

**CHAPTER 3300**  
**DEPARTMENT OF EMPLOYMENT AND**  
**ECONOMIC DEVELOPMENT**  
**TRAINING; COMMUNITY SUPPORT SERVICES**

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**3300.5010 DEFINITIONS.**

*[For text of subps 1 to 5, see M.R.]*

Subp. 5a. **CARF.** "CARF" means the national independent, nonprofit organization that sets standards for service and quality of rehabilitation providers, formerly known as the Commission on the Accreditation of Rehabilitation Facilities.

*[For text of subps 6 to 12, see M.R.]*

Subp. 13. **Functional area.** "Functional area" means mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills. For the purposes of this subpart:

A. "communication" means the ability to effectively give and receive information through words or concepts, using methods such as reading, writing, speaking, listening, sign language, or other adaptive methods;

B. "interpersonal skills" means the ability to establish and maintain personal, family, and community relationships as it affects, or is likely to affect, job performance or job retention;

C. "mobility" means the physical or psychological ability to move about from place to place inside and outside the home, including travel to and from usual destinations in the community for activities of daily living, training, or work;

*[For text of items D and E, see M.R.]*

F. "work skills" means:

- (1) the ability to do specific tasks required to carry out job functions; or
- (2) the capacity to benefit from training in how to perform tasks required to carry out job functions; and

*[For text of item G, see M.R.]*

*[For text of subps 14 to 19, see M.R.]*

Subp. 20. **Initial stocks and supplies.** "Initial stocks and supplies" means the initial inventory of goods for direct resale to customers by an eligible individual entering into or stabilizing a small business enterprise and a start-up supply of expendable items that are necessary for the day-to-day operation of a business, excluding the ongoing replacement of inventory and supplies.

*[For text of subps 21 to 22, see M.R.]*

Subp. 23. **Job related services.** "Job related services" means services that assist eligible individuals seek and obtain gainful employment. These services include job search and placement assistance, job retention services, follow-up services, and follow-along services.

*[For text of subp 24, see M.R.]*

Subp. 24a. **Mileage rate.** "Mileage rate" means the amount calculated semiannually by dividing the average cost of regular gasoline in Minnesota during the preceding six months by the average fuel efficiency of all vehicles; the average cost of regular gasoline is determined using figures published by the United States Department of Energy, Energy

Information Administration, and the average fuel efficiency of all vehicles is determined using figures published by the United States Department of Transportation, Federal Highway Administration, Highway Statistics Series.

When the calculated mileage rate exceeds the rate established by the Internal Revenue Service (IRS) for personal income tax deductions for mileage for charitable contributions under the Internal Revenue Code of 1986, section 170(i), as amended, the mileage rate for the next six months will be adjusted to the newly calculated rate.

When the calculated mileage rate is equal to or less than the rate established by the Internal Revenue Service for personal income tax deductions for mileage for charitable contributions under the Internal Revenue Code of 1986, section 170(i), as amended, the mileage rate for the next six months will be the IRS mileage rate for charitable contributions.

*[For text of subps 25 to 40, see M.R.]*

Subp. 40a. **Small business enterprise.** "Small business enterprise" means a business that is owned, operated, and managed by an eligible individual who sells goods or services for the purpose of making a profit. An eligible individual is considered to be making a profit when income from the business exceeds expenses, including reasonable payment for the owner's time and efforts. Small business enterprise includes self-employment, sole proprietorships, partnerships, limited liability companies, and corporations.

Subp. 40b. **Stabilize a small business enterprise.** "Stabilize a small business enterprise" means to provide goods and services when an eligible consumer has an existing business which for disability related reasons requires changes to the product, service, or method of operation of the business, or it means to allow resumption of the operation of a business which has been disrupted, suspended, or interrupted due to disability.

*[For text of subp 41, see M.R.]*

Subp. 42. **Tools and equipment.** "Tools and equipment" means implements required for participation in an employment plan that aid in accomplishing a task and the set of physical resources used to perform an operation or activity necessary in the practice of a vocation, profession, or small business enterprise, excluding the ongoing replacement or repair of tools and equipment. It includes all fixed assets other than land and buildings of a small business enterprise.

*[For text of subps 43 to 48, see M.R.]*

Subp. 49. [Repealed, 34 SR 901]

Subp. 50. **Vocational adjustment training.** "Vocational adjustment training" means using real or simulated work situations to assist persons to:

*[For text of items A to C, see M.R.]*

**Statutory Authority:** *MS s 116J.035; 268A.03*

**History:** *34 SR 901*

### 3300.5040 CONSUMER FINANCIAL PARTICIPATION IN COST OF VOCATIONAL REHABILITATION SERVICES.

*[For text of subps 1 to 5, see M.R.]*

Subp. 6. **Services exempted from financial participation.** The agency must not require consumer financial participation for the following services:

*[For text of items A to D, see M.R.]*

E. job related services;

*[For text of items F to L, see M.R.]*

*[For text of subps 7 to 9, see M.R.]*

**Statutory Authority:** *MS s 116J.035; 268A.03*

**History:** *34 SR 901*

**3300.5050 COMPARABLE BENEFITS AND SERVICES.**

Subpart 1. **Use of comparable services and benefits.** Comparable services and benefits must be used if available to an eligible individual or a member of an eligible individual's family for all vocational rehabilitation services identified in the eligible individual's employment plan, except:

- A. assessment for determining eligibility and vocational rehabilitation needs;
- B. rehabilitation counseling and guidance;
- C. job related services;
- D. referral services;
- E. rehabilitation technology services;
- F. when a search for comparable benefits would interrupt or delay the provision of vocational rehabilitation services to any eligible individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional;
- G. the services listed in items A to F when provided as postemployment services necessary to assist eligible individuals to maintain, regain, or advance in employment;
- H. when a search for comparable benefits would interrupt or delay an immediate job placement; or
- I. when a search for comparable benefits would interrupt or delay the progress of the eligible individual toward achieving the employment outcome identified in the eligible individual's employment plan.

Subp. 2. **Individual responsibilities.** Except in the circumstances described in subpart 1, an eligible individual must, with the assistance of the agency, participate in the search for and use of comparable benefits as follows:

A. Before receiving training services in a postsecondary institution, prior to the start of each school year, an eligible individual must apply for gift aid or institutional aid to pay all or part of the costs of tuition, fees, books, supplies, tools and equipment, and living expenses; and

(1) annually provide evidence to the agency of the amount of gift aid or institutional aid available to the eligible individual; or

(2) annually provide evidence to the agency that the eligible individual is not eligible for gift aid or institutional aid.

B. If gift aid or institutional aid is not available to the eligible individual because the eligible individual is in default on repayment of a student loan or has an outstanding PELL grant repayment, the agency must not participate financially in the purchase of postsecondary training services until the agency determines that a responsible repayment effort has been made. This determination must be made by the rehabilitation counselor in consultation with the eligible individual and the holder of the loan or the postsecondary institution that awarded the PELL grant, after considering such factors as the financial resources available to the eligible individual and the attempts that have been made to work out a satisfactory repayment agreement with the holder of the loan or the postsecondary institution that awarded the PELL grant. The requirement of a responsible repayment effort will be deemed to be satisfied if the eligible individual has made payments for six consecutive months.

*[For text of items C and D, see M.R.]*

**Statutory Authority:** *MS s 116J.035; 268A.03*

**History:** *34 SR 901*

**3300.5060 TERMS AND CONDITIONS FOR PROVISION OF VOCATIONAL REHABILITATION SERVICES.***[For text of subps 1 and 1a, see M.R.]***Subp. 2. Child care.***[For text of items A and B, see M.R.]*

C. The agency must not provide child care unless an eligible individual would be unable to participate in vocational rehabilitation services if child care is not provided. The agency must:

*[For text of subitems (1) and (2), see M.R.]**[For text of item D, see M.R.]***Subp. 3. Computer hardware and software.***[For text of items A and B, see M.R.]*

C. The agency must not provide computer software or hardware, including modems, printers, and other peripherals, if an eligible individual's needs can be met through alternative means of accessing computers, such as the use of computer laboratories at postsecondary institutions.

D. Before the agency provides computer software or hardware, including modems, printers, and other peripherals, an assessment to determine the eligible individual's needs for computer hardware, software, or modems, printers, and other peripherals must be conducted by a person knowledgeable about computers who is not a vendor of computer equipment, if either the counselor or the eligible individual is uncertain regarding the eligible individual's needs.

E. Any agency provision of computer software or hardware, including modems, printers, and other peripherals, must be made using the information obtained from the assessment under item D.

*[For text of subps 3a and 4, see M.R.]***Subp. 5. Maintenance.***[For text of items A to E, see M.R.]*

F. Payments for relocation expenses may be provided only when:

(1) the eligible individual cannot receive needed vocational rehabilitation services without relocation; or

*[For text of subitem (2), see M.R.]*

G. Maintenance payments for ongoing monthly living expenses for eligible individuals participating in postsecondary training may be provided only when the eligible individual cannot receive postsecondary training without incurring added living costs and:

(1) the eligible individual is unable to work while participating in postsecondary training because of the eligible individual's physical or mental impairment, as determined based on available medical, psychological, and other diagnostic information;

(2) it is necessary for the eligible individual to leave subsidized housing in order to participate in postsecondary training under an employment plan; or

(3) a rehabilitation counselor, in consultation with the eligible individual, has determined that the eligible individual is unable to find work because the postsecondary training program is 16 weeks or less in duration.

*[For text of items H to K, see M.R.]***Subp. 6. [Repealed, 20 SR 168]**

Subp. 7. **Personal assistance services.**

*[For text of item A, see M.R.]*

B. The eligible individual must, with the assistance of the agency, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D.

C. The agency must purchase personal assistance services only from a personal care assistant who meets the requirements established by the Department of Human Services.

*[For text of items D to F, see M.R.]*

G. The agency must provide eligible individuals with training in managing, supervising, and directing personal assistance services when the eligible individual and a rehabilitation counselor jointly determine that the training is necessary.

Subp. 7a. **Physical and mental restoration services.**

*[For text of items A to C, see M.R.]*

D. Eligible individuals may select:

*[For text of subitems (1) to (3), see M.R.]*

(4) for the provision of prosthetics and orthotics:

(a) any practitioner of prosthetics or orthotics who is certified by the American Board for Certification (ABC) in Orthotics and Prosthetics or the Board for Orthotist/Prosthetist Certification (BOC); or a graduate of a program accredited by the National Commission on Orthotic and Prosthetic Education (NCOPE) and the Commissioner on Accreditation of Allied Health Education Programs (CAAHEP) who is working under the supervision of a certified practitioner;

(b) any physical therapist licensed by the Minnesota State Board of Physical Therapy or the equivalent body in another state;

(c) any occupational therapist licensed by the Minnesota Department of Health or the equivalent body in another state; or

(d) any podiatrist licensed by the Minnesota Board of Podiatric Medicine or the equivalent body in another state.

Subp. 8. [Repealed, 20 SR 168]

Subp. 9. **Rehabilitation technology.**

*[For text of items A and B, see M.R.]*

C. Agency purchases of vehicle adaptations must be made as follows:

*[For text of subitems (1) to (8), see M.R.]*

(9) if a vehicle will be structurally adapted so that the eligible individual can independently drive the vehicle, before the agency purchases vehicle adaptations, the eligible individual must:

(a) successfully complete any training recommended by the qualified driver specialist in subitem (2) using a vehicle equipped with the recommended modifications. Training must be provided by an instructor meeting the requirements of the Department of Public Safety; and

(b) have a valid driver's license. If the license was obtained prior to the onset of disability, the eligible individual must retake and pass the road test required for a Minnesota driver's license.

Subp. 10. [Repealed, 20 SR 168]

Subp. 11. **Small business enterprises.**

A. Before the agency makes purchases to establish or stabilize a small business enterprise, the amount of consumer financial participation in the costs must be determined under part 3300.5040.

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B. The eligible individual must, with the assistance of the agency, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D.

C. Agency assistance in the establishment or stabilization of a small business enterprise is for the purchase of:

- (1) occupational licenses;
- (2) tools and equipment;
- (3) initial stocks and supplies;
- (4) other items that are identified on a business plan approved by the agency that are necessary for the start-up or stabilization of the small business enterprise;
- (5) technical assistance and other consultation services to conduct market analyses and develop business plans; and
- (6) other resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, authorized under the Work Force Investment Act of 1998, to eligible individuals who are establishing a small business enterprise.

D. Before the agency makes purchases to assist an eligible individual to establish or stabilize a small business enterprise, the eligible individual must develop and submit to the eligible individual's rehabilitation counselor a proposed business plan for review that includes:

- (1) a description of the business, including the product and/or service, the type of legal entity for the business, location, and hours of the business;
- (2) financial data, including sources of funding, capital equipment list, balance sheet, break even analysis, net and gross income projections, and cash flow projections;
- (3) a market analysis, including business competition and a marketing plan;
- (4) a description of the technical and management expertise of the person or persons expected to manage and operate the business;
- (5) zoning, licensing, taxation, and insurance requirements;
- (6) an implementation schedule, including initial start-up costs, or a stabilization schedule including stabilization costs; and
- (7) a projection of possible risks and problems along with proposed strategies for addressing them.

E. Proposed business plans must be considered as follows:

(1) For total projected expenditures that are equal to or less than the authority for local purchase given to a rehabilitation counselor by the Materials Management Division of the state Department of Administration, the agency may provide assistance only after the agency's small business development specialist has reviewed the business plan and found it to be complete, conducted a risk assessment of the business plan, and found the proposed business to be viable.

(2) For total projected expenditures that are greater than the authority for local purchase given to a rehabilitation counselor by the Materials Management Division of the state Department of Administration, the agency may provide assistance only after a state or nationally chartered lending institution or a micro-lender has reviewed the business plan and found it to be complete, conducted a risk assessment of the business plan, and found the proposed business to be viable. The lending institution or micro-lender completing the review must be separate from anyone assisting the eligible individual with the development of the business plan.

F. Total agency expenditures for the stabilization or establishment of a small business enterprise for items C, subitems (1) to (4), and J, must not exceed the lesser of:

(1) the actual amount necessary to establish or stabilize a small business enterprise; or

(2) an amount calculated annually by applying the percentage of increase, if any, in the Consumer Price Index, published by the United States Department of Labor, Bureau of Labor Statistics, to the total agency expenditure allowed for the previous year, where 1994 was the base year, rounded to the nearest hundred dollars.

G. The agency must not pay costs associated with the ongoing operation of a business.

H. The agency must not pay any costs of bankruptcy proceedings or costs due to the bankruptcy of an eligible individual's small business enterprise.

I. A vehicle may be provided for a small business enterprise only when it is an integral part of the business and the business cannot be run without it.

J. The cost of a vehicle, if any, must be included in the total agency expenditures under item F.

**Subp. 12. Transportation services.**

*[For text of items A to C, see M.R.]*

D. The agency must not purchase, lease, or otherwise obtain, maintain, or insure vehicles for applicants or eligible individuals except according to subpart 11, item I.

E. If transportation provided by a public entity, including paratransit, is available and used by the eligible individual, agency payments for transportation must not exceed the actual cost of the transportation. When the public entity has more than one cost level that will meet the transportation needs of the eligible individual, the agency payments must not exceed the lowest cost level.

F. If transportation that will meet the needs of the eligible individual is available from a public entity, including paratransit, but the eligible individual chooses alternate transportation, agency payments for transportation must not exceed the lesser of the lowest cost level of transportation provided by a public entity or the cost of gasoline as determined in item G.

G. When transportation provided by a public entity, including paratransit, is unavailable and the eligible individual is being transported by personal vehicle, the agency's payments must not exceed the costs of gasoline and parking plus the cost of a driver if required. The agency's payments for gasoline costs must be determined by multiplying the mileage rate by the actual miles driven. The agency's payments for a driver must be determined by the usual and customary rate for the area.

*[For text of items H and I, see M.R.]*

J. Agency purchases of vehicle repairs must be made as follows:

(1) repair to a vehicle owned by an eligible individual must not be provided unless an eligible individual would be unable to participate in vocational rehabilitation services if vehicle repair is not provided. The agency may provide vehicle repair only if no other means of transportation, such as public transportation, including paratransit, is available and the repair is necessary for the safe and legal operation of the vehicle;

(2) the agency must not provide assistance with routine vehicle maintenance;

(3) agency payments for vehicle repairs must not exceed \$1,000 for an eligible individual in a 12-month period; and

(4) the agency will only pay for repairs when the vehicle is owned by the eligible individual.

*[For text of subp 12a, see M.R.]*

Subp. 13. **Postsecondary training tuition and mandatory fees.**

*[For text of items A to E, see M.R.]*

F. If the undergraduate broad field of study required by the eligible individual's employment plan is not available at a Minnesota public postsecondary institution, the agency must not apply the tuition fee schedule in determining the amount of agency payments for tuition and mandatory fees.

*[For text of items G to K, see M.R.]*

L. The agency must only fund training at schools and/or programs that are licensed, registered, or exempt from licensing or registration requirements by, as appropriate:

- (1) the Minnesota Office of Higher Education;
- (2) the Minnesota Board of Barbers and Cosmetology Examiners;
- (3) the Minnesota Department of Public Safety;
- (4) the Minnesota Department of Transportation;
- (5) the Minnesota Department of Commerce; or
- (6) if the eligible individual is attending a postsecondary training program that is not in Minnesota, an equivalent agency in the state where the school is located.

Subp. 14. **Job related services.** Payments for job related services may be made only to:

- A. CARF accredited providers;
- B. providers that are in the process of applying for CARF accreditation;
- C. non-CARF accredited providers with whom the agency has signed a limited-use vendor operating agreement specifying the maximum dollar amount the provider may receive annually; or
- D. any vendor when the total annual dollar amount to be authorized is less than the authority for local purchase given to a rehabilitation counselor by the Materials Management Division of the state Department of Administration.

Subp. 15. **Vocational adjustment training.**

A. The eligible individual must, with the assistance of the agency, participate in the search for and use of comparable benefits under part 3300.5050, subpart 2, item D.

B. Payments for vocational adjustment training may be made only to:

- (1) CARF accredited providers;
- (2) providers that are in the process of applying for CARF accreditation;
- (3) non-CARF accredited providers with whom the agency has signed a limited-use vendor operating agreement specifying the maximum dollar amount the provider may receive annually; or
- (4) any vendor when the total annual dollar amount to be authorized is less than the authority for local purchase given to a rehabilitation counselor by the Materials Management Division of the state Department of Administration.

Subp. 16. **Vocational evaluation services.** Payments for vocational evaluation services may be made only to:

- A. CARF accredited providers;
- B. providers that are in the process of applying for CARF accreditation;
- C. non-CARF accredited providers with whom the agency has signed a limited-use vendor operating agreement specifying the maximum dollar amount the provider may receive annually;



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D. any vendor when the total annual dollar amount to be authorized is less than the authority for local purchase given to a rehabilitation counselor by the Materials Management Division of the state Department of Administration;

E. an evaluation center at a postsecondary institution in the Minnesota State Colleges and Universities system; or

F. an employer who has not hired the eligible individual.

**Statutory Authority:** *MS s 116J.035; 268A.03*

**History:** *34 SR 901*