responsible for repair or replacement costs when caused by the negligence of the licensed ~~manager~~vendor or his or her employees, when the repair cost is below $25.00, or when repairs are not authorized by the BEP. In the event of withdrawal from the business enterprise for any reason, the licensed ~~manager~~vendor will leave all SLA-owned equipment to the disposal of the SLA.

(e) The licensed ~~manager~~vendor will collect and pay sales tax as required.

(f) The licensed ~~manager~~vendor will be responsible for substitute operation.

(g) The licensed ~~manager~~vendor will not take action inconsistent with the paramount right, title, and interest of the SLA to business enterprise equipment.

(h) The licensed ~~manager~~vendor will accept the agreement and any modifications subject to the policies, rules, and regulations of the SLA as they exist or are modified.

(i) The licensed ~~manager~~vendor will keep records of gross sales, merchandise purchased, and other financial transactions for the business enterprise.

(j) The licensed ~~manager~~vendor will complete and submit all necessary Federal and State reports and payments as required for each individual business enterprise.

(k) The licensed ~~manager~~vendor will convey a positive public image.

(l) The licensed ~~manager~~vendor will maintain appropriate professional relationships with purveyors, customers, and building officials as in (1) through (3) of this Subsection.

(1) Relationships with ~~purveyor~~purveyors. The licensed ~~manager~~vendor is free to choose the purveyor from whom he/she is to make purchases, provided, however, that such purveyor is established and reputable.

(2) Relationships with customers. To serve the best interest of the public, the licensed ~~manager~~vendor and his/her employees will provide prompt and courteous service to all customers.

(3) Relationships with building officials. The licensed ~~manager~~vendor will comply with all reasonable requests concerning the operation of a business enterprise that may be made by officials of the building in which the enterprise is located, provided

that such requests do not conflict with the agreement and the rules and regulations issued by the SLA as contained herein. If differences should arise between the licensed ~~manager~~vendor and the grantor, the licensed ~~manager~~vendor shall bring the matter to the immediate attention of the BEP business consultant for appropriate action.

(m) The licensed ~~manager~~vendor will supervise employees in a manner that promotes quality customer service.

(n) The licensed ~~manager~~vendor will maintain and display current licenses and permits, including their BEP license, in the business enterprise, or in the case of a facility of only vending machines, they will be carried with the ~~Licensed Manager~~licensed vendor.

(o) The licensed ~~manager~~vendor will comply with all regulations and laws governing the possession and/or use of firearms, weapons, alcohol and other drugs.

(p) When a licensed ~~manager~~vendor starts or buys a similar business, the licensed ~~manager~~vendor must make assurances to the SLA that the two businesses will not intermingle in any manner, and that the merchandise of the two businesses will be in separate locations. At no time will ~~state owned~~state-owned equipment be used in the private business.

(q) A licensed vendor is expected to visit their facility at least once per month to ensure its proper operation.

612:25-6-2.1. Probation [AMENDED]

(a) **Scope.** A licensed ~~manager~~vendor who is not meeting all ~~of~~ the requirements or qualifications set forth in the BEP rules and regulations, or a licensed ~~manager~~vendor who is not managing the business enterprise in a proper manner, may be placed on probation by the BEP Coordinator ~~along~~ with notification ~~to~~of the ECM Chair. Intensive review/consultation will be provided during the probationary period. The period of the probation will be used to focus on specific problem areas, and attempts will be made to improve the licensed ~~manager's~~vendor's performance. This is the first step in the disciplinary process. If proper results are not achieved, suspension or termination of the BEP License will be necessary.

(b) **Initiation of probation procedure.** The BEP Operations Coordinator will place licensed ~~managers~~vendors on probation through a probation letter. The business consultant will deliver, read and explain the letter of probation to the licensed ~~manager~~vendor. The business consultant and licensed ~~manager~~vendor will then sign the probation letter. The original is given to the licensed ~~manager~~vendor in his or her preferred format~~,~~. ~~one~~One copy will be returned to the BEP Operations Coordinator, and one copy will be mailed to the Chairperson of the ~~Elected Committee of Licensed Managers~~ECM.

(c) **Probationary letter.** The probationary letter will specify the cause(s) for placing the ~~manager~~licensed vendor on probation and the rules that have been violated. It will clearly state the terms of the probation, including the length of the probationary period, the remedial action required, and the consequences of failure to take remedial action. A statement will be included which indicates it has been read and understood by the licensed ~~manager,~~vendor. The probationary letter will be signed and dated~~followed~~ by ~~a space for~~ the licensed ~~manager's~~vendor and his/her business ~~consultant's~~consultant ~~signature, and the date~~. This acknowledgement does not imply that the licensed ~~manager~~vendor agrees with the issues identified, but rather, that he/she understands the terms of his/her probation. Refusal to sign does not invalidate the letter.

(d) **Probationary periods.** Probationary periods are usually 30 to 90 days, at the discretion of the BEP Operations Coordinator, but may be longer or shorter as circumstances warrant. The exact period of probation will be specified in the probationary letter.

(e) **Consequences.** The ~~Licensed Manager~~licensed vendor or ~~the~~ business consultant may submit a request to the BEP Operations Coordinator that the licensed ~~manager~~vendor be taken off probation whenever the licensed ~~manager's~~vendor's performance improves to a satisfactory level. If remedial action does not result in improved performance within the time specified, the BEP Operations Coordinator~~,~~ will notify the ECM Chair, and may recommend that:

(1) the SLA Director transfer the licensed ~~manager~~vendor to a more suitable business enterprise;

(2) the probationary period be extended; and/or

(3) the SLA Director, with active participation of the ECM, will terminate the ~~Managers~~Vendor Agreement and suspend/terminate the licensed ~~manager's~~vendor's BEP license.

612:25-6-3. Grounds for suspension or termination of a license [AMENDED]

(a) A BEP license may be suspended or terminated for the reasons set forth in (1) through (~~15~~17) of this Subsection.

(1) Failure to open the assigned business enterprise, as stated in the permit/contract with the grantor agency, without prior proper approval from the SLA (abandonment of business enterprise).

(2) Defrauding any agency of the government (including the SLA), or any purveyor, or failure to pay monies due, including taxes, fees, or assessments to any governmental entity or purveyor.

(3) Failure to file required monthly reports with the SLA or failure to comply/cooperate with audits conducted by the SLA or other State or Federal agencies.

(4) Failure to maintain the required insurance coverage.

(5) ~~The~~Failure to operate the business enterprise ~~is not being operated~~ in accordance with the rules and regulations, terms and conditions of the permit with the grantor agency, or the terms and conditions of the business enterprise ~~manager's agreement~~Licensed Vendor Agreement.

(6) Intentional abuse, neglect, unauthorized use or removal of the business enterprise equipment; or failure to properly maintain the equipment in a clean and operating manner within the scope of the licensed ~~manager's~~vendor's level of maintenance authorization.

(7) Substance abuse (alcoholic beverages, illegal drugs, etc.) while operating the business enterprise; or other substance abuse that interferes with the operation of a business enterprise.

(8) Operation of a business enterprise in such a way that the SLA's interest in retaining the contract for the location is obviously endangered.

(9) Failure to comply with all Federal and State laws prohibiting discrimination and failure to provide services without regard to race, gender, color, national origin, religion, age, political affiliation, or disability.

(10) Determination by the SLA that the licensed ~~manager~~vendor no longer has the necessary skills and abilities ~~for~~to effectively ~~managing~~manage a business enterprise.

(11) Use of the business enterprise to conduct unlawful activities.

(12) Failure to personally operate and manage the business enterprise in accordance with the ~~manager's agreement~~Licensed Vendor Agreement. Management means the personal supervision of the day-to-day operation of the assigned BEP facility by the assigned ~~manager~~licensed vendor.

(13) Use of a third-party vendor to operate the assigned business enterprise facility. However, licensed vendors may contract with entities for operation of an ATM machine.

(14) Operating a motor vehicle. Under federal law, only individuals who meet the legal definition of blindness may be licensed to participate in the vending facility program under the Randolph-Sheppard Act [20 USC 107a(b) and 107e(1)]. Under Oklahoma driver licensing rules established by the Oklahoma Department of Public Safety, individuals who are blind are not eligible to be licensed to operate motor vehicles.

(15) Intentionally representing ~~one's self~~oneself as an agent of the SLA or as an SLA official. The licensed ~~manager~~vendor is not allowed to negotiate or act on behalf of the SLA.

(16) Failure to pay an outgoing licensed vendor for product left in a BEP site, after agreement by both licensed vendors.

(17) Bullying, harassment, intimidation, or threatening behavior or communication of any kind—whether verbal, written, electronic, or physical—will not be tolerated toward any SLA personnel, licensed vendors, their families, personal property, program property, building site managers, purveyors, or customers. Prohibited Conduct Includes, but is not limited to:

(A) Verbal abuse, insults, slurs, or derogatory remarks.

(B) Threats of physical harm, intimidation, or acts intended to cause fear.

(C) Harassing phone calls, emails, texts, or other forms of communication.

(D) Spreading false or malicious information.

(E) Any behavior or communication that disrupts program operations or creates a hostile or unsafe environment.

(b) When the BEP Operations Coordinator determines that a BEP license should be suspended or terminated, the BEP Operations Coordinator will notify the ECM Chair and shall make a written recommendation to the Division Administrator. The Division Administrator shall then recommend to the SLA Director for action. The licensed ~~manager~~vendor shall be notified in his or her preferred format if action is to be taken. The BEP license may only be suspended or terminated after affording the licensed ~~manager~~vendor an opportunity for a full evidentiary hearing in accordance with BEP Rule 612:25-4-73. The licensed ~~manager~~vendor may be immediately removed from the operation pursuant to BEP Rule ~~612:25-6-1(c)~~612:25-6-1 pending the outcome of the evidentiary hearing.

612:25-6-4. Use of service animals [AMENDED]

Services ~~Animal~~animals and/or ~~Guide~~guide dog ~~Teams~~teams will comply with all regulatory ~~Laws~~laws and ~~Ordinances~~ordinances that govern the use of a ~~Service~~service ~~Animal~~animal and/or ~~Guide~~guide ~~Dog~~dog.

PART 3. BUSINESS ENTERPRISES

612:25-6-15. Setting aside of funds [AMENDED]

(a) Set-aside charges paid by the licensed ~~manager~~vendor will be placed in a revolving account maintained by the SLA. Set-aside charges will be re-evaluated yearly by the SLA, ~~and~~ the ~~Elected Committee of Licensed Managers~~ECM, and RSA. Adjustments will be made accordingly in the appropriate classification, with allowances for reasonable charges for improving services, fluctuation of costs, and for program expansion.

(b) Funds will be set aside only for the purpose of:

(1) maintenance and replacement of equipment;

(2) the purchase of new equipment;

(3) management services;

(4) assuring a fair minimum of return to licensed ~~managers~~vendors; ~~or~~and

(5) the establishment and maintenance of retirement or pension funds and health insurance contributions.

(c) The licensed ~~manager's~~vendor's set-aside charges will be on a sliding scale of 0% to not more than 12% of the net proceeds of the business enterprise during any one month. The sliding scale will be in four classifications: Class A, B, C, and D (based on prior year's performance).

(d) The BEP Operations Coordinator, with active participation of the ECM, will review and set classification amounts annually. Classification amounts will be kept by the secretary of the ECM and Business Manager or designee of the SLA. Classification amounts will be sent out to all licensed vendors and SLA staff in their preferred format. The Business manager will communicate any changes to the SLA finance department for accurate accounting practices.

(1) Class A ~~- 12% of net proceeds, $60,000 and above~~TBD as per above.

(2) Class B ~~- 10% of net proceeds, $25,000 to $59,999~~TBD as per above.

(3) Class C -~~6% of net proceeds, $10,000 to $24,999~~TBD as per above.

(4) Class D ~~- 0% of net proceeds, $9,999 and below~~TBD as per above.

(~~d~~e) A licensed ~~manager~~vendor will submit his/her set-aside payment to the BEP office on or before the 25th of the current calendar month. If the 25th falls on a weekend, the payment is due in the BEP office no later than the close of business on the last business day prior to the 25th. Set-aside payments may be mailed to the BEP office. To be considered on time, they must be postmarked by the 21st of the month for regular mail or the 22nd for overnight mail. If these dates fall on a day ~~where~~when the post office is closed, they must be postmarked the day before. If the set-aside payment is late the SLA shall notify the ~~manager~~licensed vendor by phone on the next business day following the due date. If the accurate set-aside payment is not received in the BEP office by the due date, the licensed ~~manager~~vendor will be placed on probation and assessed a $50 late charge. If the licensed ~~manager's~~vendor's overdue ~~set aside~~set-aside payment is not received in the BEP office by the due date in the succeeding month (i.e. is over one month late), the ~~manager~~licensed vendor will be ~~is~~ assessed another $50 late fee. If the first and second payments are not received by the time the third report is due, the licensed ~~manager's~~vendor's agreement will be cancelled and the BEP licenses will be suspended, unless an alternate payment schedule has been approved in advance by the SLA. Failure to pay monthly set-aside in a timely manner three or more times within any ~~twelve month~~twelve-month period will result in formal disciplinary action.

(~~e~~f) If a business enterprise should show a marked change in net proceeds, a request for reclassification may be made by the licensed ~~manager~~vendor or the SLA after 90 days. Each licensed ~~manager~~vendor will be notified of changes in set-aside charges, and the new percentage of net proceeds will be due at the time of the next monthly report due date, following the mailing of notice to the licensed ~~manager~~vendor. The licensed ~~manager~~vendor will start paying the higher or lower percentage of set-aside with the next report due following notification.

(~~f~~g) All new business enterprises will be placed in class C for 90 days, at which time the SLA will review the business enterprise for reclassification and notify the licensed ~~manager~~vendor of changes in set-aside charges. ~~and the~~The new percentage of net proceeds shall be effective at the beginning of the first business month following the mailing of notice to the licensed ~~manager~~vendor.

612:25-6-16. Criteria to establish a business enterprise [AMENDED]

A decision to establish a business enterprise will be made by the ~~State Licensing Agency (SLA)~~SLA, ~~in consultation with the ECM board through consultation with~~ ECM, ~~chair person~~ based on the ~~Business Enterprise Program (BEP)~~BEP's calculation of potential business profitability, estimated installation costs, available SLA resources, and the BEP's recommendation. Information used for calculation of business profitability will be obtained by BEP staff using a site survey that will include:

(1) building population;

(2) number of visitors;

(3) competition in the immediate area;

(4) building security;

(5) average salary of prospective customers;

(6) estimated installation cost to provide required services;

(7) stability of the number of prospective customers;

(8) anticipated longevity of the potential facility;

(9) geographic location; and

(10) additional information as determined necessary.

612:25-6-17. Contracts and permits for business enterprise facilities [AMENDED]

When it is determined that a business enterprise is feasible and when agreements are ready to be made with the grantor, one of four types of arrangements will be adopted with the grantor.

(1) **Private industry.** Agreements made with private industry are on a contract basis and sometimes require a percentage payment.

(2) **State and local government.** State and local government location agreements are made when Application for Authority to Establish a business enterprise in a State, County or Municipal Building is signed.

(3) **Federal property - business enterprise.** The United States Department of Education form, Application and Permit for the Establishment of a business enterprise on Federal and other Property, is the instrument, or formal agreement governing the establishment of a business enterprise. Procedures and conditions pertaining to the permit are contained in the regulations [34 ~~CFR~~C.F.R. § 395.34].

(4) **Federal property - cafeteria facility.** Contracts may be required for the operation of a cafeteria on federal property. These contracts sometimes specify such things as costs of items, brand names, portion size and other conditions of agreement between the federal agency and the SLA.

612:25-6-18. Establishing licensed ~~managers~~vendors in business enterprises [AMENDED]

~~Business Enterprise Program (BEP)~~BEP staff will provide consultation and assistance to accomplish the installation of licensed ~~managers~~vendors in business enterprises. Steps in the installation process will include the following:

(1) BEP staff will orient the new licensed ~~manager~~vendor to the business enterprise as needed.

(2) An inventory of the outgoing ~~Licensed Manager's~~licensed vendor's merchandise that will be acquired by the incoming ~~Licensed Manager~~licensed vendor will be performed by the outgoing and incoming licensed ~~managers~~vendors, with oversight by the BEP. The outgoing licensed ~~manager~~vendor or designee, incoming licensed ~~manager~~vendor or designee, and a representative from the BEP must be present when the merchandise is counted. The outgoing ~~Licensed Manager~~licensed vendor must provide a merchandise price list to the BEP and incoming ~~Licensed Manager~~ licensed vendor or their designee ~~(7) seven~~7 days before the day the merchandise is counted. The completed merchandise inventory is signed by both outgoing and incoming licensed ~~managers~~vendors, accepting the count of merchandise. All items not being acquired by the incoming ~~Licensed Manager~~licensed vendor must be removed from the facility prior to the incoming ~~Licensed Manager~~licensed vendor taking responsibility for the facility. The outgoing licensed ~~manager~~vendor or their designee and the incoming licensed ~~manager~~vendor or their designee ~~is~~are responsible for removing and counting all currency prior to the date of the merchandise inventory count. The BEP Operations Coordinator shall develop and implement equipment and merchandise inventory ~~procedures.~~ Procedures, with active participation of the ECM. These procedures will be read by the business consultant to the outgoing and incoming ~~managers~~licensed vendors prior to the ~~actual~~initiation of the physical inventory, to ensure that both the outgoing and incoming ~~managers~~licensed vendors understand ~~these~~the procedures.

(3) The BEP will assist the incoming licensed ~~manager~~vendor in procuring initial merchandise for sale and will arrange for the licensed ~~manager~~vendor to obtain a merchandise loan, as necessary and in accordance with agency ~~policy~~administrative rule(s).

(4) An equipment inventory ~~is completed~~will be completed, and the incoming licensed ~~manager signs~~vendor will sign the inventory sheet ~~and assumes~~to assume responsibility for the equipment.

(5) The BEP will assist the incoming licensed ~~manager~~vendor in filling out any insurance or retirement enrollment or change forms as necessary.

(6) The BEP will verify that workers compensation and liability insurance on the business enterprise are in effect. The business enterprise will not be opened by the new licensed ~~manager~~vendor until this is verified.

(7) The BEP will provide the incoming licensed ~~manager~~vendor with a copy of the permit/contract in effect for the business enterprise.

(8) The BEP will provide the incoming licensed ~~manager~~vendor with a supply of the forms required by the SLA ~~relative~~related to the business enterprise operation.

(9) The incoming licensed ~~manager~~vendor must read and sign a licensed ~~manager's~~vendor agreement before assuming the operation of any business enterprise. If needed, BEP staff will read the agreement to the ~~manager~~licensed vendor and/or provide the agreement in the accessible format required by the ~~manager~~licensed vendor.

(10) The business consultant will remain assigned to the business enterprise for no less than 6 months following the transfer, based upon agreement with all stakeholders involved with the site, to ensure a smooth business operation. If possible, the incoming licensed vendor will be available one week prior to the opening of the facility to become familiar with the business, discuss BEP requirements and business issues with BEP consultant, and arrange for purchase of initial stock.The business consultant will inform the incoming licensed vendor of options for procuring initial stock, assist with procurement of stock, and arrangement for a merchandise loan, if necessary.

(11) If the facility is to be closed while inventory is being conducted, sufficient and proper notice must be given to the grantor and customers. Deposits and personal equipment are not to be included in the inventory. Arrangements may be made between outgoing and incoming licensed vendors for these items. Receipts collected for the pricing of merchandise should be returned to the outgoing licensed vendor at the conclusion of the pricing phase.

612:25-6-19. Employees of the licensed ~~manager~~vendor [AMENDED]

(a) The BEP has no direct responsibility over the employees of licensed ~~managers~~vendors. If a complaint is filed by a customer or grantor against an employee of a licensed ~~manager~~vendor, or an employee-related problem is brought to the attention of BEP staff, the business consultant will bring the complaint/problem to the attention of the licensed ~~manager~~vendor. A business consultant may make suggestions as to the action that needs to be taken, however the responsibility lies with the licensed ~~manager~~vendor ~~as to~~regarding disciplinary action toward the business enterprise employee.

(b) In the event the grantor requests an employee of a licensed ~~manager~~vendor be terminated/suspended, the information will be presented to the licensed ~~manager~~vendor immediately by personal contact or phone call followed by written memorandum indicating the reason for the requested suspension or termination.

(c) The business consultant will immediately notify the SLA state office by memorandum for insurance and retirement purposes when a licensee ~~starts to work for~~begins or ends employment with another licensed ~~manager~~vendor ~~or quits~~.

(d) Licensed ~~managers~~vendors are to take affirmative action to employ and advance qualified individuals with disabilities in accordance with applicable federal and state laws.

(e) Volunteer labor is permitted in a business enterprise; however, the volunteer must be covered by insurance in the event of injury. This insurance coverage will be documented in the SLA state office ~~prior to~~before the ~~individual's actual work~~individual may work in a business enterprise.

612:25-6-20. Closing a business enterprise [AMENDED]

(a) A business enterprise may be closed immediately by the SLA, the grantor, any government agency or the licensed ~~manager~~vendor when an emergency~~ situation~~ occurs, such as~~:~~ when a life threatening situation~~,~~ or a health or safety hazard exists. Notice of the ~~closing~~closure should be made as soon as possible to the SLA and the grantor.

(b) The business enterprise will ~~also ~~be closed immediately for failure to have proper insurance verification for liability and workers' compensation insurance.

(c) The business enterprise may be closed for short periods of time with prior written approval from the SLA and the grantor.

(d) The SLA's policy is to operate business enterprises that have the potential to produce net profit returns for licensed ~~managers~~vendors which will enable them to live ~~self sufficiently~~self-sufficiently and with dignity within their communities. Additional consideration is given to the ~~amount of ~~return on investment as ~~related~~it relates to expenditures for capital outlay, management services overhead, and other expenses of operation. Anytime a licensed ~~manager~~vendor vacates a business enterprise, the business consultant will ~~re-evaluate~~reevaluate the business enterprise if it generates revenue below the program ~~net profit objective~~fair minimum return. A business enterprise that lacks the potential to meet the SLA's ~~net profit~~fair minimum return objective will be issued a temporary variance or added to another ~~location~~facility.

(e) If a licensed vendor loses part of their facility due to no fault of their own the SLA should attempt to grow the facility until the licensed vendor's income returns to the previously anticipated level.

612:25-6-21. Business expenses [AMENDED]

~~Business expenses calculated as a flat-rate percentage of gross sales may be deducted from gross sales on the licensed manager's monthly report to the SLA.~~The percentage of gross sales which may be reported as a business expense deduction shall be set by the ~~Business Enterprise Program~~ SLA, ~~in consultation~~ with active participation of the ~~Elected Committee of Licensed Managers~~ECM, and shall be determined using available historical data and industry standards. The percentage rate will be reviewed annually to ensure it continues to reflect average monthly expenditures attributable to standard business expenses.

612:25-6-22. Monthly reports [AMENDED]

(a) **Content and when due.** Licensed ~~managers~~vendors must submit monthly business enterprise financial reports to the SLA. Reports will contain data on gross sales, merchandise purchases, payroll expense, business expense and other information determined necessary to reflect business financial status and calculate licensed ~~manager~~vendor set-aside, retirement and/or merchandise loan payments. The monthly reports shall be for the following ~~time~~ period: the sixteenth (16th) day of the previous calendar month to the fifteenth (15th) day of the current calendar month. Monthly reports and payments due, if required, are due in the BEP office on or before the 25th of the current calendar month. If the 25th falls on a weekend, the monthly report is due in the BEP office no later than the close of business on the last business day prior to the 25th. Monthly reports may be mailed to the BEP office. To be considered on time, they must be postmarked by the 21st of the month for regular mail or the 22nd for overnight mail. If these dates fall on a day ~~where~~when the post office is closed, they must be postmarked the day before. The BEP shall notify the ~~manager~~licensed vendor on the first business day following the 25th if the report is not received. The BEP will review each monthly report for mathematical errors, correct loan payment, correct set-aside payment, approved business expenses, and other factors that will affect the accuracy of the report. The business consultant will sign the report indicating that the report is correct, correct payments are attached (if required), and all items in question have been discussed with the licensed ~~manager~~vendor.

(b) **Failure to file in a timely manner.** If the accurate monthly report and correct payment due, if applicable, are not received in the BEP office by the due date, the licensed ~~manager~~vendor will be placed on probation. If the 1st and second reports are not received by the time the 3rd report is due, the licensed ~~manager's~~vendor's agreement will be canceled, and ~~the~~their BEP ~~licenses~~license will be suspended. Failure to file monthly reports in a timely manner three or more times within any ~~twelve month~~twelve-month period will result in formal disciplinary action.

(c) **Fee for reports.** The Agency maintains records for its use and may charge a reasonable fee to supply copies of records to individuals. The agency will supply copies of lost reports or other documents at 25 cents per page.

(d) **Timely submission.** ~~Receipt~~Timely submission requires receipt of an accurate monthly report and correct payment, if applicable, on or before the due date in the BEP office.

(e) **Returned Checks.** An insufficient fund check will be assessed a $50.00 fee.

PART 5. THE ELECTED COMMITTEE OF LICENSED MANAGERS

612:25-6-32. The Elected Committee of Licensed Managers [AMENDED]

(a) Authority for Establishing an ~~Elected Committee of Licensed Managers (ECM)~~ECM is found in Section 107-B1 of Chapter 6A of Title 20 U.S., commonly referred to as the Randolph-Sheppard Act.

(b) ~~Paragraphs (1) and (2) of this Subsection provide guidance in approaching the degree of participation by the ECM~~Through a process of good faith negotiations between the ECM and the SLA, the ECM will be given the opportunity to have meaningful input into the decision-making process in the formulation of program policies which affect licensed vendors. The SLA is charged with ultimate responsibility for the administration and operation of all aspects of the BEP.

~~(1) Active participation means a process of good faith negotiations involving the ECM and the SLA. The Committee must be given the opportunity to have meaningful input into the decision-making process in the formulation of program policies which affect licensed managers.~~

~~(2) The SLA is charged with the ultimate responsibility for the administration and operation of all aspects of the Business Enterprise Program.~~

(c) Functions of the ~~Elected Committee of Licensed Managers~~ECM include~~:~~, but are not limited to:

(1) ~~Actively participate~~active participation with the SLA in the major administrative, policy, and program development decisions affecting the overall administration of the ~~Business Enterprise Program.~~BEP;

(2) ~~To receive and transmit~~the receipt and transmittal to the SLA grievances at the request of licensed ~~managers~~vendors and serve as advocates for such ~~managers~~licensed vendors in connection with such grievances~~.~~;

(3) ~~To actively participate~~active participation with the SLA in the development and administration of a State system for the transfer and promotion of licensed ~~managers.~~vendors:

(4) ~~To participate~~active participation with the SLA in developing training and retraining programs for licensed ~~managers.~~vendors;

(5) ~~To sponsor,~~sponsorship, with the assistance of the SLA, of meeting and instructional conferences for licensed ~~managers.~~vendors; and

(6) ~~To participate~~active participation in setting out the method of determining the charge for each of the purposes listed in (A) through (~~D~~E) of this Paragraph.

(A) Maintenance and replacement of equipment;

(B) The purchase of new equipment;

(C) Management services;

(D) Assuring a fair minimum of return to vendors;

(E) The establishment and maintenance of retirement or pension funds, and/or health insurance contributions, ~~if it is so determined by a majority vote of licensed managers, after the SLA provides to each licensed manager information on all matters relevant to such proposed purposes. [34 CFR 395.9(b) and (c)]~~if, after SLA provides each licensed vendor with information on all matters relevant to such proposed purposes, it is so determined by a majority vote of licensed vendors.

(d) The ECM will be composed of licensed ~~blind~~ vendors. There will be an executive committee with their duties and terms of office specified in the bylaws of the ECM.

(e) The SLA shall provide for the election of an ~~Elected Committee of Licensed Managers~~ECM which shall be fully representative of all licensed ~~managers~~vendors in the BEP. [34 ~~CFR~~C.F.R. § 395.14]

612:25-6-33. Organization and operation of the Elected Committee of Licensed Managers [AMENDED]

(a) **Organization.** The ECM will be organized in accordance with its bylaws.

(b) **Nominations and elections.** The procedures set forth in (1) through (3) of this ~~Subsection~~subsection shall be used to nominate and elect members of the ~~committee~~ECM.

(1) The Chairperson of the ~~Committee of Licensed Managers~~ECM presides over the election of ~~Committee~~ECM members.

(2) The SLA presents a list of eligible voters and candidates. The Chairperson will call for nominations from the floor for ECM members. Nominees must give consent to be nominated.

(3) The SLA or designee and the ECM or designee are responsible for the collection and tallying of votes.

(c) **Operation.** The ~~Elected Committee of Licensed Managers~~ECM shall operate according to (1) through (3) of this Subsection.

(1) The ~~Elected Committee of Licensed Managers~~ECM will convene at least once each year at the licensed ~~manager's~~vendor's training conference, the time and place of joint meetings to be scheduled by SLA staff and the ~~Elected Committee of Licensed Managers~~ECM. Requests for meetings by the ECM ~~committee~~ will be made in writing to the SLA for prior approval of financial assistance.

(2) ~~The ECM members will be notified of matters within its purview that are being considered for decision.~~ The ECM ~~committee~~ members will have the opportunity to initiate subjects for consideration by it and the SLA. ~~Recommendations by the ECM members will be in writing and given serious consideration by the SLA.~~

(3) The SLA has the ultimate responsibility for the administration of the ~~Business Enterprise Program~~BEP. If the SLA does not adopt the views and positions of the ~~Elected Committee of Licensed Managers~~ECM, it will notify the ECM ~~Committee~~ in writing of the decision reached or the action taken and the reasons ~~therefore~~therefor.

(d) **Materials.** The SLA will supply the necessary materials for the function of the ~~Elected Committee of Licensed Managers~~ECM upon written request to the SLA.

DEPARTMENT OF REHABILITATION SERVICES

SUMMARY OF 2027 ADMINISTRATIVE RULE AMENDMENTS

CHAPTER 1. ADMINISTRATIVE OPERATIONS

SUBCHAPTER 3. ADMINISTRATIVE COMPONENTS OF THE DEPARTMENT

612:1-3-1. The Commission for Rehabilitation Services [AMENDED]

Rule Summary – amended revoking section (a) and (b). Amended language adding that the members of the Commission of DRS shall be appointed according to 74, O.S. §166.2.

Reason for Amendment – to align with 74, O.S. §166.2 requirements.

Client Impact – no impact.

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

SUBCHAPTER 1. GENERAL PROVISIONS

612:10-1-1. Purpose [AMENDED]

Rule Summary – added new section (b) (1-2) authorizing the DRS Commission to use SSA reimbursements as an incentive program for direct service delivery staff if service costs are reimbursed for job placement of SSI or SSDI recipients. There is no limit on the quantity of incentive payments a counselor/technician can qualify for; however, the amount of incentive payments will be subject to commission approval. Payments will occur once per year.

Reason for Amendment – to align with Title 74, O.S. §166.8 (B) requirements.

Client Impact – no impact.

612:10-1-2. Definition [AMENDED]

Rule Summary – “Highly challenged” definition, section (H) amends “Deaf-Blindness” language to “deafblindness”.

Reason for Amendment - amended to be consistent with current terminology, and align with RSA guidelines.

Client Impact – no impact.

SUBCHAPTER 3. CLIENT PARTICIPATION IN COST OF SERVICES

612:10-3-2. Consideration of comparable services and benefits [AMENDED]

Rule Summary – amended (b) to add exempt services (1)-(6).

Reason for Amendment – amended to be consistent with current terminology, and align with RSA guidelines.

Client Impact – no impact.

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

PART 15. TRAINING

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

Rule Summary – (b)(2) adds instruction and extra processing time for client training using specialized accommodations, (b)(3) amends job title "Programs Manger" to "Program Manager" terminology.

Reason for Amendment – to provide clarification and be consistent with current terminology and align with RSA guidelines.

Client Impact – no impact. Amendment provides additional instructions and processing time when client receives training utilizing specialized accommodations.

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

612:10-7-196. Interpreter services [REVOKED]

Rule Summary – Rule revoked from Chapter 10 VR/SBVI.

Reason for Amendment – The VR/SBVI no longer oversee the program for interpreter services. Rule is relocated to newly developed Chapter 13 for interpreter services.

Client Impact – no impact.

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

Rule Summary – amended "deaf-blind" to read "deafblind" and similar terminology.

Reason for Amendment – amended to align with spelling to match use by Helen Keller National Center and current field of deafblind communities.

Client Impact – No impact.

PART 21. PURCHASE OF EQUIPMENT, OCCUPATIONAL LICENSES AND CERTIFICATIONS

612:10-7-222. Rehabilitation technology, assistive technology devices and assistive technology services [AMENDED]

Rule Summary – amended sections (c), (e). Removed sections (g), (h), (i). Renumbered sections accordingly.

Reason for Amendment – removed duplicate language and relocated sections under the correct service. Amended state and federal citations.

Impact on Client – no impact.

SUBCHAPTER 9. REHABILITATION TEACHING SERVICES

PART 5. SERVICES

612:10-9-37. Referral for Support Services [AMENDED]

Rule Summary – amended “deaf-blind” to read “deafblind”.

Reason for Amendment – amended to align with spelling to match use by Helen Keller National Center and current field of deafblind communities.

Client Impact – No impact.

SUBCHAPTER 11. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

PART 5. PROVISION OF SERVICES

612:10-11-42. Interpreter services [AMENDED]

Rule Summary – amended “deaf-blind” to read “deafblind”.

Reason for Amendment – amended to align with spelling to match use by Helen Keller National Center and current field of deafblind communities.

Client Impact – No impact.

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

PART 1. SERVICE PROGRAMS [REVOKED]

612:10-13-1. Mission of the program [REVOKED]

Rule Summary – Rule revoked from Chapter 10 VR/SBVI.

Reason for Amendment – The VR/SBVI no longer oversee the program for interpreter services. Rule is relocated to newly developed Chapter 13 for interpreter services.

Client Impact – no impact.

PART 3. CERTIFICATION OF INTERPRETERS [REVOKED]

Part 3, Certification of Interpreters is revoked. The following rules apply:

612:10-13-14. Legal basis [REVOKED]

612:10-13-15. Certification levels [REVOKED]

612:10-13-16. Evaluation [REVOKED]

612:10-13-17. Evaluation team [REVOKED]

612:10-13-18. Fees [REVOKED]

612:10-13-19. Refunds [REVOKED]

612:10-13-20. Certification maintenance [REVOKED]

612:10-13-21. Code of ethics [REVOKED]

612:10-13-22. Grievance procedures [REVOKED]

612:10-13-23. Formal hearing [REVOKED]

612:10-13-24. Interpreter certification program advisory committee and interpreter quality committee [REVOKED]

Rule Summary – Rule revoked from Chapter 10 VR/SBVI.

Reason for Amendment – The VR/SBVI no longer oversee the program for interpreter services. Rule is relocated to newly developed Chapter 13 for interpreter services.

Client Impact – no impact.

<u>CHAPTER 17. INTERPRETER SERVICES FOR THE DEAF AND HARD OF HEARING</u> [NEW]

<u>SUBCHAPTER 1. INTERPRETER SERVICES</u> [NEW]

<u>612:17-1-1. Mission and Purpose</u> [NEW]

<u>612:17-1-3. Authority</u> [NEW]

<u>612:17-1-5. Definitions</u> [NEW]

Rule Summary – Chapter 17 is newly developed to relocate the revoked interpreter rules located in Chapter 10 VR/SBVI. Interpreter language has been amended to improve clarity and ease of maintenance and to align with current terminology and regulations.

Reason for Amendment – The VR/SBVI no longer oversee the program for Interpreter Services. The program is relocated to Executive Services to better align with the organization's structure.

Client Impact – no impact. Amendments are not expected to impact the client.

SUBCHAPTER 3. INTERPRETER CONTRACTS AND SERVICE DELIVERY [NEW]

612:17-3-1. Purpose and scope [NEW]

612:17-3-3. Communication Access Services [NEW]

612:17-3-5. Interpreter Service Request [NEW]

612:17-3-7. Coordination and Assignment of Services [NEW]

612:17-3-9. Contracted Interpreters and Service Providers [NEW]

612:17-3-11. Cost of Service [NEW]

612:17-3-13. Claims and Compensation [NEW]

Rule Summary – Chapter 17 is newly developed to relocate the revoked interpreter rules located in Chapter 10 VR/SBVI. Interpreter language has been amended to improve clarity and ease of maintenance and to align with current terminology and regulations.

Reason for Amendment – The VR/SBVI no longer oversee the program for Interpreter Services. The program is relocated to Executive Services to better align with the organization's structure.

Client Impact – no impact. Amendments are not expected to impact the client.

SUBCHAPTER 5. INTERPRETER CERTIFICATION AND RESOURCES CENTER [NEW]

612:17-5-1. Purpose and Administration [NEW]

612:17-5-3. Notification of Intent to be Screened [NEW]

612:17-5-5. Screening Fees [NEW]

612:17-5-7. Scheduling of Screenings [NEW]

612:17-5-9. Assessment Team [NEW]

612:17-5-11. Screening Components [NEW]

612:17-5-13. Screening Levels [NEW]

612:17-5-15. Validity Period [NEW]

612:17-5-17. Registry [NEW]

612:17-5-19. Maintenance of Credentials [NEW]

612:17-5-21. Professional Conduct [NEW]

612:17-5-23. Complaints [NEW]

612:17-5-25. Appeal of Screening Results [NEW]

612:17-5-27. Confidentiality [NEW]

612:17-5-29. Advisory Committee [NEW]

Rule Summary – Chapter 17 is newly developed to relocate the revoked interpreter rules located in Chapter 10 VR/SBVI. Interpreter language has been amended to improve clarity and ease of maintenance and to align with current terminology and regulations.

Reason for Amendment – The VR/SBVI no longer oversee the program for Interpreter Services. The program is relocated to Executive Services to better align with the organization's structure.

Client Impact – no impact. Amendments are not expected to impact the client.

STATE OF OKLAHOMA
DEPARTMENT OF REHABILITATION SERVICES AND
OKLAHOMA REHABILITATION COUNCIL

PUBLIC HEARING

DRS ADMINISTRATIVE RULE AMENDMENTS

The Department of Rehabilitation Services will hold a Public Hearing to receive comments on proposed amendments to the Department's administrative rules. The proposed rules:

Chapter 1. Administrative Operations
- Subchapter 3. The State Licensing Agency
- Part 3. Administrative Components of the Department
  - 612:1-3-1. The Commission for Rehabilitative Services [AMENDED]

Chapter 10. Vocational Rehabilitation and Services for the Blind and Visually Impaired
- Subchapter 1. General Provisions
  - 612:10-1-1. Purpose [AMENDED]
  - 612:10-1-2. Definitions [AMENDED]
- Subchapter 3. Client Participation in Cost of Services
  - 612:10-3-2. Consideration of comparable services and benefits [AMENDED]
- Subchapter 7. Vocational Rehabilitation and Services for the Blind and Visually Impaired
- Part 15. Training
  - 612:10-7-164. Personal and work adjustment training [AMENDED]
- Part 19. Special Services for Individuals Who are Blind, Deaf, or have other Significant Disabilities
  - 612:10-7-196. Interpreter services [REVOKED]
  - 612:10-7-205. Services to persons who are ~~deaf-blind~~deafblind [AMENDED]
- Part 21. Purchase of Equipment, Occupational Licenses and Certifications
  - 612:10-7-222. Rehabilitation technology, assistive technology devices and assistive technology services [AMENDED]
- Subchapter 9. Rehabilitation Teaching Services
- Part 5.
  - 612:10-9-37. Referral for Support Services [AMENDED]
- Subchapter 11. Independent Living Services for Older Individuals who are Blind
- Part 5. Provision of Services
  - 612:10-11-42. Interpreter services [AMENDED]
- Subchapter 13. Special Services for the Deaf and Hard of Hearing [REVOKED]
- Part 1. Service Programs [REVOKED]
  - 612:10-13-1. Mission of the program [REVOKED]
- Part 3. Certification of Interpreters [REVOKED]
  - 612:10-13-14. Legal basis [REVOKED]
  - 612:10-13-15. Certification levels [REVOKED]
  - 612:10-13-16. Evaluation [REVOKED]
  - 612:10-13-17. Evaluation team [REVOKED]
  - 612:10-13-18. Fees [REVOKED]
  - 612:10-13-19. Refunds [REVOKED]

612:10-13-20. Certification maintenance [REVOKED]
612:10-13-21. Ethical standards [REVOKED]
612:10-13-22. Grievance procedures [REVOKED]
612:10-13-23. Formal hearing [REVOKED]
612:10-13-24. Interpreter certification program advisory committee and interpreter quality committee [REVOKED]

Chapter 17. Interpreter Services for the Deaf and Hard of Hearing [NEW]
Subchapter 1. Interpreter Services [NEW]
612:17-1-1. Mission and Purpose [NEW]
612:17-1-3 Authority [NEW]
612:17-1-5. Definitions [NEW]
Subchapter 3. Interpreter Contracts and Service Delivery [NEW]
612:17-3-1. Purpose and scope [NEW]
612:17-3-3. Communication Access Services [NEW]
612:17-3-5. Interpreter Service Request
612:17-3-7. Coordination and Assignment of Services [NEW]
612:17-3-9. Contracted Interpreters and Service Providers [NEW]
612:17-3-11. Cost of Services [NEW]
612:17-3-13. Claims and Compensation [NEW]
Subchapter 5. Interpreter Certification and Resources Center [NEW]
612:17-5-1. Purpose and Administration [NEW]
612:17-5-3. Notification of Intent to be Screened [NEW]
612:17-5-5. Screening Fees [NEW]
612:17-5-7. Scheduling of Screenings [NEW]
612:17-5-9. Assessment Team [NEW]
612:17-5-11. Screening Components [NEW]
612:17-5-13. Screening Levels [NEW]
612:17-5-15. Validity Period [NEW]
612:17-5-17. Registry [NEW]
612:17-5-19. Maintenance of Credentials [NEW]
612:17-5-21. Professional Conduct [NEW]
612:17-5-23. Complaints [NEW]
612:17-5-25. Appeal of Screening Results [NEW]
612:17-5-27. Confidentiality [NEW]

Chapter 25. Business Enterprise Program
Subchapter 2. General Provisions [AMENDED]
612:25-2-1. Purpose [AMENDED]
612:25-2-2. Mission of the Business Enterprise Program [AMENDED]
612:25-2-3. Federal legal authority [AMENDED]
612:25-2-4. State legal authority [AMENDED]
612:25-2-5. Definitions [AMENDED]
612:25-2-7. State and Federal Assurances Policy of non-discrimination [AMENDED]
612:25-2-8. Accessibility of written materials [AMENDED]
612:25-2-9. Conflict of interest [AMENDED]
Subchapter 4. The State Licensing Agency
Part. 1. Organization and General Operation Standards
612:25-4-1. Organization of the State Licensing Agency [AMENDED
612:25-4-4. Management services provided by the State Licensing Agency [AMENDED]

Part 3. Business Enterprise Program Training

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

612:25-4-15. Training for present licensed ~~managers~~vendors [AMENDED]

Part 5. State Licensing Agency Responsibility for Business Enterprise Operations

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

612:25-4-26. Maintenance and replacement of business enterprise equipment [AMENDED]

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

Part 9. Assignment of Licensed Managers

612:25-4-53. Assignment and transfer [AMENDED]

612:25-4-54. Business enterprise vacancy announcement [AMENDED]

612:25-4-55. Qualifications [AMENDED]

612:25-4-56. Applications [AMENDED]

612:25-4-57. Applicant Selection Committee [AMENDED]

612:25-4-58. Annual and Performance Evaluations [AMENDED]

612:25-4-59. Interview, Selection Process and Scoring [AMENDED]

612:25-4-60. ~~Ninety day~~Ninety-day replacement [AMENDED]

612:25-4-61. Satellite business enterprise locations [AMENDED]

612:25-4-62. Vending machine income [AMENDED]

Part 11. Business Enterprise Program Auditing and Due Process

612:25-4-72. Audits [AMENDED]

612:25-4-73. Due process [AMENDED]

612:25-4-75. Arbitration of complaints after the evidentiary hearing [AMENDED]

612:25-4-76. Arbitration of SLA complaints against federal agencies [AMENDED]

Subchapter 6. Licensed ~~Managers~~Vendors and Business Enterprise Operation [AMENDED]

Part 1. Licensed ~~Managers~~Vendors [AMENDED]

612:25-6-1. Licensing requirements for managing a business enterprise [AMENDED]

612:25-6-2. Standards for licensed ~~managers~~vendors [AMENDED]

612:25-6-2.1. Probation

612:25-6-3. Grounds for suspension or termination of a license [AMENDED]

612:25-6-4. Use of service animals [AMENDED]

Part 3. Business Enterprises

612:25-6-15. Setting aside of funds [AMENDED]

612:25-6-16. Criteria to establish a business enterprise [AMENDED]

612:25-6-17. Contracts and permits for business enterprise facilities [AMENDED]

612:25-6-18. Establishing licensed ~~managers~~vendors in business enterprises [AMENDED]

612:25-6-19. Employees of the licensed ~~manager~~vendor [AMENDED]

612:25-6-20. Closing a business enterprise [AMENDED]

612:25-6-21. Business expenses [AMENDED]

612:25-6-22. Monthly reports [AMENDED]

Part 5. The Elected Committee of Licensed Managers

612:25-6-32. The Elected Committee of Licensed Managers [AMENDED]

612:25-6-33. Organization and operation of the Elected Committee of Licensed Managers [AMENDED]

Copies of the proposed rules may be obtained from:

DRS Website www.okdrs.gov

E-mail tcalloway@okdrs.gov

Letter to the Policy Administration and Development Section, attention Tina Calloway, Department of Rehabilitation Services, 7301 Northwest Expy, Suite 200, Oklahoma City, Oklahoma 73132 or by calling (405) 255-8761 – Toll free 1-800-845-8476.

PUBLIC HEARING WILL BE HELD
Thursday, December 17, 2026
2:00 PM - 3:00 PM
Department of Rehabilitation Services
7301 Northwest Expressway, Suite 200 – Security check-in required
Conference Room A – Public hearing location
Oklahoma City, OK 73132

Attend in person

or

Join ZoomGov Meeting
https://www.zoomgov.com/j/1655237430?pwd=S9pgMva6XcmIW5XUzVr6PbIanxFplN.1
Meeting ID: 165 523 7430
Passcode: 004250

If you would like to provide input but are unable to attend, written comments may be sent to the attention of Tina Calloway, Policy Administration and Development, Department of Rehabilitation Services, 7301 Northwest Expy, Suite 200, Oklahoma City, Oklahoma 73132, by email tcalloway@okdrs.gov, or by calling (405) 255-8761 – Toll free 1-800-845-8476. All public comments must be received and post-marked no later than close of business on December 17, 2026.