

RULE

**Workforce Commission
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) has amended §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 updated 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 clarified the need to have written consent to release an individual's case file information. In §115, Financial, the agency removed the out-of-date basic living requirement chart and will utilize a multiple of 250 percent of the U.S. Department of Health and Human Services' poverty guidelines, which is updated annually, 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 restructured policy pertaining to the scope of establishing a small business. The agency revised 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. 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. 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 Workforce Commission, Rehabilitation Services, LR 41:1775 (September 2015).

§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 required for the Informed written consent is 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;

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

c. doctors, hospitals, clinics, 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. ...

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 Louisiana Workforce Commission's legal counsel.

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

AUTHORITY NOTE: Promulgated in accordance with 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 the Workforce Commission, Rehabilitation Services, LR 41:1775 (September 2015).

§115. Financial

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

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.)

2.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 a multiple of 250 percent of the current U.S. Department of Health and Human Services' poverty guidelines.

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AUTHORITY NOTE: Promulgated in accordance with 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 the

Workforce Commission, Rehabilitation Services, LR 41:1775 (September 2015).

§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. All other applicable state, federal, and agency laws, policy and procedure must be followed, including state purchasing laws.

3. These policy provisions do not apply to the Randolph Sheppard Program.

4. Ultimate approval of funding a small business enterprise for an eligible vocational rehabilitation client lies with Louisiana Rehabilitation Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23-3001.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), LR 25:1274 (July 1999), amended by the Workforce Commission, Rehabilitation Services, LR 41:1775 (September 2015).

§119. Transition Process for Individuals in Secondary Education Programs

A. - D. ...

E. The following provisions are the key points in LRS' transition process:

1. LRS will provide consultation and technical assistance (to the extent possible considering time and agency resources) as early as possible in the transition process, for students with disabilities who have an individualized education plan (IEP), have been under section 504 of the Rehabilitation Act, or is an individual with a disability under the Rehabilitation Act.

2. LRS will ensure the development and approval of IPEs for eligible students as early as possible in the transition process but, at the latest, by the time each student determined eligible for vocational rehabilitation services leaves the school setting.

F. ...

AUTHORITY NOTE: Promulgated in accordance with 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), repromulgated LR 25:1276 (July 1999), amended LR 30:1488 (July 2004), amended by the Workforce Commission, Rehabilitation Services, LR 41:1776 (September 2015).

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