

**CHAPTER 3325**  
**DEPARTMENT OF EMPLOYMENT AND ECONOMIC**  
**DEVELOPMENT**  
**REHABILITATION; VISUALLY DISABLED**

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**GENERAL**

**3325.0100 PURPOSE AND SCOPE.**

Subpart 1. **Purpose.** The purpose of parts 3325.0100 to 3325.0490 is to establish procedures and standards for the provision of rehabilitation services to blind and visually disabled persons present in Minnesota.

Subp. 2. **Scope.** Parts 3325.0100 to 3325.0490 apply to State Services for the Blind (SSB), all vendors of services under agreement with SSB and all persons applying for or receiving rehabilitation service from SSB. Parts 3325.0100 to 3325.0490 do not require expenditures for a client if funds are not available to SSB from federal and state appropriations for the provision of rehabilitation services under the program in which the client is being served.

Subp. 3. **Exclusion.** All matters pertaining to the operation of the Business Enterprises Program under the Code of Federal Regulations, title 34, part 395 are governed by parts 3321.0100 to 3321.1400 and are not affected by parts 3325.0100 to 3325.0490.

Subp. 4. **Delayed implementation.** Part 3325.0440 shall not be construed to require alteration in the financial obligations of a client on a service initiated prior to April 6, 1987, for a period of 12 months following initiation of the service. For purposes of this subpart, a service is initiated when:

- A. the service is identified in the client's written plan; and

B. the client has signed the plan or otherwise indicated his or her agreement with the terms of the plan.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784; L 2005 c 56 s 2*

### 3325.0110 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 3325.0100 to 3325.0490 have the meanings given to them in this part.

Subp. 2. **Adjustment to blindness services.** "Adjustment to blindness services" means rehabilitation counseling, rehabilitation teaching services, and orientation and mobility services as defined in subparts 51, 62, and 67.

Subp. 3. **Advocacy services.** "Advocacy services" means nonfinancial assistance in identifying and obtaining rehabilitation services that a client may be entitled to from sources other than SSB.

Subp. 4. **Alternative techniques.** "Alternative techniques" means methods which enable persons to perform homemaking and self care activities independently without sight or with limited sight. These methods include cane travel and braille reading and writing.

Subp. 5. **Appellant.** "Appellant" means an applicant or client who has filed an appeal under part 3325.0480, subpart 1.

Subp. 6. **Applicant.** "Applicant" means a person who submits a written request to SSB for rehabilitation services or a person on whose behalf the person's legal representative submits such a request.

Subp. 7. **Audiological examination and audiologist.** "Audiological examination" means an examination by an audiologist of a person's hearing, including puretone threshold testing (air and bone); speech discrimination testing; impedance audiometry; and other special tests. "Audiologist" means a person with a degree in audiology who measures and evaluates the hearing of people of all ages; provides information on a person's hearing loss; prescribes hearing aids; and plans or refers for necessary rehabilitation programs.

Subp. 8. **Child rehabilitation program.** "Child rehabilitation program" means the state funded SSB program under which children who are blind or visually disabled receive rehabilitation services in accordance with individualized written rehabilitation plans to assist children in their growth and development for the purpose of eventual employment and functional independence as adults.

Subp. 9. **Client.** "Client" means a person who has been determined eligible for and is receiving rehabilitation services under the vocational rehabilitation program, independent living program, self care program, or child rehabilitation program.

Subp. 10. **Client Assistance Program.** "Client Assistance Program" means the federal and state sponsored program through which persons with disabilities in the vocational rehabilitation program are provided with advocates to represent and assist them on matters related to rehabilitation.

Subp. 11. **Communication center services.** "Communication center services" means services provided through SSB's communication center. Through its communication center, SSB:

- A. custom transcribes books onto cassette tape or into braille;
- B. researches the availability of textbooks on cassette tape or in braille at sources other than SSB;
- C. lends books which have been previously custom transcribed onto cassette tape or into braille and which are kept in the communication center library;
- D. broadcasts closed circuit radio readings of recent newspapers, books, and magazines and lends the closed circuit radio receivers needed to receive the broadcasts;

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E. lends cassette playback machines and phonographs needed to use cassette tapes or disc recordings obtained from SSB's communication center or the Library of Congress; and

F. repairs the cassette playback machines, phonographs, and radio receivers it lends.

Subp. 12. **Communication skills training.** "Communication skills training" means instruction aimed at improving a blind or visually disabled person's ability to communicate with others. This training consists of instruction in one or more of the following: braille; cursive writing; typing; sign language and other forms of manual communication; and the use of telecommunications, sensory, and other technological aids and devices which aid communication.

Subp. 13. **Deaf blind.** "Deaf blind" refers to visually disabled or blind clients who have physiological, chronic hearing losses which prevent them from hearing and understanding most speech with optimum amplification.

Subp. 14. **Department.** "Department" means the Minnesota Department of Employment and Economic Development.

Subp. 15. **Designated representative.** "Designated representative" means a person designated by an applicant or client to represent the applicant or client in any matter pertaining to a request for or receipt of rehabilitation services.

Subp. 16. **Diagnostic evaluation services.** "Diagnostic evaluation services" means medical examinations, optometric examinations, audiological evaluations, and other rehabilitation services provided to help an applicant or client and a rehabilitation counselor assess the applicant's or client's skills, abilities, and aptitudes in order to determine eligibility, establish a rehabilitation goal, and identify the specific rehabilitation services the client will need to achieve the client's rehabilitation goal.

Subp. 17. **Director.** "Director" means the director of SSB or the director's designated representative.

Subp. 18. **Disability and licensed health professional.** "Disability" means a physical or mental condition diagnosed by the appropriate licensed health professional which materially limits, contributes to limiting, or, if not corrected, will probably result in limiting a person's employment activities, vocational functioning, ability to perform self-care activities, or capacity for growth and development. "Licensed health professional" means a person licensed under Minnesota Statutes, chapter 147 or 148.

Subp. 19. **Employability.** "Employability" means the capacity of a person to obtain or retain gainful employment consistent with the person's capacities, interests, and abilities.

Subp. 20. **Extended evaluation.** "Extended evaluation" means the diagnostic process through which an applicant is provided rehabilitation services to help a rehabilitation counselor determine whether the applicant is eligible for rehabilitation services under the vocational rehabilitation program. This process is used when SSB cannot determine from the preliminary evaluation whether the provision of rehabilitation services is likely to enable an applicant to obtain or retain suitable gainful employment.

Subp. 21. **Family or family member.** "Family" or "family member" means persons related by blood, adoption, or marriage or unrelated persons who live in the same household and have a close personal relationship.

Subp. 22. **Family income.** "Family income" means the income of a client and the following persons:

A. the client's spouse; and

B. the client's parent or parents if:

(1) the client is under 18 years of age and living with the client's parents; or

(2) the client was claimed by a parent or parents as a dependent for federal income tax purposes in the most recent calendar year.

Subp. 23. **Gainful employment or gainful occupation.** "Gainful employment" or "gainful occupation" refers to competitive employment; self-employment including employment under the Business Enterprises Program; homemaking; unpaid family work; or sheltered employment at a wage above the range specified for work activity centers under the Code of Federal Regulations, title 29, section 525.2, as amended. The specific categories of gainful employment are defined as follows:

A. "Competitive employment" means work for an employer that hires on the basis of the qualifications of available applicants for which compensation is received in the form of wages, salary, commission, or tips.

B. "Self-employment" means work for profit or fees in one's own business, farm, or profession.

C. "Homemaking" means the performance or direct management of the majority of the household activities necessary to maintain a suitable living environment for oneself or family. These activities may include meal preparation and meal serving for more than oneself, dishwashing, cleaning, laundering, ironing, bedmaking, sewing, shopping, financial management, and child care. A person is a homemaker if the person's principal activity is homemaking.

D. "Unpaid family work" means work other than homemaking performed by a person without pay on a family farm or in a family business owned and operated by one or more members of the person's family.

E. "Sheltered employment" means employment in a workshop or employment by a workshop at a work site physically separate from the workshop. "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility, engaged in production or service for the primary purpose of providing gainful employment as an interim step in the rehabilitation process for persons with disabilities who cannot readily obtain competitive employment.

Subp. 24. **Growth and development.** "Growth and development" means the acquisition by a blind or visually disabled child of the knowledge, skills, and attitudes necessary to develop the child's abilities at a rate consistent with the child's sighted peers.

Subp. 25. **Improvement in ability to function independently in family or community.** "Improvement in ability to function independently in family or community" refers to a demonstration in functional and behavioral terms of an individual's greater level of independence or maintenance of independence in performing self care activities.

Subp. 26. **Income.** "Income" means cash payments or benefits, other than gifts or loans, received by or actually available to a client from public or private sources. These payments or benefits include:

A. cash earnings from wage or salaried positions before payroll deductions;

B. cash income receipts from one's own business, farm, or profession after deduction of operating expenses;

C. unearned payments from government assistance programs or other public sources such as unemployment benefits, workers' compensation, veteran's benefits, Social Security, and government pensions; and

D. unearned payments from private sources such as private pensions, annuities, net rental income, dividends, and interest.

Subp. 27. **Independence.** "Independence" means freedom from unwanted and unnecessary dependence upon other persons and things in all areas of life.

Subp. 28. **Independent Living Program.** "Independent Living Program" means the state and federally funded SSB program under which clients with severe disabilities receive rehabilitation services in accordance with individualized written rehabilitation plans in order to improve their ability to function independently.

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Subp. 29. **Individualized written rehabilitation plan or written plan.** "Individualized written rehabilitation plan" or "written plan" means a written document required for each client identifying, at a minimum, a client's rehabilitation objectives and the services necessary to achieve the objectives.

Subp. 30. **Initial stocks and supplies.** "Initial stocks and supplies" are defined as follows:

A. "Initial stocks" means the inventory of goods for direct resale to consumers by a client entering into a self-employment enterprise.

B. "Supplies" means the expendable items that are necessary for the day to day operations of a business and that are consumed on the premises of the business.

Subp. 31. **Institutions of higher learning.** "Institutions of higher learning" means accredited universities, colleges, community colleges, junior colleges, business colleges, trade schools, and technical colleges.

Subp. 32. **Intermediate rehabilitation objectives.** "Intermediate rehabilitation objectives" means the specific functional capabilities, self assurance, educational achievement, and degree of physical and mental restoration needed by a client to attain a rehabilitation goal.

Subp. 33. **Interpreter services.** "Interpreter services" means manual or tactile interpreting of oral or written communication to deaf blind clients by an interpreter.

Subp. 34. **Job placement services.** "Job placement services" means services that assist clients in seeking and obtaining gainful employment. These services include one or more of the following:

- A. providing clients with information on employment opportunities and trends;
- B. communicating and negotiating with community resources and employers to increase employment opportunities for blind persons and persons with visual disabilities;
- C. assessing the characteristics and tasks of a client's job choice to determine the skills, knowledge, abilities, and adaptabilities needed to perform the tasks involved in the job;
- D. assisting employers in restructuring job tasks and removing architectural and transportation barriers to accommodate clients;
- E. counseling clients on job seeking skills and assisting clients with the development of job seeking plans;
- F. counseling clients on job retention skills;
- G. assisting clients in preparing resumes and job applications and in developing job interviewing skills;
- H. advising clients and employers on the alternative techniques of blindness as they relate to employment and assisting in the resolution of client employer conflicts;
- I. assisting employers with affirmative action programs and projects on behalf of clients;
- J. collaborating with organizations involved in employment assistance on behalf of clients;
- K. assisting employers in determining appropriate equipment and systems needs on behalf of clients; and
- L. informing clients and employers of federal and state antidiscrimination laws.

Subp. 35. **Legal blindness or blind.** "Legal blindness" or "blind" means a central visual acuity of 20/200 or less in the better eye with best correction or a defect in the peripheral field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

Subp. 36. **Legal representative.** "Legal representative" means the parent or parents of a person under 18 years of age or a court appointed guardian or conservator who is authorized by the court to make decisions about services for a person.

Subp. 37. **Low vision aids.** "Low vision aids" means optical and nonoptical instruments and techniques which help blind persons and persons with visual disabilities improve the use of their residual vision.

A. "Optical low vision aids" means lenses or lens systems which enlarge or clarify the retinal image of an object so that it can be better perceived without enlarging the object itself. These aids include monocular and binocular hand-held magnifiers, head and stand supported magnifiers of both simple and telescopic types, color filter lenses, and electro optical devices such as closed circuit televisions.

B. "Nonoptical low vision aids" means techniques and instruments other than lenses which enlarge or clarify the retinal image of an object so that it can be better perceived. These aids include wide lined paper, high intensity lamps, large print, colored paper, wide tipped pens, and large print telephone dials.

Subp. 38. **Low vision clinician.** "Low vision clinician" means an ophthalmologist or optometrist who provides low vision services.

Subp. 39. **Low vision services.** "Low vision services" means services which help clients use or improve the use of their residual vision in performing specific tasks involved in achieving and maintaining their rehabilitation goals. These services consist of low vision aids and the functional assessments, ophthalmologic or optometric examinations and training necessary for the provision and effective use of low vision aids.

Subp. 40. **Low vision specialist.** "Low vision specialist" means:

A. a rehabilitation counselor who has completed at least 80 hours of training in a low vision training program approved by the director in consultation with the optometric or ophthalmologic consultant; or

B. a person with experience in low vision rehabilitation who has completed at least 80 hours of training in a low vision training program approved by the director in consultation with the optometric or ophthalmologic consultant. The 80 hours of training referred to in this item and in item A must include instruction in:

(1) basic low vision concepts, including the anatomy of the eye, common low vision conditions, and functional and psycho social implications of low vision; and

(2) low vision assessment and training including the use of a portable low vision kit and provision of visual training with and without optical aids.

Subp. 41. **Maintenance.** "Maintenance" means the financial assistance provided to a client or applicant to help pay basic subsistence costs such as food, shelter, and clothing that result from the provision of other rehabilitation services to the client or applicant.

Subp. 42. **Medical consultant.** "Medical consultant" means a physician under contract with the department to provide consultation to rehabilitation counselors on the medical aspects of disabilities.

Subp. 43. **Mental disorder.** "Mental disorder" means a disorder specified in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Third Edition (1980) (DSM III). This manual is incorporated by reference and is not subject to frequent change. It is available for inspection at the Minnesota State Law Library.

Subp. 44. **Note taking services.** "Note taking services" means the recording in braille or writing of oral or written communication for later use by clients.

Subp. 45. **Occupational equipment.** "Occupational equipment" means occupational fixtures, vehicles, and machinery normally required by nonhandicapped persons to operate a business or maintain employment.

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Subp. 46. **Occupational licenses.** "Occupational licenses" means any license, permit, or other written authority required by a state, city, or other governmental unit as a precondition to entering an occupation or starting a small business.

Subp. 47. **Occupational tools.** "Occupational tools" means instruments normally required by nonhandicapped persons for entry into employment or for efficient job performance.

Subp. 48. **Ophthalmologic consultant.** "Ophthalmologic consultant" means an ophthalmologist under contract with the department to provide consultation to rehabilitation counselors on eye-related medical aspects of disabilities.

Subp. 49. **Ophthalmologist.** "Ophthalmologist" means a physician who specializes in diseases of the eye and who is certified by the American Board of Ophthalmology.

Subp. 50. **Orientation and mobility services.** "Orientation and mobility services" means instruction and nonmechanical aids such as canes which enable a client to travel safely and independently without sight or with impaired sight. These services include the provision of white canes and instruction in cane travel.

Subp. 51. **Orientation and mobility specialist.** "Orientation and mobility specialist" means a person with a degree in orientation and mobility from a college or university accredited by a regional accrediting association or by an agency with standards equivalent to those of the regional accrediting association.

Subp. 52. **Optometric consultant.** "Optometric consultant" means an optometrist under contract with the department to provide advice on aspects of low vision services.

Subp. 53. **Optometrist.** "Optometrist" means a person who is currently licensed to practice optometry under Minnesota Statutes, section 148.57.

Subp. 54. **Physician.** "Physician" means a medical doctor who is currently licensed to practice medicine under Minnesota Statutes, chapter 147.

Subp. 55. **Post employment services.** "Post employment services" refers to rehabilitation services provided to help a client maintain employment after the client has been determined to be rehabilitated under part 3325.0190, subpart 2.

Subp. 56. **Psychiatrist.** "Psychiatrist" means a physician who specializes in mental disorders as defined in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Third Edition (1980) DSM-III, and who is board certified by the American Board of Psychiatry and Neurology, or board eligible.

Subp. 57. **Psychologist.** "Psychologist" means a person licensed as a psychologist or consulting psychologist under Minnesota Statutes, section 148.91.

Subp. 58. **Reader services.** "Reader services" means the oral reading of written material for a client.

Subp. 59. **Referral.** "Referral" means:

A. a person who has contacted or been placed in contact with SSB to inquire into the possibility of obtaining services but who has not applied for rehabilitation services under part 3325.0120, subpart 2; or

B. the act of directing a blind person or a person with a visual disability to SSB for assistance.

Subp. 60. **Referral services.** "Referral services" means counseling or research on behalf of a referral, applicant, or client for the purpose of directing the referral, applicant, or client to other agencies and organizations which provide financial assistance, rehabilitation services, or other services needed by the referral, applicant, or client.

Subp. 61. **Rehabilitation counseling.** "Rehabilitation counseling" means the process by which a rehabilitation counselor helps a client:

A. understand abilities and potential and develop self confidence and an understanding that blindness as a physical condition permits normal life activity;

B. identify and establish a rehabilitation goal and intermediate rehabilitation objectives;

C. complete a program of services leading to the achievement of the intermediate rehabilitation objectives and rehabilitation goal established in the client's individualized written rehabilitation plan; and

D. obtain placement in a gainful occupation consistent with the vocational goal established in the client's written plan.

Subp. 62. **Rehabilitation counselor.** "Rehabilitation counselor" means a person classified by the Minnesota Department of Management and Budget as a rehabilitation counselor and employed by SSB to determine eligibility for and provide and coordinate the provision of rehabilitation services.

Subp. 63. **Rehabilitation facility.** "Rehabilitation facility" means a facility as defined in the Code of Federal Regulations, title 34, section 361.1(c)(2) which is operated for the primary purpose of providing rehabilitation services to blind persons or other persons with disabilities.

Subp. 64. **Rehabilitation goal.** "Rehabilitation goal" means the specific vocation, degree of independence, or level of growth and development identified in a client's written plan as the client's ultimate rehabilitation objective.

Subp. 65. **Rehabilitation services.** "Rehabilitation services" means the services provided to clients by SSB in accordance with written plans in order to improve their employability, ability to perform self-care activities, or capacity for growth and development.

Subp. 66. **Rehabilitation teaching services.** "Rehabilitation teaching services" means instruction in and nonmechanical aids needed to use alternative techniques other than outdoor cane travel.

Subp. 67. **Rehabilitation teacher.** "Rehabilitation teacher" means a person with a degree in rehabilitation teaching from a college or university accredited by a regional accrediting association or by an agency with standards equivalent to those of the regional accrediting association.

Subp. 68. **Restoration services.** "Restoration services" means the medical or medically related services provided to correct or substantially modify, within a reasonable time, a physical or mental condition which is stable or slowly progressive. These services consist of the services listed under the definition of "physical and mental restoration services" in the Code of Federal Regulations, title 34, section 361.1(c)(2).

Subp. 69. **Secretary.** "Secretary" means the Secretary of the United States Department of Education.

Subp. 70. **Self care activities.** "Self care activities" means the basic tasks of daily living necessary to maintain one's functional independence in the following areas:

- A. personal hygiene and grooming;
- B. eating and meal preparation for oneself;
- C. communicating; and
- D. traveling.

Subp. 71. **Self care program.** "Self care program" means the state funded SSB program through which elderly clients who do not wish to pursue a vocational goal receive rehabilitation services to improve their ability to perform self care activities.

Subp. 72. **Services to family members.** "Services to family members" refers to one or more of the following services provided to members of a client's family in order to help the client achieve a rehabilitation goal:

- A. one or more of the other rehabilitation services provided by SSB;
- B. assistance in adapting to new or altered methods of home management helpful to the client's rehabilitation;



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C. group counseling to help family members understand the potential and needs of blind persons and persons with visual disabilities;

D. daycare or foster family care for the children or dependent relatives of a client if necessary to enable the client to implement a written plan; and

E. assistance in locating living quarters which meet the rehabilitation needs of the client.

Subp. 73. **Severe disability.** "Severe disability" means a disability that causes a person to be severely disabled as defined in subpart 74.

Subp. 74. **Severely disabled.** "Severely disabled" refers to a severely disabled individual as defined in the Code of Federal Regulations, title 34, section 361.1(c)(2).

Subp. 75. **Severe limitation in ability to function independently in family or community.** "Severe limitation in ability to function independently in family or community" means an inability to maintain functional independence in two or more of the following areas:

- A. personal hygiene and grooming;
- B. eating and meal preparation for oneself;
- C. communicating; or
- D. traveling.

Subp. 76. **Similar benefits.** "Similar benefits" means services or financial assistance available to clients from one or more sources other than SSB or a client to meet, in whole or part, the cost of rehabilitation services to be provided under a client's written plan. Similar benefits include benefits available to clients from Medicare, Medicaid, the Veteran's Administration, individual and group insurance, community social service agencies, state agencies other than SSB, and public and private educational grants.

Subp. 77. **State Services for the Blind.** "State Services for the Blind" or "SSB" means the organizational unit of the Department of Employment and Economic Development responsible for providing and coordinating the provision of rehabilitation services to blind persons and persons with visual disabilities. For purposes of the vocational rehabilitation and independent living programs, "State Services for the Blind" or "SSB" is the state unit as defined in the Code of Federal Regulations, title 34, sections 361.1(c)(2)(1) and 361.6(b).

Subp. 78. **Substantial handicap to employment.** "Substantial handicap to employment" means that a disability (in light of attendant medical, psychological, vocational, educational, and other related factors) prevents a person from obtaining, retaining, or preparing for gainful employment consistent with the person's capacities and abilities.

Subp. 79. **Suitable employment.** "Suitable employment" means employment that is consistent with a person's capacities, interests, and abilities.

Subp. 80. **Supervisory staff.** "Supervisory staff" means persons, other than the director employed by SSB, classified as supervisors or managers by the Minnesota Department of Management and Budget in the labor agreement between the state of Minnesota and the Middle Management Association for 1985 through June 30, 1987, or in the DOER Managerial Plan for 1985 through June 30, 1987. These publications are incorporated by reference and are not subject to frequent change. These publications are available for inspection at the Minnesota State Law Library.

Subp. 81. **Supportive services.** "Supportive services" means rehabilitation services which facilitate the provision of other rehabilitation services but which do not, in themselves, provide a person with skills or capabilities that will enable the person to function more independently without continuation of the services for an unlimited period of time. These services include maintenance, transportation services, reader services, note taking services, and interpreter services.

Subp. 82. **Telecommunications, sensory, and other technological aids and devices.** "Telecommunications, sensory, and other technological aids and devices" means mechanical or electronic equipment and related engineering which improves or substitutes for one or more of a person's senses or which compensates for impaired mobility or motor coordination.

Subp. 83. **Transportation services.** "Transportation services" means assistance to a client in obtaining transportation necessary to implement the client's written plan.

Subp. 84. **Visual disability.** "Visual disability" means:

- A. central visual acuity of 20/60 or less in the better eye with best correction;
- B. the absence of at least one full quadrant of binocular visual field; or
- C. a physical condition or progressive loss of visual ability which will more likely than not result in legal blindness.

Subp. 85. **Visually disabled.** "Visually disabled" refers to a person who has a visual disability which does not constitute legal blindness but which constitutes a substantial handicap to employment or limits the person's ability to live independently, perform self care activities, or grow and develop.

Subp. 86. **Vocational assessment.** "Vocational assessment" means the use and interpretation of objective, standardized tests and inventories to help determine a vocational rehabilitation client's vocational interests, levels of intellectual functioning, personality characteristics, and basic academic skills for the purpose of identifying the client's rehabilitation goal and rehabilitation service needs.

Subp. 87. **Vocational rehabilitation program.** "Vocational rehabilitation program" means the state and federally funded SSB program under which clients receive rehabilitation services in accordance with individualized written plans for the purpose of preparing the clients for gainful employment.

Subp. 88. **Vocational training services.** "Vocational training services" means instruction and supplies provided to a vocational rehabilitation client to help the client acquire the knowledge, skills, attitudes, and educational qualifications necessary to obtain and retain gainful employment consistent with the client's capacities and abilities. These services consist of:

- A. tuition and materials normally required for training in an educational program at an institution of higher learning; and
- B. fees and materials normally required for vocational skills training in settings other than institutions of higher learning such as competitive employment settings and workshops.

Subp. 89. **Work activity.** "Work activity" means activity designed exclusively to provide therapeutic activities for persons whose physical or mental disabilities are so severe as to make their productive capacities inconsequential. For this purpose, "inconsequential" means that the wage paid to the client is in the range specified for work activity centers in the Code of Federal Regulations, title 29, section 525.2, as amended.

Subp. 90. **Work evaluation.** "Work evaluation" means an assessment of a person's performance in a simulated or real work situation to determine the person's abilities, skills, attitudes toward work, and work behaviors.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784; L 1987 c 258 s 12; L 1989 c 246 s 2; L 1994 c 438 s 1; L 1997 c 66 s 80; L 1999 c 107 s 66; L 2000 c 343 s 4; L 2005 c 56 s 2; L 2005 c 112 art 2 s 41; L 2008 c 204 s 42; L 2009 c 101 art 2 s 109*

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**3325.0120 APPLICATION PROCEDURE FOR REHABILITATION SERVICES.**

Subpart 1. **Referral.** Referral may be from another agency or person or a self-referral and may be oral or written. The referral must provide:

- A. the referred person's name, address, and phone number;
- B. the nature of the referred person's disability if known; and
- C. the date and source of the referral.

Subp. 2. **Written application.** A written application must be submitted by each person requesting rehabilitation services. The application may be by letter or on an application form supplied by SSB. The application must be signed by the applicant or applicant's designated representative and must contain:

- A. the information required under subpart 1;
- B. the dates of the applicant's most recent general physical and ophthalmologic or optometric examinations; and
- C. the date of application.

Subp. 3. **Legal representative.** All signature requirements placed on applicants and clients by parts 3325.0100 to 3325.0490 may be satisfied by the signature of an applicant's or client's legal representative. All written notices which must be provided to applicants or clients under parts 3325.0100 to 3325.0490 must be provided to the applicant's or client's legal representative unless providing the information would violate provisions of the Minnesota Data Practices Act.

Subp. 4. **Designated representative.** An applicant or client or legal representative of the same may designate one person to represent the applicant or client in any matter pertaining to the applicant's or client's request for or receipt of rehabilitation services. The applicant or the client shall designate a representative in writing and shall not designate more than one representative at any given time. SSB shall provide an applicant's or client's designated representative with a copy of a written notice only if specifically authorized to do so in writing by the applicant or client.

Subp. 5. **Initial interview.** A rehabilitation counselor shall personally interview each person referred to SSB for rehabilitation services within 30 days after the referral is received unless circumstances beyond SSB's control make it impossible to interview the referral within 30 days or unless otherwise agreed upon by the referral and the counselor. As part of the interview, the rehabilitation counselor shall begin to:

- A. explain the rehabilitation process, including an explanation of the differences between the rehabilitation programs offered by SSB;
- B. request the information that the counselor knows, at the time of the interview, is needed to determine eligibility; and
- C. inform the referral or applicant of the:
  - (1) right of confidentiality under subpart 8;
  - (2) right of appeal under parts 3325.0480 and 3325.0490; and
  - (3) right to and means of obtaining assistance under the client assistance program.

SSB shall provide each referral with a written summary of the information referred to in items A to C.

Subp. 6. **Selection of program.** SSB shall assess an applicant's eligibility for the vocational rehabilitation program unless the applicant expressly and unequivocally states that the applicant does not want to pursue a vocational goal. In that case, SSB shall assess the applicant's eligibility for the independent living, self-care, or child rehabilitation program, whichever the applicant and rehabilitation counselor select.

Subp. 7. **Residency.** No applicant who is present in the state of Minnesota may be denied rehabilitation services on the basis of residency.

Subp. 8. **Access to contents of case record.** Access to the contents of an applicant's or client's case record or to any other information maintained by SSB which pertains to an applicant or client must be administered by SSB in accordance with the Minnesota Data Practices Act, Minnesota Statutes, chapter 13, and all other applicable laws and regulations.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

### VOCATIONAL REHABILITATION PROGRAM

#### 3325.0130 CONDITIONS OF ELIGIBILITY.

An applicant is eligible for rehabilitation services under the vocational rehabilitation program only if:

A. the applicant has a visual disability that constitutes or results in a substantial handicap to employment; and

B. there is a reasonable expectation that providing the applicant with rehabilitation services available under part 3325.0180 is likely to enable the applicant to obtain or retain suitable gainful employment.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

#### 3325.0140 PRELIMINARY EVALUATION.

Subpart 1. **Purpose of evaluation.** SSB shall conduct a preliminary evaluation to determine whether an applicant is eligible for rehabilitation services under the vocational rehabilitation program.

Subp. 2. **Scope of evaluation.** Each eligibility determination must be based on the information specified in items A, B, and C.

A. A written report which documents the results of a medical eye or optometric examination of the applicant and which is signed by a physician or optometrist. The report contains sufficient information for eligibility purposes if in conjunction with the report required under item B, it enables the applicant's rehabilitation counselor or the ophthalmologic consultant who reviews the report to determine whether the applicant is blind or has a visual disability as of the date of application.

B. A written report which documents the results of a general medical examination of the applicant and which is signed by a physician. The report contains sufficient information for eligibility purposes if it enables the applicant's rehabilitation counselor or the medical consultant who reviews the report to determine whether the applicant has any nonvisual disabilities as of the date of application which could limit the applicant's ability to make improvements in employability.

C. Information regarding the applicant's employment history and educational background and other information needed to determine whether:

(1) the applicant's visual disability constitutes or results in a substantial handicap to employment; and

(2) there is a reasonable expectation that providing the applicant with rehabilitation services available under part 3325.0180 is likely to enable the applicant to obtain or retain suitable gainful employment.

If the information provided under this subpart indicates that the applicant has or may have a mental disorder, the applicant must be examined by a psychiatrist or psychologist.

Subp. 3. **Notice of eligibility.** After a rehabilitation counselor has determined that an applicant is eligible for rehabilitation services, the rehabilitation counselor shall inform the applicant in writing of the eligibility determination. The notice must be mailed or personally delivered by SSB within ten working days after certification of eligibility under the Code of Federal Regulations, title 34, section 361.35(a).

**3325.0140 REHABILITATION; VISUALLY DISABLED**

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Subp. 4. **Prior consultation.** If SSB expects to find an applicant ineligible for rehabilitation services, SSB shall, before making its final determination, offer the applicant a clear opportunity to discuss the anticipated determination.

Subp. 5. **Notice of ineligibility.** After a rehabilitation counselor has determined that an applicant is ineligible for rehabilitation services, the rehabilitation counselor shall inform the applicant in writing of the reasons for and effective date of the determination, the applicant's appeal rights under parts 3325.0480 and 3325.0490, and the applicant's right to and means of obtaining assistance under the client assistance program. The notice must be mailed or personally delivered by SSB within ten working days after certification of ineligibility under the Code of Federal Regulations, title 34, section 361.35(c).

Subp. 6. **Referral to independent living program.** If an applicant is determined ineligible for the vocational rehabilitation program based on a finding that the provision of rehabilitation services is not likely to enable the applicant to obtain or retain gainful employment, SSB shall determine whether the applicant is eligible for the independent living program unless the applicant refuses or is not available to provide any additional information needed to assess the applicant's eligibility for the program.

Subp. 7. **Review of ineligibility determination.** If an applicant is determined ineligible for the vocational rehabilitation program based on a finding that the provision of rehabilitation services is not likely to enable the applicant to obtain or retain suitable gainful employment, SSB shall review the determination within 12 months after the determination is made. SSB need not conduct the review if the applicant refuses to cooperate with SSB in conducting the review, if the applicant is no longer present in the state, if the applicant's location is unknown, or if the applicant's medical condition is rapidly progressive or terminal.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

**3325.0150 EXTENDED EVALUATION.**

Subpart 1. **Purpose and eligibility.** SSB shall conduct an extended evaluation to determine whether the provision of rehabilitation services is likely to enable the applicant to obtain or retain suitable gainful employment if:

- A. the applicant has a visual disability which constitutes a substantial handicap to employment; and
- B. SSB is unable to determine whether there is a reasonable expectation that the provision of rehabilitation services is likely to enable the applicant to obtain or retain suitable gainful employment without an extended evaluation to determine the applicant's vocational rehabilitation potential.

Subp. 2. **Individualized written rehabilitation plan.** After SSB determines that an extended evaluation is required under subpart 1, an individualized written rehabilitation plan must be developed and signed by the applicant and the applicant's rehabilitation counselor. SSB shall provide the applicant with a copy of the written plan which must contain the information specified in items A to D:

- A. the basis on which the applicant was determined eligible for an extended evaluation;
- B. the specific services to be provided to the applicant and the anticipated starting date and duration of each service;
- C. the terms and conditions for the provision of services under the extended evaluation, including the terms and conditions specified in part 3325.0170, subpart 2, item F; and
- D. the information specified in part 3325.0170, subpart 2, items H to J, and the views of the applicant concerning the services the applicant is to receive under the written plan.

Subp. 3. **Services available.** All the services available to clients under the vocational rehabilitation program must be available to applicants undergoing extended evaluations except vocational training services; postemployment services; job placement services; occupational licenses; occupational tools; occupational equipment; and initial stocks and supplies.

Subp. 4. **Terms and conditions.** An applicant undergoing an extended evaluation must be provided with only the services necessary to determine whether there is a likelihood that the provision of rehabilitation services will enable the applicant to obtain or retain suitable gainful employment. SSB shall conduct extended evaluations in accordance with the Code of Federal Regulations, title 34, section 361.34.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

### 3325.0160 THOROUGH EVALUATION.

Subpart 1. **Purpose of evaluation.** After a client is determined eligible for rehabilitation services under the vocational rehabilitation program and before formulating the client's written plan, the client and the client's rehabilitation counselor shall conduct a thorough evaluation to identify the rehabilitation goal the client will pursue and the services needed to achieve the goal.

Subp. 2. **Scope of evaluation.** The thorough evaluation of each vocational rehabilitation client must consist of a review by the client and the client's rehabilitation counselor of the following:

A. The client's work history, level of education, relative performance in school, and major areas of educational emphasis. The client shall provide SSB with a copy of the client's most current official school transcripts if requested by the client's rehabilitation counselor.

B. The client's vocational and nonvocational interests.

C. Employment opportunities and trends.

D. The client's beliefs and concerns regarding the client's blindness or visual disability and any information the client or rehabilitation counselor considers important in assessing the degree of counseling needed by the client to overcome any self-doubts caused by the client's blindness or visual disability.

E. The client's ability to travel independently and need for orientation and mobility services.

F. The client's communication skills and need for braille instruction and other communication skills training.

G. The client's self-care and homemaking skills and the need for rehabilitation teaching services.

H. The client's ability to use residual vision and the extent to which low vision services could be used by the client in helping the client perform specific vocational, educational, or self-care activities which the client and rehabilitation counselor expect will be involved in implementing the client's written plan.

I. The reports obtained for the preliminary evaluation under part 3325.0140, subpart 2, and the results of any additional medical, optometric, or audiological examinations which the client's rehabilitation counselor, in consultation with the medical or ophthalmologic consultant, considers necessary to determine how and to what extent the client's disabilities can be corrected or minimized by restoration services.

J. The results of a vocational assessment administered and interpreted in a manner which would not permit the client's blindness or visual disability to result in inaccurate

**3325.0160 REHABILITATION; VISUALLY DISABLED**

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assessment data. A vocational assessment is a required part of the client's thorough evaluation only if one or more of the following conditions exist:

- (1) the client has not expressed any vocational interests;
- (2) no educational, work history, or work evaluation information is available for review by the client and the client's rehabilitation counselor; or
- (3) the client or the client's rehabilitation counselor determines that the information reviewed under items A to I does not fully and accurately indicate the client's vocational interests or the client's chances of success in the vocational areas in which the client has expressed interest.

K. The client's performance in a work evaluation. A work evaluation is a required part of a client's thorough evaluation only if the client or client's rehabilitation counselor determines that the information reviewed under items A to J does not fully and accurately indicate the client's vocational skills and aptitudes.

L. Any other information needed to determine the client's rehabilitation goal and rehabilitation service needs.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784; L 2005 c 56 s 2*

**3325.0170 INDIVIDUALIZED WRITTEN REHABILITATION PLAN.**

Subpart 1. **Preparation of written plan.** After a thorough evaluation is completed, the client and the client's rehabilitation counselor shall jointly prepare an individualized written rehabilitation plan for the client. The written plan must be signed by the rehabilitation counselor and the client. The client must be provided with a copy of the written plan.

Subp. 2. **Contents of written plan.** The written plan must contain the following information:

- A. the basis on which the client's eligibility was determined;
- B. the rehabilitation goal which the rehabilitation counselor and client have agreed to pursue and the intermediate rehabilitation objectives necessary to attain the client's rehabilitation goal;
- C. the specific rehabilitation services which the client must receive in order to achieve the client's intermediate rehabilitation objectives and rehabilitation goal;
- D. the projected beginning date and duration of each rehabilitation service to be provided to the client by SSB and the projected anticipated period of time within which the client is to achieve the rehabilitation goal;
- E. the criteria, procedures, and schedule by which the client's progress toward his or her intermediate rehabilitation objectives and rehabilitation goal will be evaluated;
- F. the terms and conditions for the provision of services to the client, including:
  - (1) the responsibilities of the client in implementing the written plan;
  - (2) the extent to which the client shall pay the cost of services to be provided under the written plan as determined on the basis of the client's financial need under part 3325.0440; and
  - (3) the extent to which the client is eligible for similar benefits under part 3325.0430;
- G. the views of the client concerning the client's rehabilitation goal, intermediate rehabilitation objectives, and the services to be provided under the plan;
- H. a summary of the client's appeal rights under parts 3325.0480 and 3325.0490 and the means by which the client can contact and obtain assistance through the client assistance program;
- I. any plans for the provision of postemployment services;

J. the identity of and means by which the client can contact organized support and advocacy groups of the blind or deaf-blind in Minnesota; and

K. a summary of the relevant elements of the individualized education plan for the client if the client is receiving services under the Individuals with Disabilities Education Act.

Subp. 3. **Basis for contents of written plan.** The rehabilitation goal and services identified in a client's written plan must be based on and supported by information obtained in the client's preliminary and thorough evaluations and any subsequent information developed during the rehabilitation process in assessing the client's rehabilitation potential and service needs. The client's rehabilitation goal must be within the client's capacities and abilities and attainable given current and expected job market conditions.

Subp. 4. **Assessment of progress under written plan.** The client and the client's rehabilitation counselor shall assess the client's progress under the written plan as frequently as necessary, but at least once a year according to the schedule established in the written plan. The client must be offered an opportunity to participate in the assessment which must consist of a review of information relevant to the client's progress toward the intermediate rehabilitation objectives and rehabilitation goal identified in the plan. If the client is enrolled in secondary school or an institution of higher learning, the assessment must include a review of the client's most current official school transcript or grade reports. If the client is enrolled in a training program at a rehabilitation facility, the assessment must include a review of written reports on the client's progress submitted to SSB by the rehabilitation facility as required under part 3325.0470. An in-person assessment is required if so requested by the client and if the client agrees to meet with the counselor at the appropriate SSB office or if an in-person assessment would not involve travel to a distant location by the counselor.

Subp. 5. **Amendment to written plan.** A client's written plan must be amended jointly by the client and the client's rehabilitation counselor at any time when necessary to reflect changes in the client's service needs, financial situation, health, intermediate rehabilitation objectives, or rehabilitation goal. Both the client and the client's rehabilitation counselor must re-sign the written plan when both have agreed on an amendment.

Subp. 6. **Notice of agency proposed change in written plan.** If SSB proposes to change a client's written plan, SSB shall notify the client by certified mail of the proposed change at least ten working days prior to the effective day of the proposed change unless circumstances beyond SSB's control make the ten-day notice impossible. The notice must contain:

A. the basis for and effective date of the proposed change;

B. a summary of the client's appeal rights under parts 3325.0480 and 3325.0490;

and

C. a statement that, if the client appeals, the administrative review decision under part 3325.0480, subpart 6 will be made within 30 days of the effective date of the proposed change and that the client will continue to receive any disputed services during the 30 days only if the client's review request under part 3325.0480, subpart 1 is received by SSB prior to the effective date.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784; L 2005 c 56 s 2*

### **3325.0180 SCOPE OF SERVICES.**

SSB provides the following services to vocational rehabilitation clients subject to the conditions specified in part 3325.0420:

A. adjustment to blindness services which consist of rehabilitation counseling, rehabilitation teaching services, and orientation and mobility services;

B. advocacy services;

C. communication center services;



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- D. diagnostic evaluation services;
- E. interpreter services;
- F. job placement services;
- G. low vision services;
- H. maintenance;
- I. note-taking services;
- J. occupational licenses, tools, equipment, and initial stocks and supplies;
- K. postemployment services;
- L. reader services;
- M. referral services;
- N. restoration services;
- O. services to family members;
- P. telecommunications, sensory, and other technological aids and devices;
- Q. transportation services;
- R. vocational training services; and
- S. other goods and services related to employment or vocational training.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

**3325.0190 TERMINATION OF SERVICES.**

Subpart 1. **Conditions for refusing services to referrals, applicants, and unrehabilitated clients.** SSB may refuse to provide or terminate the provision of services to a referral, applicant, or unrehabilitated vocational rehabilitation client only if the referral, applicant, or client:

- A. does not satisfy the eligibility conditions of the program identified in part 3325.0130; or
- B. has left the state or been impossible to contact by telephone at work, at home, or at the person's last known place of employment and has not responded to correspondence requesting a response mailed to the person's last known address and containing a specific notification that the failure to respond within 15 days shall result in the refusal to provide or termination of the provision of services; or
- C. has died; or
- D. has been institutionalized and will, as a result, be unavailable to receive needed services or evaluation from SSB; or
- E. has refused to comply with any of the requirements of parts 3325.0120 to 3325.0470 or with any terms or conditions in the client's written plan; or
- F. has refused to accept or use the rehabilitation services necessary to rehabilitate the client. Before terminating or refusing to provide services based on this condition, the client's rehabilitation counselor shall explain to the client the purpose of the program and the services to be provided and shall encourage the client's participation.

Subp. 2. **Conditions for terminating the provision of services to rehabilitated clients.** SSB shall terminate services being provided to a vocational rehabilitation client due to rehabilitation of the client only if the client has:

- A. achieved the rehabilitation goal identified in the client's written plan;
- B. received rehabilitation services in accordance with the client's written plan consisting, at a minimum, of rehabilitation counseling and an evaluation of the client's vocational rehabilitation potential; and

C. obtained and retained suitable gainful employment for a period of not less than 60 days.

Subp. 3. **Consultation prior to termination.** If SSB expects to terminate services a client is receiving under a written plan because the client no longer satisfies the eligibility conditions identified in part 3325.0130, SSB shall, before termination, offer the client a clear opportunity to discuss the anticipated termination in accordance with the Code of Federal Regulations, title 34, section 361.40(d)(1).

Subp. 4. **Notice of termination and amendment to written plan.** If a client's services are to be terminated for reasons other than successful rehabilitation under subpart 2, or death, SSB shall notify the client of the proposed termination in accordance with part 3325.0170, subpart 6. When the services are terminated, SSB shall amend the client's written plan to reflect the termination. The amendment must contain a summary or description of the information or circumstances upon which the termination decision was based. If the termination decision was based on the client's refusal to accept or use necessary services provided by SSB, the amendment must include a description of the efforts made by SSB to encourage the client's participation in the rehabilitation process.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

#### **3325.0200 CASE RECORD.**

SSB shall maintain for each applicant and client a case record that contains the information required under the Code of Federal Regulations, title 34, section 361.39.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

### **INDEPENDENT LIVING PROGRAM**

#### **3325.0210 CONDITIONS OF ELIGIBILITY.**

An applicant is eligible for rehabilitation services under the independent living program only if:

A. the applicant has a visual disability that constitutes or is accompanied by a severe disability;

B. the applicant's visual disability, alone or in conjunction with other disabilities, results in a severe limitation in ability to function independently in family or community; and

C. there is a reasonable expectation that providing the applicant with rehabilitation services available under part 3325.0250 is likely to significantly assist the applicant in improving the applicant's ability to function independently in family or community.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

#### **3325.0220 PRELIMINARY EVALUATION.**

Subpart 1. **Purpose of evaluation.** SSB shall conduct a preliminary evaluation to determine whether an applicant is eligible for rehabilitation services under the independent living program.

Subp. 2. **Scope of evaluation.** Each eligibility determination must be based on the information specified in items A, B, and C.

A. A written report which documents the results of a medical eye or optometric examination of the applicant and which is signed by a physician or optometrist. The report contains sufficient information for eligibility purposes if, in conjunction with the report required under item B, it enables the applicant's rehabilitation counselor or the ophthalmologic consultant who reviews the report to determine whether the applicant is blind or has a visual disability as of the date of application.

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B. A written report which documents the results of a general medical examination of the applicant and which is signed by a physician. The report contains sufficient information for eligibility purposes if it enables the applicant's rehabilitation counselor or the medical consultant who reviews the report to determine whether the applicant has any nonvisual disabilities as of the date of application which could limit the applicant's ability to make improvements in independent functioning.

C. Information regarding the applicant's employment history and educational background and other information needed to determine whether:

(1) the applicant's ability to function independently in family or community is severely limited by a visual disability and by any other disability that may be present; and

(2) there is a reasonable expectation that providing the applicant with rehabilitation services available under part 3325.0250 is likely to significantly assist the applicant in improving the applicant's ability to function independently in family or community.

Subp. 3. **Notice of eligibility.** After a rehabilitation counselor has determined that an applicant is eligible for rehabilitation services, the rehabilitation counselor shall inform the applicant in writing of the eligibility determination. The notice must be mailed or personally delivered by SSB within ten working days after certification of eligibility under the Code of Federal Regulations, title 34, section 365.33(a).

Subp. 4. **Prior consultation.** If SSB expects to find an applicant ineligible for rehabilitation services, SSB shall, before making its final determination, offer the applicant a clear opportunity to discuss the anticipated determination.

Subp. 5. **Notice of ineligibility.** After a rehabilitation counselor has determined that an applicant is ineligible for rehabilitation services, the rehabilitation counselor shall inform the applicant in writing of the reasons for the determination, the applicant's appeal rights under parts 3325.0480 and 3325.0490, and the applicant's right to and means of obtaining assistance under the client assistance program. The notice must be mailed or personally delivered by SSB within ten working days after certification of ineligibility under the Code of Federal Regulations, title 34, section 365.33(b).

Subp. 6. **Review of ineligibility determination.** If a determination of ineligibility is based on a finding that it is not likely the provision of rehabilitation services will significantly assist the applicant in improving the applicant's ability to function independently in family or community, SSB shall review the determination within 12 months after the determination is made. SSB need not conduct the review if the applicant refuses to cooperate with SSB in conducting the review, if the applicant is no longer present in the state, if the applicant's location is unknown, or if the applicant's medical condition is rapidly progressive or terminal.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

**3325.0230 THOROUGH EVALUATION.**

Subpart 1. **Purpose of evaluation.** After a client is determined eligible for rehabilitation services under the independent living program and before formulating the client's written plan, the client and the client's rehabilitation counselor shall conduct a thorough evaluation to identify the rehabilitation goal the client will pursue and the services needed to achieve the goal.

Subp. 2. **Scope of evaluation.** The thorough evaluation of each independent living client must consist of a review by the client and the client's rehabilitation counselor of the following:

A. The client's work history, level of education, relative performance in school, and major areas of educational emphasis.

B. The client's nonvocational interests.

C. The client's beliefs and concerns regarding the client's blindness or visual disability and any information the client or rehabilitation counselor considers important in assessing the degree of counseling needed by the client to overcome any self-doubts caused by the client's blindness or visual disability.

D. The client's ability to travel independently and need for orientation and mobility services.

E. The client's communication skills and need for braille instruction and other communication skills training.

F. The client's self-care and homemaking skills and the need for rehabilitation teaching services.

G. The client's ability to use residual vision and the extent to which low vision services could be used by the client in helping the client perform specific educational or self-care activities which the client and rehabilitation counselor expect will be involved in implementing the client's written plan.

H. The reports obtained for the preliminary evaluation under part 3325.0220, subpart 2, and the results of any additional medical, optometric or audiological examinations which the client's rehabilitation counselor, in consultation with the medical or ophthalmologic consultant, considers necessary to determine how and to what extent the client's disability can be corrected or minimized by restoration services.

I. Any other information needed to determine the client's rehabilitation goal and rehabilitation service needs.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784; L 2005 c 56 s 2*

### **3325.0240 INDIVIDUALIZED WRITTEN REHABILITATION PLAN.**

Subpart 1. **Preparation of written plan.** After a thorough evaluation is completed, the client and the client's rehabilitation counselor shall jointly prepare an individualized written rehabilitation plan for the client. The written plan must be signed by the rehabilitation counselor and the client. The client must be provided with a copy of the written plan.

Subp. 2. **Contents of written plan.** The written plan must contain the following information:

A. The rehabilitation goal which the rehabilitation counselor and client have agreed to pursue and the intermediate rehabilitation objectives necessary to attain the client's rehabilitation goal.

B. The specific rehabilitation services which the client must receive in order to achieve the client's intermediate rehabilitation objectives and rehabilitation goal.

C. The projected duration of each rehabilitation service to be provided to the client and the projected period of time within which the client is anticipated to achieve the rehabilitation goal.

D. The views of the client concerning the client's rehabilitation goal, intermediate rehabilitation objectives, and the services to be provided under the plan.

E. A summary of the client's appeal rights under parts 3325.0480 and 3325.0490 and the means by which the client can obtain assistance through the client assistance program.

F. The identity of and means by which the client can contact organized support and advocacy groups of the blind or deaf-blind in Minnesota.

Subp. 3. **Basis for contents of written plan.** The rehabilitation goal and services identified in a client's written plan must be based on and supported by information obtained in the client's preliminary and thorough evaluations and any subsequent information developed during the rehabilitation process in assessing the client's rehabilitation potential and service needs.

**3325.0240 REHABILITATION; VISUALLY DISABLED**

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Subp. 4. **Assessment of progress under written plan.** The client and the client's rehabilitation counselor shall assess the client's progress under the written plan as frequently as necessary, but at least once a year according to the schedule established in the written plan. The client must be offered an opportunity to participate in the assessment which must consist of a review of information relevant to the client's progress toward the intermediate rehabilitation objectives and rehabilitation goal in the plan. An in-person assessment is required if so requested by the client and if the client agrees to meet with the counselor at the appropriate SSB office or if an in-person assessment would not involve travel to a distant location by the counselor.

Subp. 5. **Amendment to written plan.** A client's written plan must be amended jointly by the client and the client's rehabilitation counselor at any time when necessary to reflect changes in the client's service needs, financial situation, health, intermediate rehabilitation objectives, or rehabilitation goal. Both the client and the client's rehabilitation counselor must re-sign the written plan when both have agreed on an amendment.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

**3325.0250 SCOPE OF SERVICES TO CLIENTS.**

SSB provides the following services to independent living clients subject to the conditions specified in part 3325.0420:

- A. adjustment to blindness services which consist of rehabilitation counseling, rehabilitation teaching services, and orientation and mobility services;
- B. advocacy services;
- C. communication center services;
- D. diagnostic evaluation services;
- E. interpreter services;
- F. low vision services;
- G. maintenance;
- H. note-taking services;
- I. reader services;
- J. referral services;
- K. restoration services;
- L. services to family members identified in part 3325.0110, subpart 72, items B, C, and E;
- M. telecommunications, sensory, and other technological aids and devices; and
- N. transportation services.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

**3325.0260 TERMINATION OF SERVICES.**

Subpart 1. **Conditions for refusing services to referrals, applicants, and unrehabilitated clients.** SSB may refuse to provide or terminate the provision of services to a referral, applicant, or unrehabilitated independent living client only if the referral, applicant, or client:

- A. does not satisfy the eligibility conditions of the program identified in part 3325.0210; or
- B. has left the state or been impossible to contact by telephone at work, at home, or at the person's last known place of employment and has not responded to correspondence requesting a response mailed to the person's last known address and containing a specific

notification that the failure to respond within 15 days shall result in the refusal to provide or termination of the provision of services; or

C. has died; or

D. has refused to comply with any of the requirements of parts 3325.0120 to 3325.0470 or with any terms or conditions in the client's written plan; or

E. has refused to accept or use the rehabilitation services necessary to rehabilitate the client. Before terminating or refusing to provide services based on this condition, the client's rehabilitation counselor shall explain to the client the purpose of the program and the services to be provided and shall encourage the client's participation.

Subp. 2. **Conditions for terminating the provision of services to rehabilitated clients.** SSB shall terminate services being provided to an independent living client due to rehabilitation of the client if the client has achieved the intermediate rehabilitation objectives and rehabilitation goal identified in the client's written plan and if the client:

A. has moved to a less restrictive living situation; or

B. needs less personal assistance in one or more of the following areas:

- (1) personal hygiene and grooming;
- (2) eating and meal preparation for oneself;
- (3) communicating; or
- (4) traveling.

Subp. 3. **Consultation prior to termination.** If SSB expects to terminate services a client is receiving under a written plan for any reason, SSB must, before termination, offer the client an opportunity to discuss the anticipated termination in accordance with the Code of Federal Regulations, title 34, section 365.36(d)(1).

Subp. 4. **Notice of termination and amendment to written plan.** If a client's services are to be terminated for reasons other than successful rehabilitation under subpart 2, SSB shall notify the client and amend the client's written plan to reflect the termination. The notice and amendment must contain a summary or description of the information or circumstances upon which the termination decision was based and a summary of the client's appeal rights under parts 3325.0480 and 3325.0490. If the termination decision was based on the client's refusal to accept or use necessary services provided by SSB, the amendment must include a description of the efforts made by SSB to encourage the client's participation in the rehabilitation process.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

#### **3325.0270 CASE RECORD.**

SSB shall maintain for each applicant and client a case record that contains the information required under the Code of Federal Regulations, title 34, section 365.35.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

### **SELF-CARE PROGRAM**

#### **3325.0280 CONDITIONS OF ELIGIBILITY.**

An applicant is eligible for rehabilitation services under the self-care program only if:

A. the applicant has a visual disability that limits the person's ability to perform self-care activities;

B. there is a reasonable expectation that providing the applicant with rehabilitation services available under part 3325.0320 is likely to improve the applicant's ability to perform self-care activities; and

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C. the applicant is age 55 or older.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

**3325.0290 PRELIMINARY EVALUATION.**

Subpart 1. **Purpose of evaluation.** SSB shall conduct a preliminary evaluation to determine whether an applicant is eligible for rehabilitation services under the self-care program.

Subp. 2. **Scope of evaluation.** Each eligibility determination must be based on the information specified in items A, B, and C.

A. A written report which documents the results of a medical eye or optometric examination of the applicant and which is signed by a physician or optometrist. The report contains sufficient information for eligibility purposes if, in conjunction with the report required under item B, it enables the applicant's rehabilitation counselor or the ophthalmologic consultant who reviews the report to determine whether the applicant is blind or has a visual disability as of the date of application.

B. A written report which documents the results of a general medical examination of the applicant and which is signed by a physician. The report contains sufficient information for eligibility purposes if it enables the applicant's rehabilitation counselor or the medical consultant who reviews the report to determine whether the applicant has any nonvisual disabilities as of the date of application which could limit the applicant's ability to make improvements in performing self-care activities.

C. Information needed to determine whether:

(1) the applicant's visual disability limits the applicant's ability to perform self-care activities;

(2) there is a reasonable expectation that providing rehabilitation services to the applicant is likely to improve the applicant's ability to perform self-care activities; and

(3) the applicant is age 55 or older.

Subp. 3. **Notice of eligibility.** After a rehabilitation counselor has determined that an applicant is eligible for rehabilitation services, the rehabilitation counselor shall inform the applicant of the eligibility determination. The notice must be given orally or in writing within ten working days after the determination is made.

Subp. 4. **Notice of ineligibility.** After a rehabilitation counselor has determined that an applicant is ineligible for rehabilitation services, the rehabilitation counselor shall inform the applicant in writing of the reasons for the determination and of the applicant's appeal rights under parts 3325.0480 and 3325.0490. The notice must be mailed or personally delivered by SSB within ten working days after the determination is made.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

**3325.0300 THOROUGH EVALUATION.**

Subpart 1. **Purpose of evaluation.** After a client is determined eligible for rehabilitation services under the self-care program and before formulating the client's written plan, the client and the client's rehabilitation counselor shall conduct a thorough evaluation to identify the rehabilitation goal the client will pursue and the services needed to achieve the goal.

Subp. 2. **Scope of evaluation.** The thorough evaluation of each self-care client must consist of a review by the client and the client's rehabilitation counselor of the following:

A. The client's nonvocational interests.

B. The client's beliefs and concerns regarding the client's blindness or visual disability and any information the client or rehabilitation counselor considers important in assessing the degree of counseling needed by the client to overcome any self-doubts caused by the client's blindness or visual disability.

C. The client's ability to travel independently and need for orientation and mobility services.

D. The client's communication skills and need for braille instruction and other communication skills training.

E. The client's self-care and homemaking skills and the need for rehabilitation teaching services.

F. The client's ability to use residual vision and the extent to which low vision services could be used by the client in helping the client perform self-care activities which the client and rehabilitation counselor expect will be involved in implementing the client's written plan.

G. Any other information needed to determine the client's rehabilitation goal and rehabilitation service needs.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784; L 2005 c 56 s 2*

### 3325.0310 INDIVIDUALIZED WRITTEN REHABILITATION PLAN.

Subpart 1. **Preparation of written plan.** After a thorough evaluation is completed, the client and the client's rehabilitation counselor shall jointly prepare an individualized written rehabilitation plan for the client. The client must be provided with a copy of the written plan.

Subp. 2. **Contents of written plan.** The written plan must contain the following information:

A. The rehabilitation goal which the rehabilitation counselor and client have agreed to pursue and the intermediate rehabilitation objectives necessary to attain the client's rehabilitation goal.

B. The specific rehabilitation services which the client must receive in order to achieve the client's intermediate rehabilitation objectives and rehabilitation goal.

C. The views of the client concerning the client's rehabilitation goal, intermediate rehabilitation objectives, and the services to be provided under the plan.

D. The identity of and means by which the client can contact organized support and advocacy groups of the blind or deaf-blind in Minnesota.

E. A summary of the client's appeal rights under parts 3325.0480 and 3325.0490.

Subp. 3. **Basis for contents of written plan.** The rehabilitation goal and services identified in a client's written plan must be based on and supported by information obtained in the client's preliminary and thorough evaluations and any subsequent information developed during the rehabilitation process in assessing the client's rehabilitation potential and service needs.

Subp. 4. **Assessment of progress under written plan.** The client and the client's rehabilitation counselor shall assess the client's progress under the written plan as frequently as necessary, but at least once a year. The client must be offered an opportunity to participate in the assessment which must consist of a review of information relevant to the client's progress toward the intermediate rehabilitation objectives and rehabilitation goal in the plan. If the client is enrolled in a training program at a rehabilitation facility, the assessment must include a review of written reports on the client's progress submitted to SSB by the rehabilitation facility as required under part 3325.0470. An in-person assessment is required if so requested by the client and if the client agrees to meet with the counselor



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at the appropriate SSB office or if an in-person assessment would not involve travel to a distant location by the counselor.

Subp. 5. **Amendment to written plan.** A client's written plan must be amended jointly by the client and the client's rehabilitation counselor at any time when necessary to reflect changes in the client's service needs, financial situation, health, intermediate rehabilitation objectives, or rehabilitation goal.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

**3325.0320 SCOPE OF SERVICES.**

SSB provides the following services to self-care clients subject to the conditions specified in part 3325.0420:

- A. adjustment to blindness services which consist of rehabilitation counseling, rehabilitation teaching services, and orientation and mobility services;
- B. advocacy services;
- C. communication center services;
- D. diagnostic evaluation services;
- E. interpreter services;
- F. low vision services;
- G. referral services;
- H. services to family members identified in part 3325.0110, subpart 72, items B, C, and E; and
- I. transportation services.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

**3325.0330 TERMINATION OF SERVICES.**

Subpart 1. **Conditions for refusing services to referrals, applicants, and unrehabilitated clients.** SSB may refuse to provide or terminate the provision of services to a referral, applicant, or unrehabilitated self-care client only if the referral, applicant, or client:

- A. does not satisfy the eligibility conditions of the program identified in part 3325.0280; or
- B. has left the state or been impossible to contact by telephone at work, at home, or at the person's last known place of employment and has not responded to correspondence requesting a response mailed to the person's last known address and containing a specific notification that the failure to respond within 15 days shall result in the refusal to provide or termination of the provision of services; or
- C. has died; or
- D. has refused to comply with any of the requirements of parts 3325.0120 to 3325.0470 or with any terms or conditions in the client's written plan; or
- E. has refused to accept or use the rehabilitation services necessary to rehabilitate the client. Before terminating or refusing to provide services based on this condition, the client's rehabilitation counselor shall explain to the client the purpose of the program and the services to be provided and shall encourage the client's participation.

Subp. 2. **Conditions for terminating the provision of services to rehabilitated clients.** SSB shall terminate services being provided to a self-care client due to rehabilitation of the client if the client has achieved the intermediate rehabilitation objectives and rehabilitation goal identified in the client's written plan and if the client:

- A. has moved to a less restrictive living situation; or

B. needs less personal assistance in one or more of the following areas:

- (1) personal hygiene and grooming;
- (2) eating and meal preparation for oneself;
- (3) communicating; or
- (4) traveling.

Subp. 3. **Notice of termination and amendment to written plan.** If a client's services are to be terminated for reasons other than successful rehabilitation under subpart 2, SSB shall notify the client and amend the client's written plan to reflect the termination. The amendment and notice must contain a summary or description of the information or circumstances upon which the termination decision was based and a summary of the client's appeal rights under parts 3325.0480 and 3325.0490. If the termination decision was based on the client's refusal to accept or use necessary services provided by SSB, the amendment must include a description of the efforts made by the rehabilitation counselor to encourage the client's participation in the rehabilitation process.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

#### **3325.0340 CASE RECORD.**

SSB shall maintain for each applicant and client a case record that contains all the information pertaining to the applicant or client that SSB has obtained or developed as a part of the rehabilitation process.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

### **CHILD REHABILITATION PROGRAM**

#### **3325.0350 CONDITIONS OF ELIGIBILITY.**

An applicant is eligible for rehabilitation services under the child rehabilitation program only if:

- A. the applicant has a visual disability that limits or is likely to limit the applicant's capacity for growth and development;
- B. there is a reasonable expectation that providing the applicant with rehabilitation services available under part 3325.0390 is likely to improve the applicant's capacity for growth and development; and
- C. the applicant is under age 21.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

#### **3325.0360 PRELIMINARY EVALUATION.**

Subpart 1. **Purpose of evaluation.** SSB shall conduct a preliminary evaluation to determine whether an applicant is eligible for rehabilitation services under the child rehabilitation program.

Subp. 2. **Scope of evaluation.** Each eligibility determination must be based on the information specified in items A, B, and C.

A. A written report which documents the results of a medical eye or optometric examination of the applicant and which is signed by a physician or optometrist. The report contains sufficient information for eligibility purposes if, in conjunction with the report required under item B, it enables the applicant's rehabilitation counselor or the ophthalmologic consultant who reviews the report to determine whether the applicant is blind or has a visual disability as of the date of application.

B. A written report which documents the results of a general medical examination of the applicant and which is signed by a physician. The report contains sufficient

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information for eligibility purposes if it enables the applicant's rehabilitation counselor or the medical consultant who reviews the report to determine whether the applicant has any nonvisual disabilities as of the date of application which could limit the applicant's ability to make improvements in growth and development.

C. Information regarding the applicant's educational background and other information needed to determine whether:

(1) the applicant has a visual disability that limits or is likely to limit the applicant's capacity for growth and development;

(2) there is a reasonable expectation that providing the applicant with rehabilitation services available under part 3325.0390 is likely to improve the applicant's capacity for growth and development; and

(3) the applicant is under age 21.

Subp. 3. **Notice of eligibility.** After a rehabilitation counselor has determined that an applicant is eligible for rehabilitation services, the rehabilitation counselor shall inform the applicant in writing of the eligibility determination. The notice must be mailed or personally delivered by SSB within ten working days after the determination is made.

Subp. 4. **Notice of ineligibility.** After a rehabilitation counselor has determined that an applicant is ineligible for rehabilitation services, the rehabilitation counselor shall inform the applicant in writing of the reasons for the determination and of the applicant's appeal rights under parts 3325.0480 and 3325.0490. The notice must be mailed or personally delivered within ten working days after the decision is made.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

**3325.0370 THOROUGH EVALUATION.**

Subpart 1. **Purpose of evaluation.** After a client is determined eligible for rehabilitation services under the child rehabilitation program and before formulating the client's written plan, the client and the client's rehabilitation counselor shall conduct a thorough evaluation to identify the rehabilitation goal the client will pursue and the services needed to achieve the goal.

Subp. 2. **Scope of evaluation.** The thorough evaluation of each child rehabilitation client must consist of a review by the client and the client's rehabilitation counselor of the following:

A. The client's level of education, relative performance in school, and major areas of educational emphasis.

B. The client's vocational and nonvocational interests.

C. The client's and the client's family's beliefs and concerns regarding the client's blindness or visual disability and any information the client or rehabilitation counselor considers important in assessing the degree of counseling needed by the client to overcome any self-doubts caused by the client's blindness or visual disability.

D. The client's ability to travel independently and need for orientation and mobility services.

E. The client's communication skills and need for braille instruction and other communication skills training.

F. The client's self-care and homemaking skills and the need for rehabilitation teaching services.

G. The client's ability to use residual vision and the extent to which low vision services could be used by the client in helping the client perform specific vocational, educational, or self-care activities which the client and rehabilitation counselor expect will be involved in implementing the client's written plan.

H. The reports obtained for the preliminary evaluation under part 3325.0360, subpart 2, and the results of any additional medical, optometric, or audiological examinations which the client's rehabilitation counselor, in consultation with the medical or ophthalmologic consultant, considers necessary to determine how and to what extent the client's visual disability can be corrected or minimized by restoration services.

I. Any other information needed to determine the client's rehabilitation goal and rehabilitation service needs.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784; L 2005 c 56 s 2*

### 3325.0380 INDIVIDUALIZED WRITTEN REHABILITATION PLAN.

Subpart 1. **Preparation of written plan.** After a thorough evaluation is completed, the client and the client's rehabilitation counselor shall jointly prepare an individualized written rehabilitation plan for the client. The written plan must be signed by the rehabilitation counselor and the client's legal representative. The client must be provided with a copy of the written plan.

Subp. 2. **Contents of written plan.** The written plan must contain the following information:

A. The rehabilitation goal which the rehabilitation counselor and client have agreed to pursue and the intermediate rehabilitation objectives necessary to attain the client's rehabilitation goal.

B. The specific rehabilitation services which the client must receive in order to achieve the client's intermediate rehabilitation objectives and rehabilitation goal.

C. The views of the client concerning the client's rehabilitation goal, intermediate rehabilitation objectives, and the services to be provided to the client.

D. The identity of and means by which the client can contact organized support and advocacy groups of the blind and deaf-blind in Minnesota.

E. A summary of the client's appeal rights under parts 3325.0480 and 3325.0490.

F. A summary of the relevant elements of the client's individualized educational program.

Subp. 3. **Basis for contents of written plan.** The rehabilitation goal and services identified in a client's written plan must be based on and supported by information obtained in the client's preliminary and thorough evaluations and subsequent information developed during the rehabilitation process in assessing the client's rehabilitation potential and service needs.

Subp. 4. **Assessment of progress under written plan.** The client and the client's rehabilitation counselor shall assess the client's progress under the written plan as frequently as necessary, but at least once a year. The client must be offered an opportunity to participate in the assessment which must consist of a review of information relevant to the client's progress toward the intermediate rehabilitation objectives and rehabilitation goal in the plan. If the client is enrolled in a primary or secondary school, the assessment must include a review of the client's most current official school transcript or grade reports and the most current individualized educational program. If the client is enrolled in a training program at a rehabilitation facility, the assessment must include a review of written reports on the client's progress submitted to SSB by the rehabilitation facility as required under part 3325.0470. An in-person assessment is required if so requested by the client and if the client agrees to meet with the counselor at the appropriate SSB office or if an in-person assessment would not involve travel to a distant location by the counselor.

Subp. 5. **Amendment to written plan.** A client's written plan may be amended jointly by the client and the client's rehabilitation counselor at any time to reflect changes in the client's service needs, financial situation, health, intermediate rehabilitation objectives, or

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rehabilitation goal. The amendment must be signed by the client's legal representative unless the amendment is a closure amendment under part 3325.0390, subpart 3.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

**3325.0390 SCOPE OF SERVICES.**

SSB provides the following services to child-status clients subject to the conditions specified in part 3325.0420:

- A. adjustment to blindness services which consist of rehabilitation counseling, rehabilitation teaching services, and orientation and mobility services;
- B. advocacy services, including nonfinancial assistance to clients in receiving age-appropriate exploration of vocational opportunities;
- C. communication center services;
- D. diagnostic evaluation services;
- E. low vision services;
- F. referral services;
- G. interpreter services;
- H. restoration services related to the correction or improvement of sight;
- I. services to family members identified in part 3325.0110, subpart 72, items B, C, and E; and
- J. telecommunications, sensory, and other technological aids and devices.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

**3325.0400 TERMINATION OF SERVICES.**

Subpart 1. **Conditions for refusing services to referrals, applicants, and unrehabilitated clients.** SSB may refuse to provide or terminate the provision of services to a referral, applicant, or unrehabilitated child rehabilitation client only if the referral, applicant, or client:

- A. does not satisfy the eligibility conditions of the program identified in part 3325.0350; or
- B. has left the state or been impossible to contact by telephone at home and has not responded to correspondence requesting a response mailed to the person's last known address and containing a specific notification that the failure to respond within 15 days shall result in the refusal to provide or termination of the provision of services; or
- C. has died; or
- D. has refused to comply with any of the requirements of parts 3325.0120 to 3325.0470 or with any terms or conditions in the client's written plan; or
- E. has refused to accept or use the rehabilitation services necessary to rehabilitate the client. Before terminating or refusing to provide services based on this condition, the client's rehabilitation counselor shall explain to the client the purpose of the program and the services to be provided and shall encourage the client's participation.

Subp. 2. **Conditions for terminating the provision of services to rehabilitated clients.** SSB shall terminate services being provided to a child rehabilitation client due to rehabilitation of the client if the client has achieved the intermediate rehabilitation objectives and rehabilitation goal identified in the client's written plan and displayed evidence of improved growth and development.

Subp. 3. **Notice of termination and amendment to written plan.** If a client's services are to be terminated for reasons other than successful rehabilitation under subpart 2, SSB shall notify the client and amend the client's written plan to reflect the termination.

The amendment and notice must contain a summary or description of the information or circumstances upon which the termination decision was based and a summary of the client's appeal rights under parts 3325.0480 and 3325.0490. If the termination decision was based on the client's refusal to accept or use necessary services provided by SSB, the amendment must include a description of the efforts made by the rehabilitation counselor to encourage the client's participation in the rehabilitation process.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

### **3325.0410 CASE RECORD.**

SSB shall maintain for each applicant and client a case record that contains all the information pertaining to the applicant or client that SSB has obtained or developed as a part of the rehabilitation process.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

## **PROGRAM ADMINISTRATION**

### **3325.0420 CONDITIONS OF SERVICE.**

Subpart 1. **Source of services.** Services provided by SSB may be provided directly to clients by SSB staff or purchased for clients from third parties such as physicians, optometrists, private businesses, state agencies, and rehabilitation facilities that meet the standards identified in part 3325.0470.

Subp. 2. **Conditions governing the provision of all rehabilitation services.** Subject to subparts 3 to 14, SSB shall ensure that each client receives only the available rehabilitation services necessary to enable the client to achieve the client's intermediate rehabilitation objectives and rehabilitation goal except:

A. SSB shall not provide a rehabilitation service, other than a diagnostic evaluation service, to a client unless the service is identified in a written plan; and

B. SSB shall not provide a rehabilitation service to a client if the client's school district is legally obligated to provide the service unless the school district's provision of the service would not meet the rehabilitation needs of the client as determined by SSB in which case SSB shall provide the service until the school district agrees to provide an adequate level of the service or is specifically ordered to do so in an administrative or judicial proceeding.

Subp. 3. **Communication center services.** SSB shall provide communication center services to a person, regardless of whether the person is a client, if the person provides SSB with written documentation signed by a physician, optometrist, or other "competent authority" as defined in the Code of Federal Regulations, title 36, section 701.10(b)(2), stating that the person has a physical disability that prevents the person from reading standard printed material.

Subp. 4. **Interpreter services.** Items A and B govern the provision of interpreter services.

A. SSB may provide interpreter services to a client only if the client is diagnosed as deaf by an audiologist or a physician skilled in diseases of the ear.

B. Interpreter services may be provided only for communication needs that result from implementing the client's written plan.

Subp. 5. **Low vision services.** Items A to C govern the provision of low vision services.

A. Low vision aids requiring prescription must be prescribed by a low vision clinician. Low vision aids which do not require prescription may be provided directly by a low vision specialist or clinician.

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B. The provision of vision aids must be followed by training in the use of such aids by a low vision specialist or low vision clinician.

C. SSB shall not provide low vision services to a client who is or is likely to become legally blind in place of instruction in the use of alternative techniques necessary for achievement of the client's rehabilitation goal.

Subp. 6. **Maintenance.** Maintenance may be provided to a client only in the minimum amount necessary to meet the basic subsistence expenses which result from implementing the client's written plan. The amount of maintenance and the specific expenses for which the maintenance will be provided must be documented in the client's written plan.

Subp. 7. **Note-taking services.** Items A and B govern the provision of note taking services.

A. Note taking services may be provided to a client only if the client has a medical condition other than blindness which renders the client unable to use braille or other means to record information for later use.

B. Note taking services may only be provided for note taking needs that result from implementing the client's written plan.

Subp. 8. **Orientation and mobility services.** Items A to C govern the provision of orientation and mobility services.

A. SSB shall provide outdoor cane travel instruction to a client unless:

(1) the client is not expected to travel alone outside the client's residence because of one or more severe nonvisual disabilities; or

(2) the client and an orientation and mobility specialist or a person described in item B determine that the client can travel safely and independently outside the client's residence without receiving outdoor cane travel instruction.

B. Travel techniques for purposes of outdoor travel must be taught by an orientation and mobility specialist or a person who has demonstrated a mastery of the travel techniques used by blind persons and the ability to safely and effectively teach these techniques to others. The director shall determine whether a person is qualified in these areas by considering all of the following factors:

(1) the person's education;

(2) the person's prior experience in rehabilitation; and

(3) any performance evaluations or written tests of the person's skills in these areas that the director may require.

C. Orientation and mobility training of a client must give the client an opportunity to travel without the instructor and on increasingly difficult routes to help the client develop confidence in the client's ability to travel independently. Orientation and mobility training of legally blind clients who have some remaining vision must include the use of sleepshades unless an orientation and mobility specialist or a person described in item B determines that because of age or one or more nonvisual disabilities the use of sleepshades would be unsafe.

Subp. 9. **Post employment services.** Items A and B govern the provision of post employment services.

A. SSB may provide post employment services as needed to keep a client employed only if:

(1) the client has been determined to be rehabilitated under part 3325.0190, subpart 2, item A; and

(2) the client's service needs do not require a complex or comprehensive rehabilitation effort.

B. Post employment services must not consist of supportive services such as transportation or maintenance unless the supportive services are provided in conjunction with nonsupportive services such as training.

Subp. 10. **Reader services.** Items A and B govern the provision of reader services.

A. SSB may provide reader services to a client only if:

(1) the reading requirements result from implementation of the client's written plan; and

(2) the material to be read is not available in braille or audio recording in time to meet an immediate need in the rehabilitation process which, if not met, would impede the client's rehabilitation progress.

B. A client receiving reader services must, each month, submit to SSB an invoice indicating the hours of reader services received.

Subp. 11. **Rehabilitation teaching services.** Items A to C govern the provision of rehabilitation teaching services.

A. SSB shall provide a client with instruction in braille unless the client can read print with enough proficiency to successfully complete the client's written plan or unless the client has a medical condition which prevents the client from reading braille.

B. Braille instruction must be provided by a rehabilitation teacher or a person who has demonstrated a mastery of grade 2 braille and the ability to teach grade 2 braille to blind persons. The director shall determine whether a person is qualified in these areas by considering all of the following factors:

(1) the person's education;

(2) the person's prior experience in rehabilitation; and

(3) any performance evaluations or written tests of the person's skills in these areas that the director may require.

C. Rehabilitation teaching services other than braille instruction must be provided by a rehabilitation teacher or a person who has demonstrated a mastery of alternative techniques other than braille or outdoor cane travel and the ability to teach alternative techniques to blind persons. The director shall determine whether a person is qualified in these areas by considering all of the following factors:

(1) the person's education;

(2) the person's prior experience in rehabilitation; and

(3) any performance evaluations or written tests of the person's skills in these areas that the director may require.

Subp. 12. **Restoration services.** Items A to D govern the provision of restoration services.

A. SSB may provide a restoration service to a client only if:

(1) the client's condition for which the restoration service is needed is stable or slowly progressive, or is an acute or chronic medical complication or emergency arising from or associated with the provision of restoration services;

(2) the client's condition constitutes, contributes to, or, if not corrected, is likely to constitute or contribute to a substantial handicap to employment; and

(3) the client's condition can be corrected or substantially modified within a reasonable period of time.

B. SSB may purchase restoration services only from physicians, optometrists, or other health professionals licensed under Minnesota Statutes, chapter 147 or 148.

C. SSB shall not pay for experimental medical supplies or procedures. Experimental supplies or procedures means:

(1) health services which have progressed to limited human application and trial but which lack wide recognition as proven and effective procedures in clinical medicine as determined by the National Blue Cross and Blue Shield Association Medical Advisory Committee; and



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(2) drugs or devices that the United States Food and Drug Administration has not yet declared safe and effective for the use prescribed.

D. SSB shall pay for restoration services in accordance with the rates established by the United States Department of Health and Human Services for Medicare.

Subp. 13. **Transportation services.** Items A to C govern the provision of transportation services.

A. SSB may provide transportation services only for transportation requirements that result from implementing the client's written plan.

B. SSB shall provide the least expensive mode of transportation that serves the client's rehabilitation needs and accommodates any nonvisual disability related limitations the client may have. When a private automobile or van is the mode of transportation identified in the client's written plan, SSB shall pay parking fees and mileage at the rate established for state of Minnesota employees in the current managerial plan published by the Minnesota Department of Management and Budget. This document is incorporated by reference and is not subject to frequent change. It is available for inspection at the Minnesota State Law Library.

C. SSB shall pay for the transportation of an escort to accompany the client while traveling only if the client cannot yet travel safely without the assistance of an escort.

Subp. 14. **Vocational training services.** SSB may provide tuition and supplies to a client for training at an institution of higher learning only if there is evidence that the client is capable of completing the required coursework or degree program. Tuition paid by SSB for training at a private or non-Minnesota institution of higher learning must not exceed the tuition charged by Minnesota public colleges, universities, or technical colleges unless the necessary training is not available at a public Minnesota institution. When a client attends a non-Minnesota institution, SSB shall not pay more for maintenance and transportation than SSB would otherwise be required to pay in covering these costs for the client's attendance at an institution located in Minnesota unless the necessary training is not available at a Minnesota institution.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784; L 1987 c 258 s 12; L 1989 c 246 s 2; L 2008 c 204 s 42; L 2009 c 101 art 2 s 109*

**3325.0430 SIMILAR BENEFITS.**

Subpart 1. **Scope.** Similar benefits which would contribute toward and not interfere with a client's rehabilitation must be used if available to a client or members of a client's family for all rehabilitation services identified in the client's written plan except:

- A. diagnostic evaluation services provided for the purpose of determining vocational rehabilitation potential unless provided as part of an extended evaluation;
- B. rehabilitation counseling;
- C. referral services;
- D. vocational training services other than tuition and materials for training at institutions of higher learning;
- E. job placement services; or
- F. postemployment services consisting of the services identified in this subpart.

Subp. 2. **Client responsibilities.** A client shall, with the assistance of the client's rehabilitation counselor, participate in the search for and use of similar benefits as follows:

- A. Before receiving restoration services other than nonprescription low vision aids, a client shall file a claim or application for coverage with the client's health insurer, if any. If the client has no health insurance or if the restoration services provided are not covered by the client's health insurance, the client shall apply to a local human services agency for medical assistance under Minnesota Statutes, chapter 256B.

B. Before receiving any rehabilitation service other than those identified in subpart 1, items A to F, a client shall apply or provide evidence of having already applied for any state or federal assistance program for which the client's rehabilitation counselor determines the client may be eligible.

C. Before receiving vocational training services in an institution of higher learning, a client shall apply for educational grants sufficient to cover the costs of tuition, supplies, and living expenses.

D. The application for or use of similar benefits for restoration services or maintenance shall not be required if the application or use would significantly delay the provision of these services to the detriment of the client.

Subp. 3. **Relation to financial need eligibility.** The extent to which similar benefits are available to a client must be determined before determining the degree of financial participation required under part 3325.0440.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

### 3325.0440 FINANCIAL PARTICIPATION BY CLIENTS.

Subpart 1. **Services exempted from financial participation.** Regardless of a client's income, SSB shall not require client financial participation for the following services:

- A. diagnostic evaluation services except those services provided under an extended evaluation which are not diagnostic in nature;
- B. rehabilitation counseling and other adjustment to blindness services;
- C. job placement services;
- D. referral services;
- E. interpreter and note-taking services for the deaf-blind;
- F. low vision services, including closed circuit televisions, up to a cumulative value of \$500;
- G. communication center services;
- H. maintenance or transportation services needed by a client to obtain adjustment to blindness services;
- I. reader services;
- J. telecommunications, sensory, and other technological aids and devices, other than those which can be classified as low vision aids, up to a cumulative value of \$3,000; and
- K. postemployment services consisting of the services identified in this subpart.

Subp. 2. **Services subject to financial participation.** An applicant or client may be required to participate in paying the cost of all rehabilitation services not exempted from financial participation under subpart 1.

Subp. 3. **Basis for determining the degree of financial participation required.** The degree of financial participation required of a client is determined on the basis of the client's monthly and annual family income in relation to the most recent estimate of Minnesota median income levels as adjusted for family size using the adjustment methodology specified in the Code of Federal Regulations, title 45, section 96.85. This estimate is published annually by the United States Department of Health and Human Services in the Federal Register. The applicable sections of the Federal Register are incorporated by reference.

Subp. 4. **No required financial participation.** A client whose monthly family income is equal to or less than the state median monthly income as adjusted for family size is not required to pay any portion of the cost of the rehabilitation services which the client receives.

Subp. 5. **Financial participation required.** A client whose monthly family income is more than the state median monthly income as adjusted for family size shall pay for rehabilitation services provided under the client's written plan an amount equal to the percentage by which the client's family income exceeds the adjusted median income. Example: If a client's monthly family income exceeds the state median monthly income adjusted for the client's family size by ten percent, the client shall pay ten percent of the cost of rehabilitation services provided under the client's written plan; SSB would pay 90 percent.

Subp. 6. **Limitation on financial participation.** Financial participation by a client in any month shall not exceed ten percent of the client's monthly family income as most recently determined by SSB or the difference between the client's monthly family income and the state median monthly income adjusted for the client's family size whichever is less.

Subp. 7. **Variance.** A client who is unable to pay for rehabilitation services to the extent required by subparts 4 and 5 because of unusual financial circumstances may apply to the director for a variance in the determination of the client's financial need as follows:

A. A request for a variance must be submitted in writing by the client or the client's legal representative. The request must provide the director with evidence describing the client's unusual financial situation. If additional information is required by the director to determine eligibility for a variance, SSB shall, within 15 days after receiving the written request, inform the client in writing of the specific additional information required.

B. The director shall determine whether the client is eligible for a variance and notify the client of the determination in writing within 30 days after the director receives all the information required under item A. The written notification must:

- (1) specify whether the client is eligible for a variance;
- (2) indicate the reasons for the determination;
- (3) specify the amount of the variance, if any;
- (4) inform the client of review and appeal rights under parts 3325.0480 and 3325.0490; and
- (5) be signed and dated by the director.

C. The director shall grant a variance only if the client demonstrates that it would be impossible for the client to make the cost contributions required under subparts 5 and 6 without using the client's savings because of:

- (1) court ordered financial obligations of the client;
- (2) legal financial obligations incurred by the client prior to being found eligible to receive rehabilitation services from SSB; or
- (3) extraordinary expenditures for necessities such as food, shelter, clothing, or medical care the client is required to make because of illness or disability.

D. The director shall determine the amount of a client's variance by:

- (1) calculating the sum of the client's financial obligations and extraordinary expenditures identified in item C which make it impossible for the client to make the cost contributions required under subparts 5 and 6; and
- (2) subtracting that sum from the financial participation amount the client would have to pay without the variance.

E. A client who receives a variance shall immediately notify the director in writing if the client's financial situation improves.

F. The director may review the financial situation of a client who receives a variance at any time to determine whether the client's financial situation continues to justify the variance.

Subp. 8. **Income verification.** If a client's written plan includes or is expected to include rehabilitation services other than those identified in subpart 1, the client must provide

SSB with written verification or a signed written statement of the client's current monthly family income and sources of income.

Subp. 9. **Annual redetermination.** SSB shall redetermine at least annually, the financial need of each client and of each former client who is still making lease payments on equipment under part 3325.0460.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

### 3325.0450 RECOVERY OF MONETARY ASSISTANCE OVERPAYMENTS.

Subpart 1. **Written notification.** SSB shall notify a client in writing as soon as possible after discovering that the client has received monetary assistance from SSB in excess of that to which the client is entitled under parts 3325.0100 to 3325.0490. The written notification must:

- A. specify the dates and amounts of incorrect payments;
- B. indicate SSB's basis for determining that the payments were incorrect;
- C. inform the client of appeal rights under parts 3325.0480 and 3325.0490;
- D. indicate whether SSB intends to refer the case to the attorney general to investigate the possibility of fraud; and
- E. be signed and dated by the client's rehabilitation counselor.

Subp. 2. **Repayments.** Overpayments of maintenance benefits or other monetary assistance caused by client or SSB error or by a client's inability or refusal to continue implementing a written plan must be repaid by the client in a lump sum or in monthly payments of not less than ten percent of the incorrect payment or five percent of the client's monthly family income, whichever is less. If the client does not repay erroneous overpayments in accordance with this subpart, SSB may exercise its recoupment rights under Minnesota Statutes, section 248.091, subdivision 1.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

### 3325.0460 PROVISION AND RECOVERY OF EQUIPMENT.

Subpart 1. **Scope.** For purposes of this part, the term "equipment" includes occupational equipment, occupational tools, and telecommunications, sensory, and other technological aids and devices provided to a client by SSB as part of the client's written plan.

Subp. 2. **Written lease agreement.** Prior to receiving any item of equipment costing \$300 or more, a client shall sign a written lease agreement which indicates the duration of the lease, the financial obligations of the client under subpart 3, if any, and the terms for renewal. The duration of the lease must not exceed one year.

Subp. 3. **Lease payments.** Clients shall pay monthly lease charges on all equipment items leased under this part that are subject to client financial participation under part 3325.0440. The maximum monthly lease charge must be equal to the purchase price of the equipment and handling costs incurred by SSB divided by 60. A client shall pay a percentage of the monthly lease charge equal to the percentage by which the client's monthly family income exceeds the adjusted median income estimate referred to in part 3325.0440, subpart 3, unless the client elects to pay more. SSB shall not require lease payments in amounts that would cause a client's monthly financial participation to exceed the limits established in parts 3325.0440, subpart 6.

Subp. 4. **Lease renewal.** Unless the equipment is subject to transfer of title under subpart 5, SSB shall renew the lease to the equipment upon expiration of the lease if the client still wants and needs the equipment to achieve or maintain the client's rehabilitation goal. Renewal of the lease requires the signature of the client and SSB.

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Subp. 5. **Total client financial obligation.** A client or former client shall continue making lease payments until the client or former client has paid the portion of the total purchase and handling cost of the equipment that the client is required to pay under part 3325.0440, subpart 5.

Subp. 6. **Transfer of title.** SSB shall transfer legal title of equipment leased under this part to a client or former client if the following conditions are satisfied:

A. five calendar years have elapsed since the client or former client signed the lease under subpart 2;

B. the client or former client has met the financial obligations under part 3325.0440;

C. the client or former client continues to want and need the equipment for employment; and

D. the client or former client has not requested or received a lease extension under subpart 7.

Subp. 7. **Lease extension in lieu of transfer.** When the conditions of subpart 6, items A, B, and C are satisfied, a client or former client may request an extension of a lease in which case SSB shall extend the lease unless SSB does not have the means and resources to provide maintenance for the equipment. If the lease is extended under this subpart, the client or former client shall pay a monthly charge equal to the estimated maintenance costs for the type of equipment being leased.

Subp. 8. **Maintenance responsibility.** SSB shall be responsible for regular maintenance and repair of equipment leased under this part unless title to the equipment has been transferred to the client or other party under subpart 6.

Subp. 9. **Employer responsibility.** SSB shall not provide an employed client with equipment that the client's employer normally provides to employees. If the equipment is not normally provided by the employer, SSB shall ask the client's employer to pay all or a portion of the cost of equipment needed by the client. SSB and the client shall contribute toward the cost of equipment only to the extent the client's employer refuses to contribute.

Subp. 10. **Recovery of equipment.** A client shall return leased equipment to SSB if:

A. the client fails to make the lease payments required under subpart 3;

B. the client's lease to the equipment has expired and the conditions of subpart 4 or 6 have not been satisfied; or

C. the conditions of subpart 3 and subpart 4 or 6 have been met but the client has refused to execute a renewal of the expired lease as required under subpart 4 or has refused to sign the documents necessary to facilitate a transfer of title under subpart 6.

If the client fails to return the equipment as required under this subpart, SSB may recover the equipment or the reasonable value of the equipment under Minnesota Statutes, section 248.091, subdivision 2.

Subp. 11. **Abuse or neglect of equipment.** SSB shall not provide additional equipment to a client if the client has a history of abuse or neglect with respect to equipment previously provided to the client by SSB. History of abuse or neglect means that on two or more occasions equipment provided to a client has sustained, by reason of acts or omissions of the client, damage beyond that which would result from normal use.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

**3325.0470 STANDARDS FOR REHABILITATION FACILITIES.**

Subpart 1. **Written operating agreement.** SSB shall execute written operating agreements with each rehabilitation facility from which SSB purchases rehabilitation services for clients unless the facility has a current operating agreement with the department or the rehabilitation agency of another state. The agreement must be signed by the director of the

facility and the director of SSB and must contain, at a minimum, assurances that the facility will comply with the standards established in subparts 2 to 8. No rehabilitation facility may be reimbursed for services purchased by SSB unless the facility meets the standards established in subparts 2 to 8.

Subp. 2. **Applicable state and federal laws.** Rehabilitation facilities must comply with all applicable state and federal laws.

Subp. 3. **Representation and employment of the blind.** The governing bodies of rehabilitation facilities for the blind and visually disabled must include blind or visually disabled persons. Facilities shall make and document affirmative attempts to employ blind persons at all levels of employment.

Subp. 4. **Evaluation of facility effectiveness.** Facilities must have systematic procedures for evaluating program effectiveness. Facility staff shall periodically review aggregate data on the progress and outcome of clients served. The results of effectiveness evaluations must be available to the governing body of the facility, facility staff, SSB, and the public.

Subp. 5. **Protection of client records.** Access to a client's records must be managed in accordance with the Minnesota Data Practices Act and applicable federal laws. Client records must be stored under lock with reasonable protection against fire, water damage, and other hazards.

Subp. 6. **Curriculum for adjustment to blindness services.** Facilities for the blind and visually disabled must have educational curriculums for the provision of adjustment to blindness services which comply with the requirements of items A to E.

A. The curriculum must include a class designed to help clients develop a positive attitude toward blindness. If the facility serves deaf-blind clients, the facility's curriculum must include a class or session designed to develop a positive attitude about being both blind and deaf.

B. Low vision and adjustment to blindness services must be provided in accordance with the requirements established in part 3325.0420, subparts 5, 8, and 11.

C. Consistent with a client's written plan, all clients must be provided with the opportunity to engage in a wide range of activities for the purpose of building self-confidence and overcoming doubts and fears concerning what blind persons can do.

D. During training, all clients must be provided with the opportunity to interact with employed or otherwise independent blind persons who are not in need of rehabilitation services.

E. The curriculum must include a requirement that clients use the alternative technique skills they are learning outside the facility and manage their own lives in areas of cooking, shopping, financial matters, housekeeping, and upkeep of clothing.

Subp. 7. **Progress reports.** Facilities must provide SSB with written reports each month concerning the progress of clients in the development of self-confidence and performance of self-care activities.

Subp. 8. **Location of rehabilitation facilities.** SSB shall not purchase services from a facility located outside the state of Minnesota unless:

A. the client needs rehabilitation services which are not available at rehabilitation facilities within Minnesota;

B. the client's residence is geographically closer to a facility outside Minnesota than it is to any facility within Minnesota; or

C. the client expressly indicates that adjustment to blindness training is wanted at a facility outside the state. If a client obtains training at a non-Minnesota facility under this item, SSB shall not pay more for the client's training, maintenance, and transportation

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than it would otherwise pay for the client's training, maintenance, and transportation at the facility located in Minnesota which would be the least costly for the client to attend.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784; L 2005 c 56 s 2*

**3325.0480 ADMINISTRATIVE REVIEW.**

Subpart 1. **Request for review.** An applicant or client may make a written request to the director for a review and redetermination of any action taken by SSB regarding the provision or denial of rehabilitation services. To preserve the applicant's or client's right to appeal, the request must be received by the director no more than 30 days after the applicant or client is notified of the action for which the review is requested. If the disputed SSB action is a proposed change in a client's written plan, the change must be delayed for 30 days beyond the effective date of the proposed change if the client's review request is received by the director prior to the effective date of the proposed change. The request for review must state:

- A. the specific SSB action which the appellant wants reviewed;
- B. the reasons for the appellant's dissatisfaction with the action;
- C. the appellant's recommendation as to the action SSB should take in lieu of the action to be reviewed; and
- D. whether the appellant desires a conference to discuss the action to be reviewed.

Subp. 2. **Review and redetermination.** Review and redetermination under this part must be conducted by supervisory staff not involved in the original decision or action which caused the appellant to ask for a review. Supervisory staff conducting the review shall consider all written and oral evidence and argument presented from the time the request for review is received until the final decision is made. The final decision must be made by the reviewing supervisory staff within 30 days after the director receives the appellant's request for review unless agreed otherwise by the appellant and reviewing supervisory staff.

Subp. 3. **Review conference.** A review conference may be requested by the appellant or supervisory staff conducting the review. If a review conference is requested within five days after the director receives the administrative review request under subpart 1, a review conference must be held. The conference must be held within 15 days after the conference is requested. The supervisory staff conducting the review shall convene the conference at SSB during regular SSB working hours unless an alternative date, time, or place is agreed upon by the supervisor and appellant. When a time and place for the conference is set, the supervisor conducting the review shall notify the appellant of the time and place at least ten days before the conference. At a minimum, the supervisor conducting the review, the appellant, and appropriate SSB staff shall participate in the conference. The appellant must be present at the conference but may be represented and may bring witnesses to speak on the appellant's behalf. If the appellant is handicapped in communication, then SSB shall appoint an interpreter, consistent with Minnesota Statutes, sections 546.42 to 546.44.

Subp. 4. **Written notice of decision.** The supervisory staff conducting the review shall notify the appellant in writing of the review decision. The notice must contain a summary of the nature and basis of the decision and the appellant's appeal rights under part 3325.0490.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*

**3325.0490 EVIDENTIARY HEARING.**

Subpart 1. **Written request for hearing.** An applicant or client who is dissatisfied with the results of the administrative review under part 3325.0480, subpart 2, may request a hearing by submitting a written request for a hearing to SSB within 15 days after receiving the written notice of the administrative review decision under part 3325.0480, subpart 4. SSB shall file the request for assignment of an administrative law judge as required under

part 1400.5300 within ten working days of the date the appellant's written request for a hearing is received.

Subp. 2. **Conduct of hearing.** If a hearing is requested under subpart 1, the hearing must be initiated and conducted in accordance with Minnesota Statutes, sections 14.57 to 14.62 and parts 1400.5100 to 1400.8400.

Subp. 3. **Decision and notice.** The director shall make the final decision after the hearing in accordance with Minnesota Statutes, sections 14.61 and 14.62 and shall not delegate the responsibility for making the final decision to any other person. The director shall notify the appellant of the decision in accordance with Minnesota Statutes, section 14.62. The notice shall inform the appellant of the appellant's right to judicial review or federal agency review of the director's decision.

**Statutory Authority:** *MS s 248.07*

**History:** *11 SR 1784*