

CHAPTER 248

BLIND; EDUCATION, REHABILITATION

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248.011 REPORTING OF NEWLY BLINDED INDIVIDUAL.

Subdivision 1. Duty to report. Whenever an ophthalmologist or optometrist makes an initial diagnosis of legal blindness as defined in section 256D.35, subdivision 4a, the ophthalmologist or optometrist shall advise the client that services are available through Minnesota state services for the blind. After obtaining client consent, the ophthalmologist or optometrist shall report the name of the legally blind client to Minnesota state services for the blind. The report must be filed with Minnesota state services for the blind within 30 days following a diagnosis of legal blindness after obtaining client consent.

Subd. 2. Duties of Minnesota state services for the blind. Upon receipt of the name of a legally blind individual, Minnesota state services for the blind shall contact the newly blind individual within 30 days and provide a complete summary of available services to the blind individual, in media accessible to the individual.

History: 1995 c 82 s 1

248.07 COMMISSIONER OF ECONOMIC SECURITY, DUTIES.

Subdivision 1. Cooperation. It shall be the duty of the commissioner of economic security, referred to in this section and sections 248.10 and 248.11 as the commissioner, to develop and administer programs serving the needs of blind and visually disabled persons and to cooperate with state and local boards and agencies both public and private. The commissioner shall create a division that is a distinct organizational unit to be known as state services for the blind, separate from the vocational rehabilitation unit and with its own activity budget, within the department of economic security to provide and coordinate services to the blind.

Subd. 2. Statistics. The commissioner shall collect statistics concerning blind persons including medical ophthalmological data, causes of blindness, opportunities for education, rehabilitation, training for employment, and any other information necessary to carry out the commissioner's duties and responsibilities with respect to blind and visually disabled persons.

Subd. 3. Special attention. The commissioner shall give special attention to the cases of disabled youth who are eligible to attend the Minnesota state academy for the blind, the Minnesota state academy for the deaf, or the public school classes for disabled children, but are not in attendance there, or are not receiving adequate instruction elsewhere. The commissioner shall report all such cases to the school district of the individual's residence and to the state board of education.

Subd. 4. Vocational training. The commissioner shall either provide or assist blind and visually disabled persons in obtaining vocational training and employment and shall aid such persons in obtaining services and benefits to which they may be entitled from public and private agencies. Any person who shall be entitled to training under this subdivision shall have the right to choose from available programs such training as in the opinion of the person would be suitable and practical in accordance with rules adopted by the commissioner under subdivision 14a.

Subd. 5. Aids. The commissioner shall further be empowered to aid persons who are blind or visually disabled: (1) by home instruction and training; (2) by assisting them in securing tools, appliances, and supplies; (3) by any other practicable means of improving their social, economic, or educational condition; (4) by providing to eligible persons, or purchasing for sale at cost plus handling charges, special materials and supplies needed by blind or visually disabled persons that are difficult to obtain elsewhere; and (5) by promoting literacy and access to print materials through production for blind or visually disabled persons or oth-

ers of alternative reading formats such as Braille, audio tapes, radio signals, newspaper reading services, and other services originating from the division's communication center. Equipment may be leased or sold under written rehabilitation plans at cost plus handling charges to persons who wish to lease or purchase them. Receipts under this subdivision, as well as gifts to aid the blind, are subject to section 268.0121, subdivision 5.

[For text of subds 7 to 12, see M.S.1994]

Subd. 13. Community rehabilitation programs. From the funds appropriated for vocational rehabilitation of the blind and matching federal funds available for the purpose, the commissioner may make grants, upon such terms as the commissioner may determine, to public or nonprofit organizations for the establishment, maintenance or improvement of community rehabilitation programs.

[For text of subd 14, see M.S.1994]

Subd. 14a. Rules. The commissioner shall adopt rules to set standards for the provision of rehabilitative services to blind and visually disabled persons. The rules shall, at a minimum, contain program definitions and set standards for basic eligibility, including financial need eligibility and definitions of legal blindness.

The rules shall provide for the development of formal rehabilitation plans for eligible clients and shall govern the provision of direct rehabilitative services to clients, including placement in training programs, and providing tools and equipment. In addition, the rules shall set standards for appeals filed under subdivision 15 and include specific requirements for timely responses by the agency.

[For text of subd 15, see M.S.1994]

Subd. 16. Adjustment-to-blindness training. (a) The commissioner of economic security shall enter into contracts or agreements to provide comprehensive adjustment-to-blindness training services to blind and visually disabled persons. Services available must include, but not be limited to, instruction in Braille reading and writing, the use of the long white cane for independent travel, home management and self management, typing and computer technology, career exploration, and seminars on positive adjustment to blindness. In entering into contracts or agreements to provide adjustment-to-blindness services, the commissioner shall, when in the best interests of the client, utilize services available from qualified nonprofit agencies or organizations who:

(1) are administered by a governing board composed of a majority of individuals who are blind;

(2) substantially involve individuals who are blind in policy direction and management; and

(3) employ individuals who are blind at all levels of operation.

(b) This subdivision does not limit the commissioner's authority to enter into contracts or agreements for any service with other qualified agencies or organizations.

History: 1995 c 82 s 2-9

248.10 REHABILITATION ADVISORY COUNCIL FOR THE BLIND.

The commissioner shall establish a rehabilitation advisory council for the blind consistent with the federal Rehabilitation Act of 1973, Public Law Number 93-112, as amended. Advisory council members shall be compensated as provided in section 15.059, subdivision 3. Members of the council for the blind appointed before July 1, 1993, shall serve on the advisory council until the end of their appointed terms. The advisory council shall advise the commissioner about programs of the division of state services for the blind and visually disabled. The advisory council is limited to 15 members, a majority of whom must be blind or visually disabled.

History: 1995 c 82 s 10,16

248.11 RECOUPMENT OF SERVICES AND EQUIPMENT.

Subdivision 1. Erroneous payments. If a recipient receives monetary assistance as a rehabilitation service from services for the blind in excess of that to which the recipient is

entitled by law, state services for the blind shall, as soon as it discovers the amount of the erroneous payment, notify the recipient to return the same in accordance with rules adopted by the commissioner. Unless the recipient files an appeal under section 248.07, subdivision 15, within 15 days after the notice to return is personally delivered to the recipient or mailed to the recipient's last known address, the determination of overpayment shall be considered final. If the recipient files a timely appeal, the determination shall not be considered final until the recipient's administrative appeal remedies are exhausted. State services for the blind may recoup overpayments considered final under this subdivision by deducting the amount or a part of the overpayment from future monetary assistance payments to the recipient or by civil action in the name of the commissioner. Overpayments made more than three years prior to discovery of the error are not recoverable under this subdivision.

Subd. 2. Recovery of equipment. If a recipient retains equipment to which state services for the blind has title after the recipient's right to possess the equipment has expired, state services for the blind shall notify the recipient to return the same or execute a new lease to the equipment if the equipment is still necessary to the recipient's rehabilitation. Unless the recipient returns the equipment, executes and complies with a new lease to the equipment or appeals under section 248.07, subdivision 15, within 15 days after the notice to return is personally delivered to the recipient or mailed to the recipient's last known address, state services for the blind may institute a civil action to recover the equipment or the reasonable value of the equipment.

History: 1995 c 82 s 11