

OFFICE OF THE SECRETARY OF STATE
SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 582
DEPARTMENT OF HUMAN SERVICES
VOCATIONAL REHABILITATION SERVICES

FILED
05/27/2022 2:38 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: ODHS Vocational Rehabilitation amendments to OAR 582-070-0030 Limitations to Payments

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/20/2022 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Robin Brandt
503-507-5226
robin.l.brandt@dhsosha.state.or.us

500 Summer Street NE E-87
Salem, OR 97301

Filed By:
Robin Brandt
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 06/22/2022

TIME: 9:00 AM - 10:00 AM

OFFICER: Robin Brandt

ADDRESS: This will be a

Virtual meeting

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Join ZoomGov Meeting

<https://www.zoomgov.com/j/1603836216?pwd=eIV0R1NOVGVDZFBWNXZtNFExZGtmUT09>

Meeting ID: 160 383 6216

Passcode: 857829

To call in:

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

Meeting ID: 160 383 6216

Passcode: 857829

Captioning and an ASL interpreter will be available

DATE: 06/28/2022

TIME: 3:30 PM - 4:30 PM

OFFICER: Robin Brandt

ADDRESS: Robin Brandt

Virtual meeting

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Join ZoomGov Meeting

<https://bit.ly/3LBSrKV>

Meeting ID: 161 146 0217

Passcode: 592685

To call in:

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

Meeting ID: 161 146 0217

Passcode: 592685

Captioning and an ASL interpreter will be available

You can request accommodation in other languages, large print, braille or any other format you prefer to submit public comment or attend a public hearing. Contact Robin Brandt at 503-507-5226 or by email at VR.Policy@dhsosha.state.or.us. We accept calls from all forms of relay service for people who are Deaf, deaf-blind, hard of hearing or have a speech disability. Please let us know of any accommodations at least a week in advance. We will do our best to accommodate all requests.

NEED FOR THE RULE(S)

The purpose of Vocational Rehabilitation is to assist individuals with barriers to employment related to a disability to find, secure, maintain employment or advance in their careers. Vocational Rehabilitation reviews and amends rules to meet state and federal requirements for the program. The rules are amended to provide better understanding of the rule content. The rule is being updated to align with Oregon Department of Human Services values regarding diversity, equity and inclusion.

Specifically this rule is amended to:

- Clarify the rule contents generally
- Update references to Vocational Rehabilitation as the Program
- Remove gender designation (he/she, his/hers with they, them, theirs)
- Change to a contribution schedule for financial needs tests that will be adjusted annually
- Remove of OAR 582-070-0030 (7) Services Not Provided: (k) gender reassignment surgery

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Workforce Innovation and Opportunity Act (WIOA) Final Rules <https://www.dol.gov/agencies/eta/wioa/regulations>

Workforce Innovation and Opportunity Act of 2014 (WIOA) <https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>

Code of Federal Regulations (Title 34, Subtitle B, Chapter III, Part 361

<https://www.ecfr.gov/cgi-bin/text->

[idx?SID=4966611fb636d8cab86beb6f61a735cb&mc=true&node=pt34.2.361&rqn=div5](https://www.ecfr.gov/cgi-bin/text-idx?SID=4966611fb636d8cab86beb6f61a735cb&mc=true&node=pt34.2.361&rqn=div5)

Oregon Administrative Rules (OARs)

<https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=92>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The rule advisory committee discussed possible racial equity impacts of the rules. The group acknowledged that disability can affect any racial group. The conversation addressed intersections between racial groups and disability or geographic areas.

One participant discussed the positive impact for persons who have a disability and are transgender. Revoking the rule that limited payments on transgender reassignment surgery signals support for disability related concerns to employment and navigating the comparable benefits that are available based for clients served by the Program.

Removing boundaries for identity-based groups in the rules, impacts the way that some of the Programs consumers can see it. Underserved populations include transgender, gender nonconforming, gender disorient, gender expansive folks. All these individuals will more easily access services. The Program's executive team are receptive to promoting training and supports that are clinically relevant and appropriate to provide supportive services to clients through whatever process they're in and support them where they're at with those disability related reasons.

Relating to the financial needs test:

- The changes should have an increased positive impact. With this rule revision, it appears the Program will have more opportunities to make clients eligible for services without contributing toward the cost of services. It is also positive the plan is to update federal poverty guidelines to be used annually.
- Program staff will be better able to support the clients from whatever minority experience they may have using up-to-date federal poverty guidelines. It was stated that this change would have a huge impact on the ability for clients to see the Program as a service equity driven organization. Program clients would feel better supported by the services provided.

Concerns about the changes to the financial needs test were:

- When comparing the current contribution schedule to the proposed rule and the current federal poverty guidelines, it appears the new rules will have a deeper effect on middle income individuals. There are individuals who qualify to contribute under the new rule who earn \$33,000 (2 1/2 times the individual Federal income poverty level) for a one-person family. The current contribution schedule began at \$60,000 and no family number is specified. With the proposed rule, VR will have the authority to require contribution all the way down to people who are earning as little as \$33,000 (for a family of one). This appears to be a significant change. That may impact clients that are lower income than the policy had previously impacted. This is the effect of eliminating the current contribution schedule.

- There needs to be a transmittal that accompanies this rule change to further explain how the contribution will work. One participant discouraged separating the contribution schedule from the rule. Putting this information in a transmittal it makes it unavailable for public comment. If the information is removed from the rule and placed in a policy transmittal, the transmittal should accompany the rule change. It was requested that the transmittal be available for public comment at the same time.

- In the current version of the rule, it states that beyond \$130,000, the contribution is \$3,700 plus a percentage of income beyond \$130,000. There is language about determining that amount. The proposed rule states there is a maximum contribution of \$3,700 only. It is not clear why the additional percentage of income beyond \$130,000 was removed. The result of removing the language reduces the contribution of the highest income earners in the proposed rule. The proposed rule means that people earning over \$130,000 will pay less than in the current rule.

There may be some mixed impacts of implementing changes to the financial needs test described in this rule is:

- The changes could generally increase the amount that people who come to vocational rehabilitation contribute to the cost of services.
- By lowering that threshold down to persons who earn \$30,000 could have the positive impact of allowing the Program to serve more people if the contributions can be collected from lower earning Program participants.
- However, it also could have the impact of driving some people with disabilities away from vocational rehabilitation

services. Those who are in that that “in between” bracket might be driven away as well. So, there may be a tradeoff between collecting funds from lower income earners and people with disabilities not coming to the Program for service.

- There also might be some individuals who are minorities who are higher earners than other minority groups and demographics. If higher income participants are contributing, then it might impact some minority groups more than others.

It was suggested that the section addressing physical and mental restoration services, would benefit from further analysis by an equity expert within the Program.

- Oregon is a large state. Resources and racial communities vary. Access to resources (vocational rehabilitation services) can vary widely across the state. An individual who lives in a rural area has access to a different set of resources for these types of services than one who lives in an urban area.
- Another intersecting factor is the language that the person uses to communicate. Access to services can be less when the individual is an immigrant and English is not their first language. For example, if the individual needs health care services and they need to have just the right doctor. The proposed rule states that it must be a Doctor of Medicine MD or Doctor of Osteopathic Medicine. This means navigating through a maze of different medical services and different medical licenses. It can be challenging if English is not your first language.
- Another factor in getting medical services is related to geography. Geography impacts how easy it is for a person to get the medical evidence that they might need or medical documentation for vocational rehabilitation service eligibility. Transportation to see a doctor may be limited. Others may have never even seen a doctor before they are seen for medical documentation. Specific types of physicians may be many miles away and not available locally.

FISCAL AND ECONOMIC IMPACT:

Two potential business impacts were discussed by the rule advisory committee:

Vendors may be impacted If there is a dispute over individuals with disabilities contributing to their services.

- There may be a dispute over whether the individual with a disability needs to contribute. A dispute may lead to a delay in the vendor getting paid. It is unclear what the Program would do in this case. It was asked how the program resolves instances when the individual refuses to contribute to services. In this instance the participant may ask for an adjustment in the contribution due to extenuating circumstances.
- There may be an impact on participants who are business owners or going into small business as self-employment of their individualized plan for employment. If the participant is trying to develop a small business and informed, they must contribute to the cost of services, it may have an indirect negative impact on their business. In instances that there are disputes with the Program, participants are informed of and can engage in dispute resolution processes described in Division 20 Dispute Resolution and Review of Determinations of Rehabilitation Services.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

In the discussion with the rule advisory committee, state agencies, units of local government or specific groups of individuals likely to be economically affected by the rule amendment were not identified.

When discussing the impact of the amendments to the financial needs test, individuals served by Vocational Rehabilitation who might be developing a business may be impacted by a contribution to their services given

requirements of the updated financial needs statement. However, it is impossible to forecast the number of individuals impacted. Federal rules require that each person with a disability coming to Vocational Rehabilitation for services be provided individualized services, that "assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice so that they may prepare for and engage in competitive integrated employment and achieve economic self-sufficiency." (34 CFR 361.1(b))

While specific numbers of individuals engaged in self-employment are not immediately available for the development of this rule, it is not a large number each year.

(2) Effect on Small Businesses:

(a) Estimate the number and type of small businesses subject to the rule(s);

As stated above, when discussing the impact of the amendments to the financial needs test, individuals served by Vocational Rehabilitation who might be developing a business may be impacted by a contribution to their services given requirements of the updated financial needs statement. There is no data to report and historically the numbers of persons who become self-employed using Program services are quite small.

Additionally, many participants in the Program are excluded from participating. It is estimated that at least a third of those serviced by Vocational Rehabilitation are categorically excluded from contributing to their services because they have been determined eligible for Social Security benefits under titles II or XVI of the Social Security Act (see 34 CFR 361.54(b)(3)(ii)). Many others are excluded from participating in a financial needs test because they participate in state benefit programs. Additionally, there are specific services that are excluded from financial contributions by the individuals served (see 34 CFR 361.54(b)(3)).

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

Reporting, recordkeeping and administrative activities related to the Program financial needs test are well established. Requirements to participate in the financial needs test were established by the program in about 2004. The procedures and process are in place. It is anticipated that there are no additional costs.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Reporting, recordkeeping and administrative activities related to the Program financial needs test are well established. It is anticipated that there are no new professional services, equipment supplies, labor or increased administration to comply with the rules amendments.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Members of the federally required State Rehabilitation Council are invited to participate on the VR-SRC Policy Legislative and Budget Committee that meet about twice a month throughout the year to review policy, legislation, and budgets and contracts related to services. These stakeholders are to represent the broader community of collaborators with which Vocational Rehabilitation works. A times small business owners opt to participate in the VR-SRC Policy

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 582-070-0030

RULE SUMMARY: The purpose of Oregon Vocational Rehabilitation is to assist individuals with barriers to employment related to a disability to find, secure, maintain employment or advance in their careers. This rule was amended to:

- * Make the rule easier to understand
- * Update the rule to use "Program" in place of OVRS (an older reference to Oregon Vocational Rehabilitation
- * Remove references to "his/her," "he/she," with "they, them"
- * Clarify the financial needs process, what services may or may not be paid, and factors used in determining the individual financial contribution
- * Remove services no longer available with the advent of the Workforce Innovation and Opportunities Act (WIOA). Specifically this means removing any purchases associated with Extended Evaluation Services.
- * Remove the exclusion of payment for gender reassignment surgery
- * Update the rule to comply with state and federal regulations that apply to the Program

CHANGES TO RULE:

582-070-0030

Limitations of Payments ¶¶

NOTE: For medical and related services refer also to OAR 582-075 and 582-080; and, for providers of community rehabilitation services refer also to OAR 582-010.¶¶

(1) Payment in Full: Vendors providing any services authorized by ~~OVRS~~the Program shall not make any charge to or accept any payment from the individual or ~~his/~~their family for such services unless the amount of the service charge or payment to be borne by the individual is previously agreed to by the individual or ~~his/~~their family, known to and, where applicable, approved by ~~OVRS~~the Program.¶¶

(2) Client ~~F~~financial ~~P~~participation and the ~~F~~financial ~~N~~needs ~~T~~test: Except as expressly exempted, services funded by ~~OVRS~~the Program are subject to ~~C~~client ~~F~~financial ~~P~~participation. Individuals shall be ~~allowed or~~ required to contribute financially as set forth in OAR 582-070-0030. The contribution requirements apply ~~starting July 1, 2004~~ for individuals submitting applications for services, ~~requests for post-employment services, and for annual individualized plan and for annual employment (IPE) reviews.~~¶¶

(a) ~~The purpose of individual participation in service costs is to encourage the commitment of the individual to their vocational rehabilitation goal, create a cooperative relationship with to and investment in a successful vocational rehabilitation process. Service equity is advanced and limited Program resources are expanded when the individual, and conserve limited OVRS resources~~ financial contribution is individualized.¶¶

(b) Except as provided in OAR 582-070-0030(2)(j) and (k), the following individuals are exempted from ~~the Financial Needs Test and~~ any mandatory client Ffinancial Pparticipation:¶¶

(A) Any individual who has been determined eligible for and is currently ~~the recipient/beneficiary of~~ receives Social Security Benefits under Title II (Social Security Disability Insurance, SSDI) or Title XVI (Supplemental Security Income, SSI) of the Social Security Act;¶¶

(B) Recipients of qualifying needs-based governmental public assistance programs, including Self Sufficiency Cash Benefits, Oregon Health Plan (OHP), Temporary Assistance for Needy Families, ~~and Food Stamps, and (TANF), and Supplemental Nutrition Assistance Program (SNAP), but~~ excluding financial aid for post-secondary education;¶¶

(C) ~~Homeless~~Unhoused or transient individuals.¶¶

(c) Except as provided in OAR 582-070-0030(2)(j) and (k), the following services are exempt from ~~C~~client ~~F~~financial ~~P~~participation:¶¶

(A) Assessment ~~for to~~ determining eligibility, vocational rehabilitation needs, or priority for services, including assessment by personnel skilled in rehabilitation technology;¶¶

(B) Vocational rehabilitation counseling and guidance, including information and support services to assist an individual in exercising informed choice;¶¶

(C) Referral and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies, including other components of the statewide workforce investment system and to advise

those individuals about client assistance programs;¶

(D) Job related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;¶

(E) Personal assistance services provided by one or more persons 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;¶

(F) Auxiliary aids or services, required to participate in the vocational rehabilitation program, such as interpreter services, including sign language and oral interpreter services, for individuals who are deaf or hard of hearing; ~~or,~~ and tactile interpreting services for individuals who are deaf-blind provided by qualified personnel. Note: Hearing aids are not considered auxiliary aids. See OAR 582-001-0010(9).¶

~~(d) Under the Financial Needs Test, individuals with annual family income of less than either 250 percent of the federal poverty guidelines or \$60,000 are not subject to Client Financial Participation and are exempt from the guidelines set out in OAR 582-070-0030(2)(e).~~¶

~~(e) C.~~¶

~~(A) The Program will publish the client Financial Participation shall be determined on an annual basis, not to exceed the annual cost of non-exempt services to OVRs, applying the following contribution schedule:¶~~

~~(A) Individuals with family income between \$60,000 and \$69,999 are subject to a rate annually.¶~~

~~(B) This transmittal shall determine the mandatory financial contribution of \$700.¶~~

~~(B) Individuals with family income between \$70,000 and \$79,999 are subject to a mandatory financial contribution of \$900 to document in the IPE.¶~~

~~(C) Individuals with family income between \$80,000 and \$89,999 are subject to a mandatory financial contribution of \$1300.¶~~

~~(D) Individuals with family income Client financial participation shall be between \$90,000 and \$99,999 are subject to a mandatory financial contribution of \$1700.¶~~

~~(E) Individuals terminated at the time that the IPE is with family income between \$100,000 and \$109,999 are subject to a mandatory financial contribution of \$2100.¶~~

~~(F) Individuals with family income between \$110,000 and \$119,999 are subject to a mandatory financial contribution of \$2900.¶~~

~~(G) Individuals with family income between \$120,000 and \$129,999 are subject to a mandatory financial contribution of \$3700.¶~~

~~(H) Individuals with family income at \$130,000 or higher are subject to a mandatory financial contribution of \$3700 plus ten percent of their family income in excess of \$130,000.¶~~

~~(f) OVRs ten, and annually thereafter. Client financial participation shall not exceed the annual cost of non-exempt services as described in the IPE.¶~~

~~(f) The Program shall use the following definitions to calculate Client Financial Participation:¶~~

~~(A) "Income" is determined by means the adjusted gross income from the most recent federal tax return, unless unusual circumstances merit other documentation.¶~~

~~(B) "Family income" consists of means the income from the individual, the spouse of the individual if residing with the individual, and includes parents' income if the individual is under 18 and living with a parents, or the parents claim the individual as a dependent on federal taxes, or the individual maintains dependent status for financial aid reasons.¶~~

~~(C) "Federal poverty guidelines" are means the current poverty guidelines of the United States Department of Health and Human Services.¶~~

~~(D) "Size of the family unit" for means, for the purposes of selecting the appropriate federal poverty guideline includes, those family members residing with the individual or claimed on federal taxes as dependents; but if the individual is under 18 and living with parents, or the parents claim the individual as a dependent on federal taxes, or the individual maintains dependent status for financial aid reasons, the family unit may include those family members residing with the parents or claimed on the federal taxes of the parents as dependents.¶~~

~~(g) If the individual or their family choose not to share information about their income as part of the calculation of the client financial needs test participation, an annual, mandatory individual contribution of \$3,700 shall be established, not to exceed the annual cost of non-exempt services to OVRs, unless OVRs concludes that the annual family income of a individual may exceed \$130,000 in which case the individual contribution shall be established at 100 percent for items and services subject to Client Financial Participation the Program.¶~~

~~(h) Subsequent Financial Needs Tests shall be conducted with:¶~~

~~(A) During the annual review of the Individualized Plan for Employment, and mPE, and,¶~~

~~(B) May also be conducted if there is a change in the financial situation of either the individual or the family unit that impact the client financial participation rate.¶~~

~~(i) "Extenuating Circumstances" shall be considered w:¶~~

~~(A) When the counselor identifies other information related to the individual's financial situation that negatively~~

affects the individual's ability to participate in the cost of the rehabilitation program; or i.¶

(B) If requiring the expected financial contribution will result in undue delay in the rehabilitation program.¶

(C) In determining whether to make an adjustment for extenuating circumstances, ~~OVR~~the Program may consider the individual's current income and the reasons for the request. If there are extenuating circumstances that justify an exception, ~~OVR~~the Program may delay or waive all or part of the individual's financial contribution. ~~In such cases the counselor shall:~~¶

(A) Obtain written approval of their supervisor;¶

(D) Examples of extenuating circumstances would include:¶

(i) A change in the individual's household income from the previous year, such as job loss, injury or illness that results in the individual's ability to maintain prior income level.¶

(ii) If the individual's income has remained stable but there have been significant financial hardships within the last 12 months that are involuntary or out of the individual's control. In this case, extenuating circumstances may be considered.¶

(E) To request extenuating circumstances consideration the counselor shall:¶

(Bi) Provide individual's documentation of the reasons for the exception;¶

(C) Maintain both the signed exception and the documentation of circumstances in the client individual file record.¶

(j) If an individual prefers an upgrade, enhancement, optional feature, or more expensive vendor of essentially the same service, equipment or item available from a less expensive vendor, and this preference to their supervisor: and.¶

(ii) Obtain written approval of their supervisor:¶

(iii) Maintain both the documentation of circumstances and written approval in the case service record.¶

(i) All authorizations for services must meet the rehabilitation needs of the individual and shall be of the most reasonable and satisfactory quality at the lowest available cost.¶

(A) In the circumstance when an individual prefers an upgrade, enhancement, or optional feature that results in a higher cost but is not required to satisfy the vocational-rehabilitation goal needs that justify the expenditure, ~~OVR~~ and the individual~~the Program~~ may agree that to allow the individual shall to pay the difference in cost between the service or item purchased and the service or item available that would have satisfied the vocational rehabilitation goals that justify the expenditure of the item or service.¶

(B) In this situation, payment is required regardless of whether the financial needs test authorizes payments by the individual; and any exempt status that might apply to the individual or item; and.¶

(C) Any payments by the individual in this situation do not count toward the individual's any applicable mandated client financial contribution participation.¶

(k) An Individualized Plan for Employment (IPE) PE may include voluntary client contributions. An agreement in an IPE to make a voluntary contribution is not enforceable.¶

(3) Student Financial Aid: ~~OVR~~The Program assures that "maximum" effort is made by ~~OVR~~ and the individual to secure student financial aid or assistance for any approved training in institutions of higher education. "Maximum" effort includes making timely application for such grant, scholarship, or community resource assistance on a consistent basis and utilizing such benefits as are available in lieu of Vocational Rehabilitation funding;¶

(a) Coverage: All individuals, including graduate students, must apply for all financial aid benefits each academic year.¶

(A) All need-based grants, including Pell Grants and Student Employment Opportunity Grants, must be used to pay for educational costs, including tuition and books, before an individual may utilize ~~VR~~Program funds for this purpose.¶

(B) These requirement to apply all funds and grants does not apply to merit-based grants, including merit-based scholarships or loans. However, individuals may voluntarily elect to use these funds, as well as work study and loans for this purpose.¶

(b) Other Comparable Benefits or Services: If a third party (e.g., employer, insurance company, ~~WCD~~orkers' Compensation Division) is required to or agrees to pay or reimburse to ~~OVR~~the Program all of the case service rehabilitation costs of the individual, the financial aid grant offer need not be applied against the plan costs nor treated as a "comparable benefit;"¶

(c) Late Applications: Pending determination of student aid by the financial aid officer, ~~OVR~~Program funds can be expended for education-related expenses between the date of application for financial aid and determination of the individual's eligibility for federal student aid provided that such expenditures are reduced by any amounts of comparable benefits subsequently received, excepting student loans;¶

(d) Duplicate Payments: When student financial aid is approved, arrangements must be made promptly to reduce projected ~~OVR~~Program payments and/or recover duplicate payments;¶

(e4) Parent Non-Participation: With the Field Services Manager's approval, the counselor may fund the parental

contribution portion of the student's budget (as prepared by the college or university FAO) if the parents refuse or are unable to contribute.¶

(4) ~~For Industrially Injured Workers:~~ OVRSThe Program shall provide only for the cost of those rehabilitation services which are not the responsibility of the employer, insurer, or workers covered under the Oregon Worker's Compensation Office.¶

(5) ~~Increased Cost~~ Division.¶

(5) Maintenance: ~~OVRSThe Program~~ shall not provide maintenance except for additional costs incurred while participating in authorized services, such as when the individual must maintain a second residence away from the regular household in order to achieve a rehabilitation goal. Such maintenance shall be provided according to the provisions under OAR 582-070-0020(4), 582-001-0010(2547), and 34 CFR 361.5(b-c)(354).¶

(6) Physical and Mental Restoration Services: Are provided only to ~~ameliorate~~ improve a diagnosed physical or mental condition that presents a substantial impediment to employment for the eligible individual. ~~The~~ All authorized services must be essential for the individual's achievement of a ~~vocational goal.~~¶

(a) ~~Drugs:~~¶

(A) ~~When a physician (MD or OD) or dentist~~ employment outcome. All support and authorization for physical and mental restoration services must follow payment parameters as set forth in OAR 582-075.¶

(a) Prescription Medications:¶

(A) When a licensed health care professional who has the authority to prescribe drugs recommends prescription medication, if practical, the lowest price (e.g., generic) shall be obtained prior to issuing an authorization;¶

(B) Controlled substances require a prescription; an attending physician's statement under ORS 475.309(2)(a) does not qualify as a prescription.¶

(b) Dental Services: Dental care may be provided by ~~OVRSThe Program~~ when the condition of teeth or gums imposes a major impediment to employment (e.g., endangers health, ~~emergency needs, or serious cosmetic needs~~). Dentures. Dentures, when necessary for employment, may be purchased from licensed dentists or certified denturists;¶

(c) Eye Glasses: Eye glasses may be purchased when determined essential for evaluation of eligibility or the achievement of the ~~vocational goal~~ employment outcome, limited to basic frames and lenses unless other features are medically required (e.g., sun glasses, tints, coatings, contact lenses);¶

(d) Wheelchairs: ~~OVRSThe Program~~ may purchase a wheelchair when the equipment is required to reduce or eliminate a disability related functional limitation that is a substantial impediment to employment. Wheelchairs must be prescribed by a qualified medical specialist;¶

(e) Hearing Aids. ~~OVRSThe Program~~ may provide hearing aides only when:¶

(A) ~~Essential to complete an evaluation;~~¶

(B) ~~Necessary to reduce or eliminate a barrier to employment; or~~ substantial impediment to employment for the eligible individual.¶

(C) ~~The participant requires the hearing aids to retain employment. OVRSThe Program shall document the need for a hearing aid. All hearing services must be performed by licensed audiologists~~ Essential to complete an evaluation necessitated for Program eligibility or plan services;¶

(C) All hearing services must be diagnosed, provided and fit in accordance with current Program Policy.¶

(D) Unless hearing aids are required to complete a Program application, the purchase of these devices must be completed as a plan service.¶

(f) Other Prosthetic Devices: Prosthetic devices may be purchased only ~~upon the auth~~ when prescribed by ~~appropriation of the counselor and with a written prescription by a qualified~~ licensed medical professionals;¶

(g) Psychotherapy: Group or individual psychotherapy may be provided in those instances when required for a person to reach a ~~vocational goal~~ employment outcome and when an immediate and positive goal related impact is anticipated. A specific number of sessions or a specified time limit is required. ~~OVRSThe Program~~ may limit these services to those recommended by an ~~OVRSThe Program~~ psychological or psychiatric consultant;¶

(h) Physical or mental restoration services shall not be provided by ~~OVRSThe Program~~ for the treatment of an acute or chronic medical complication or emergency unless these are associated with or arise out of the provision of physical or mental restoration services in the IPE; or are inherent in the condition under treatment as described in the IPE.¶

(i) Corrective surgery or therapeutic treatment shall not be provided or funded by ~~OVRSThe Program~~ if it is not likely within a reasonable period of ~~time~~ to correct or ~~modify~~ substantially modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment.¶

(7) Services Not Provided: ~~OVRSThe Program~~ shall not authorize or provide funding or reimbursement for the following services:¶

(a) Any individual-incurred debt;¶

(b) Any services obtained by the individual prior to the date of application;¶

(c) Purchase of land or stationary buildings;¶

- (d) Fines or penalties, such as, Examples include traffic violations, parking tickets, library fines, etc.; ¶
- (e) Breakage fees and other refundable deposits; ¶
- (f) Contributions and donations; ¶
- (g) Entertainment costs; ¶
- (h) Payments to credit card companies; ¶
- (i) Authorization to supermarkets or grocery stores for food items; ¶
- (j) ~~Basic Maintenance; Warranties.~~ ¶
- (A) Examples of warranties that are not permitted: ¶
- ~~(k) Extended reassignment surgery; ¶~~
- ~~(l) Except for eye-glasses warranties or service contracts for vehicle modifications ¶~~
- ~~(ii) Extended warranties or service contracts for hearing aids essential to completing diagnostic/evaluation services (to determine Rehabilitation Services eligibility) in applicant status, or occupational tools or licenses essential to Extended Evaluation Services, th ¶~~
- (B) Examples of warranties that are permitted are items that are sold with an implied warranty as part of the manufacturing process: ¶
- (i) Tools that are sold with a lifetime warranty ¶
- (ii) Products that are following may never be authorized for an individual who has applied but has not yet been found eligible for rehabilitation services: ¶
- (A) Prosthetic devices; ¶
- (B) Occupational tools and licenses; ¶
- (C) Placement with a money back guarantee ¶
- (k) Maintenance outside of the definition as set forth in 34 CFR 361.5(c)(34). ¶
- (l) Services prior to eligibility determination unless they are required to complete the eligibility determination and priority for services. ¶
- ~~(8) OVRSThe Program shall not contract with individuals receiving OVRSProgram services, except in the following circumstances: ¶~~
- ~~(a) The individual is a current OVRSP vendor and is receiving services from: ¶~~
- ~~(a) When the individual is an active vendor for through OVRSP; or, ¶~~
- ~~(b) The individual's Individualized Plan for Employment pree Program prior to application for Program services for the development of a business where there is no known competition in the region of the state in which the business will be or is located. In addition, the individual's case has been reviewed by a branch manager who concurs there is no known competition to the business or proposed business. ¶~~
- (b) Contracted services shall not be authorized in the region or community from which the individual is provided services.

Statutory/Other Authority: ORS 344.530

Statutes/Other Implemented: ORS 344.511 - 344.690, 344.710 - 344.730