

NOTICE OF INTENT

Louisiana Workforce Commission

Louisiana Rehabilitation Services

Vocational Rehabilitation Program

(LAC 67: VII. Chapter 1)

In accordance with the provisions of R.S. 49:953(B) of the Administrative Procedure Act, Louisiana Workforce Commission, Louisiana Rehabilitation Services (LRS) proposes to amend §103, §105, §115, §117, and §119 of its Vocational Rehabilitation Program (VR) Policy Manual to provide clarification of processes and to update guidelines to be used in the determination of financial assistance for eligible consumers. In §103. Enabling Legislation, Louisiana Rehabilitation Services is updating its policy manual to reflect the agency transfer to the Louisiana Workforce Commission from the Department of Social Services per Act 939 of the 2010 Legislative Session. In §105. Confidentiality, the agency is clarifying the need to have written consent to release an individual's case file information. §115. Financial, the agency will remove the out-of-date basic living requirement chart and proposes to use the U.S. Department of Health and Human Services' poverty guidelines, thus allowing the agency access to the most up-to-date information when determining financial assistance for eligible consumers. In §117. Vocational Rehabilitation Services, the agency is restructuring policy pertaining to the scope of establishing a small business. The agency proposes to revise the definition of "transition student" in §119. Transition Process for Individuals in Secondary Education Programs.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 1. General Provisions

§103. Enabling Legislation

A. – B. ...

C. Louisiana Revised Statutes

~~1. R.S. 49:664, Section 6B(1)(b) (Legislative Act that created the Department of Health and Hospitals), R.S. 36:477(c) (Legislative Act that created the Department of Social Services).~~

1. Act 939 of the 2010 Legislative Session transferred programs operated by LRS from the Department of Social Services to Louisiana Workforce Commission.

2. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with ~~R.S. 49:664.4~~ and ~~R.S. 36:477~~ R.S. 23-3001.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), LR 25:1265 (July 1999), LR 29:46 (January 2003), amended by Louisiana Workforce Commission, Louisiana Rehabilitation Services, LR

§105. Confidentiality

A. - B.5. ...

C. Release of Confidential Information

1. The case file must contain documentation concerning any information released with the individual's written consent. Informed written consent is ~~not needed~~ required for the release of personal records to the following:

a. public assistance agencies or programs from which the client has requested services or to which the client is being referred for services. ~~under the circumstances for which the client's consent may be presumed;~~

b. the Louisiana Workforce Commission formerly the Louisiana Department of Labor and military services of the United States government;

c. doctors, hospitals, clinics, ~~and~~ rehabilitation centers, Community Rehabilitation Programs and vendors providing services to clients as authorized by Louisiana Rehabilitation Services;

d. schools or training centers, when LRS has authorized the service or is considering authorizing such services, and the information is required for the client's success in the program, for the safety of the client, or is otherwise in the client's best interest.

2. - 2.c. ...

3. LRS may also release personal information to protect the individual or others when the individual poses a threat to his/her safety or the safety of others.

D. - G.2.b. ...

2.c. inform the regional manager or designee if the above steps do not resolve the situation. In this case, the regional manager or designee will then turn the matter over to the ~~Department of Social Services'~~ Louisiana Workforce Commission's legal counsel.

3.-3.d.iii. ...

AUTHORITY NOTE: Promulgated in accordance with ~~R.S. 49:664.4~~ and ~~R.S. 36:477~~ R.S. 23-3001.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), LR 22:993 (October 1996), repromulgated LR 25:1265 (July 1999), amended by Louisiana Workforce Commission, Louisiana Rehabilitation Services, LR

§115. Financial

A. - B.2.a.vii. ...

~~viii. on-site training; and~~

viii. on-the -job training;

ix. assistive technology devices and services (except hearing aids);

x. personal assistance services provided simultaneously with any of the

above-listed vocational rehabilitation services; (Examples include attendant, reader, scribe, interpreter, ASL, braille, notetaker, and adjustment/orientation and mobility training services.)

B.2.b. - B.3.d.ii. ...

C. LRS shall determine an individual’s financial need for certain vocational rehabilitation services based on the individual’s disability related expenses, available assets, and the ~~basic living requirement chart below.~~ U.S. Department of Health and Human Services’ poverty guidelines.

The Basic Living Requirement (BLR)

Persons	1	2	3	4	5	6	7	8	Other
Allowable BLR	\$21,475	\$29,025	\$36,575	\$44,125	\$51,675	\$59,225	\$66,775	\$74,325	

~~For each additional person over 8, add \$3020.~~

AUTHORITY NOTE: Promulgated in accordance with ~~R.S. 49:664.4~~ and ~~R.S. 36:477~~ R.S. 23-3001.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), LR 21:837 (August 1995), LR 24:959 (May 1998), LR 25:1273 (July 1999), LR 27:212 (February 2001), LR 27:1561 (September 2001), LR 29:47 (January 2003), LR 30:1488 (July 2004), LR 34:1038 (June 2008), amended by Louisiana Workforce Commission, Louisiana Rehabilitation Services, LR

§117. Vocational Rehabilitation Services

A. – C.1.b.ii. ...

D. Scope of Establishment of Small Business Enterprise.

1. The purpose of a self-employment goal for a client is to establish an individual with a disability in a small business enterprise that will provide sufficient income to support the individual and their family, thereby enabling the individual to meet ordinary daily living expenses and business costs. LRS desires to make self-employment an available option only when it is clearly demonstrated that self-employment is the best choice for the client.

~~2. When it is determined by a counselor and an eligible client that self-employment, through establishment of a small business enterprise, is the best option for the client, the following apply:~~

~~a. the client must present evidence of a record of success in the industry pertinent to the products and/or services the client plans to offer in this particular self-employment venture;~~

~~b. the client must attend at least one workshop on small business development designed to develop and raise the management skills of small business owners. Acceptable workshops include those operated by the small business development centers (SBDC), chambers of commerce (SCORE), Louisiana Department of Economic Development, and colleges and universities;~~

~~c. the client must develop a business plan;~~

~~d. the business plan must:~~

~~i. be thorough, realistic, and in writing;~~

~~ii. include, but is not limited to:~~

~~(a). estimates of revenues and expenses;~~

~~(b). estimates of profit;~~

~~(c). a market analysis;~~

~~(d). client as the owner/proprietor of the business actually working in/managing the business;~~

~~(e). evidence to indicate the business venture has the potential to generate sufficient profits to provide client with gainful income to support client/family's daily living expenses and business costs;~~

~~e. — available Social Security work incentives, such as PASS and IRWE, must be investigated, applied for, and used for clients who are recipients of Social Security Benefits (SSI and SSDI);~~

~~f. — the client must:~~

~~i. — submit the business plan to a small business development center for evaluation of the viability of the business venture in terms of competitive profitability;~~

~~ii. — share with LRS the small business development center's evaluation of and comments regarding the business plan;~~

~~iii. — if suggested by the small business development center, make modifications to the business plan with the recommendations made by the small business development center; and~~

~~iv. — resubmit such plan for re-review by the small business development center;~~

~~g. — LRS has defined the scope of the establishment of a small business enterprise as reasonable start-up costs not to exceed an aggregate assistance of \$20,000. The cost of any training/workshops relative to establishing the client in a small business and/or disability-related assistive technology devices is not included in the \$20,000 limit;~~

~~h. — commitment by the client to make a minimum cash capital contribution of 20 percent of the total transaction. Such funds can be from the client's personal resources, loans, etc.~~

~~i. — LRS will not assist a client in the establishment of multiple (more than one) small businesses. Once the initial business is set up, LRS will not provide funds for expansion or improvements to the business. If changes in the nature of the client's disability require disability-related modifications and/or assistive technology to enable the client to continue in this employment capacity, the individual must:~~

~~i. — be an eligible client or eligible for post-employment services;~~

~~ii. — complete an updated business plan;~~

~~iii. — meet all other applicable policy/procedure regulations;~~

~~j. — LRS will not provide funding for:~~

~~i. — businesses that are speculative in nature, such as investments in real estate, etc.;~~

~~ii. — businesses organized as nonprofit;~~

~~iii. — businesses organized as hobbies;~~

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), repromulgated LR 25:1276 (July 1999), amended LR 30:1488 (July 2004), amended by Louisiana Workforce Commission, Louisiana Rehabilitation Services, LR

Family Impact Statement

In compliance with R. S. 49:972 the impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have a positive impact on family functioning, stability or autonomy by increasing access to and participation in the Vocational Rehabilitation Program. This Rule will not effect the authority and rights of parents regarding the education and supervision of their children or behavior and personal responsibility of children.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973(B) due to increase participation in the Vocational Rehabilitation Program which is expected to reduce dependence on public assistance programs and enable employment and independence.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on the staffing level requirements or qualifications required to provide the same level of service; the total direct and indirect effect on the cost to the providers to provide the same level of service; or the overall effect on the ability of the provider to provide the same level of service.

Small Business Statement

The proposed Rule's impact on small business has been considered in accordance with R.S. 49:965.6 and it is estimated that the proposed actions will have negligible impact on small businesses as defined in the Regulatory Flexibility Act.

Public Comments

Interested persons may submit written comments, data, or opinions through May 28, 2015, to Mark S. Martin, LRS Director, P.O. Box 91297, Baton Rouge, LA 70821-9297. Copies

of the of the revised policy may be obtained at Louisiana Rehabilitation Services, 950 N. 22nd Street, Baton Rouge, LA 70802, or at each of its eight regional offices, and at the Office of the State Register, 1051 North Third Street, First Floor, Baton Rouge, LA.

Public Hearing

A public hearing on the proposed Rule will be held on May 28, 2015 at the Baton Rouge Regional Office, 3651 Cedarcrest Avenue, Baton Rouge, LA, beginning at 9 a.m. Individuals with disabilities who require special services should contact Judy Trahan, Program Coordinator, Louisiana Rehabilitation Services, at least 14 working days prior to the hearing if special services are needed for their attendance. For information or assistance, call 225-219-2225 or 1-800-737-2958 (V/TDD).

Curt Eysink

Executive Director