

3325.0440 FINANCIAL PARTICIPATION BY ELIGIBLE INDIVIDUALS IN THE VOCATIONAL REHABILITATION PROGRAM.

Subpart 1. **Services exempted from financial participation.** Regardless of an eligible individual's family income, SSB must not require eligible individual financial participation for the following services:

- A. diagnostic assessment services except those services provided under an extended evaluation or trial work experience that are not diagnostic in nature;
- B. vocational rehabilitation counseling and other adjustment to blindness services;
- C. job-related services;
- D. referral services;
- E. interpreter and note-taking services;
- 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 an eligible individual to obtain adjustment to blindness services;
- I. reader services;
- J. rehabilitation technology, other than technology 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.** Based on an eligible individual's family income, an eligible individual 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 an eligible individual is determined on the basis of the eligible individual'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.** The following eligible individuals are exempt from financial participation:

A. an eligible individual whose monthly family income is equal to or less than the state median monthly income as adjusted for family size;

B. an eligible individual who has been determined eligible for Social Security benefits based on the individual's own disability under Title II or XVI of the Social Security Act consistent with Code of Federal Regulations, title 34, section 361.54 (b)(3)(ii); or

C. an eligible individual who had been determined eligible for an individual or family means-tested public assistance program of the Department of Human Services.

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

Subp. 6. [Repealed, 36 SR 33]

Subp. 7. **Variance.** An eligible individual who is unable to pay for rehabilitation services to the extent required by subparts 4 and 5 because of unusual financial circumstances in relation to family income may apply to the director for a variance in the determination of the eligible individual's required financial participation as follows:

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

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

- (1) specify whether the eligible individual is eligible for a variance;
- (2) indicate the reasons for the determination;
- (3) specify the amount of the variance, if any;

(4) inform the eligible individual of review and appeal rights under part 3325.0478; and

(5) be signed and dated by the director.

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

(1) court ordered financial obligations of the eligible individual;

(2) legal financial obligations incurred by the eligible individual 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 eligible individual is required to make because of illness or disability.

D. The director must determine the amount of an eligible individual's variance by:

(1) calculating the sum of the eligible individual's financial obligations and extraordinary expenditures identified in item C which make it impossible for the eligible individual to make the cost contributions required under subparts 5 and 6; and

(2) subtracting that sum from the financial participation amount the eligible individual would have to pay without the variance.

E. An eligible individual who receives a variance must immediately notify the director in writing if the eligible individual's financial situation improves.

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

Subp. 8. **Income verification.** If an eligible individual's employment plan includes or is expected to include rehabilitation services other than those identified in subpart 1, the eligible individual must provide SSB with written verification of the eligible individual's most recent annual family income and sources of income.

Subp. 9. **Annual redetermination.** SSB must redetermine at least annually, the financial need of each eligible individual.

Subp. 10. **One source payments; conditions and reimbursement.** If purchasing services for an eligible individual who is subject to financial participation from a vendor that requires payment from one source (e.g., any Visa purchase) SSB must authorize for the full amount after first receiving the eligible individual's required financial participation.

Statutory Authority: *MS s 248.07*

History: *11 SR 1784; 36 SR 33; 39 SR 513*

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