

Table of Contents

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - Rules of the Idaho Division of Vocational Rehabilitation

000. Legal Authority.	2
001. Title And Scope.	2
002. Written Interpretations.	2
003. Administrative Appeals.	2
004. Incorporation By Reference.	2
005. -- 009. (Reserved).	3
010. Definitions.	3
011. -- 099. (Reserved).	3
100. Client/Participant Appeals.	3
101. -- 199. (Reserved).	4
200. Order Of Selection.	4
201. -- 299. (Reserved).	4
300. Client/Participant Services.	4
301. -- 999. (Reserved).	5

**IDAPA 47
TITLE 01
CHAPTER 01**

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION

000. LEGAL AUTHORITY.

Section 33-2301, Idaho Code and the Rehabilitation Act of 1973 and all subsequent Amendments. (3-30-01)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 47.01.01, "Rules of the Idaho Division of Vocational Rehabilitation." (5-3-03)

02. Scope. The chapter has the following scope: To streamline the existing rules and to implement program changes necessitated by the 1998 Amendments of the Rehabilitation Act of 1973. (4-5-00)

002. WRITTEN INTERPRETATIONS.

Written interpretations to these rules in the form of the explanatory comments accompanying the notice of proposed rulemaking are available from the Idaho Division of Vocational Rehabilitation, 650 W. State Street, Boise, Idaho 83720. Other agency guidance documents, as well as agency policy statements or interpretations not rising to the legal effect of a rule, if any, are available for inspection and replication at the agency Central Office during regular business hours. (2-17-09)

003. ADMINISTRATIVE APPEALS.

Administrative appeals are governed by Section 100 of these rules in accordance with 34 CFR Part 361.57. (2-17-09)

004. INCORPORATION BY REFERENCE.

01. General. Unless provided otherwise, any reference in these rules to any document identified in Subsection 004 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term "documents" includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (3-30-01)

02. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules: (3-30-01)

a. All federal publications through the Rehabilitation Services Administration: <http://www.gpoaccess.gov/index.html>. (2-17-09)

b. Idaho Division of Vocational Rehabilitation Field Services Manual, 2008, available for review at <http://www.vr.idaho.gov/>. (2-17-09)

c. Federal State Plan for Vocational Rehabilitation 2008 - 2010, available for review at <http://www.vr.idaho.gov/>. (2-17-09)

d. Workforce Investment Act, Public Law 105-220. (5-3-03)

e. Federal Register, Department of Education, 34 CFR Part 361- 363. (2-17-09)

f. The Rehabilitation Act of 1973, as amended. (2-17-09)

03. Availability of Reference Material. Copies of the documents incorporated by reference into these rules are available at the Central Office, Idaho Division of Vocational Rehabilitation, 650 W. State Street, Room 150, Boise, Idaho 83720, (208) 334-3390 or through access to the internet URL addresses outlined in Subsection 004.03 below. (2-17-09)

005. -- 009. (RESERVED).

010. DEFINITIONS.

01. Authorization to Purchase. A purchase order issued on behalf of the Division. (5-3-03)

02. CFR. Code of Federal Regulations. (7-1-93)

03. Client/Participant. Any individual who has applied for or is eligible for Vocational Rehabilitation services. (5-3-03)

04. Designated State Agency. The Idaho State Board of Education. (5-3-03)

05. Designated State Unit. The Idaho Division of Vocational Rehabilitation. (7-1-93)

06. IDVR. The Idaho Division of Vocational Rehabilitation. (4-5-00)

07. IPE. Individualized Plan for Employment. (4-5-00)

08. Most Significant Disability (MSD). Meets the criteria as Significant Disability as found in the Rehabilitation Act of 1973, as amended, and defined in 34CFR Part 361.5 (b) 30 and is further defined as: (2-17-09)

a. Having a severe physical, mental, cognitive or sensory impairment which seriously limits two (2) or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an employment outcome; and (5-3-03)

b. Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time. (3-20-04)

09. Method of Written Notification. The written notification of findings and conclusions arising from an Informal Dispute Resolution, Mediation, Impartial Due Process Hearing, shall be served to the client via the U.S. Postal Service by means of certified mail. Durational requirements for appeals shall commence on the day received by the client as noted by the certified mail records. (5-3-03)

10. PM. Policy Memorandum. (5-3-03)

11. RSA. Rehabilitation Services Administration, U.S. Department of Education. (5-3-03)

12. State Administrator. The Chief Executive Officer of the Idaho Division of Vocational Rehabilitation. (4-5-00)

13. VRC. Vocational Rehabilitation Counselor. (5-3-03)

011. -- 099. (RESERVED).

100. CLIENT/PARTICIPANT APPEALS.

In accordance with 34 CFR Part 361.57, the client/participant appeals process is governed by Section 100 of these rules and is outlined in the Division's agency Field Services Manual that is incorporated by reference into these rules in Subsection 004.01.b. (See <http://www.vr.idaho.gov/>). (2-17-09)

01. Informal Dispute Resolution. Within ten (10) calendar days of notification of the contested action, lack of action or decision, the client/participant may request that an Informal Dispute Resolution be held. The

request shall be made in writing to the Regional Manager. The written request should state the reason for the review. (5-3-03)

a. The Regional Manager shall inform the client/participant in writing as to the time, place, and date of the Informal Dispute Resolution. The client/participant may choose to represent himself/herself or may have a representative(s) speak on his/her behalf. (5-3-03)

b. The Regional Manager will make a decision regarding the specifics of the Informal Dispute Resolution. This decision will be in written form and it will be sent to the client/participant, with a copy in the case file. (5-3-03)

02. Mediation. The request shall be made in writing to the Regional Manager. A written request should state the reason for the review. The Mediation must take place within the sixty (60) day requirement for an Impartial Due Process Hearing. (5-3-03)

03. Impartial Due Process Hearing. An Impartial Due Process Hearing can be held without an Informal Dispute Resolution or Mediation or if the client/participant is dissatisfied with the result of the Informal Dispute Resolution or Mediation. The Impartial Due Process Hearing will deal with the issues involved in the original Informal Dispute Resolution or Mediation, if one took place. The request for an Impartial Due Process Hearing will be made in writing to the Administrator of the Division within ten (10) calendar days of the Regional Manager's decision from the Informal Dispute Resolution or the Mediation Agreement from Mediation. The hearing by an impartial hearing officer must be held within sixty (60) days of a request by the client unless both parties agree to a specified delay. (5-3-03)

101. -- 199. (RESERVED).

200. ORDER OF SELECTION.

01. Order of Selection. The following order of selection will be used if the Idaho Division of Vocational Rehabilitation finds that it cannot serve all eligible clients/participants due to a lack of either personnel and/or financial resources. The priority listings progress downward with priority number one (1) being the most restrictive and priority number four (4) being the least restrictive. (5-3-03)

a. Priority Number 1: At the time that a decision to move to an order of selection is made, it is determined that only those consumers who already have an existing individualized plan for employment (IPE) will continue to be served. (5-3-03)

b. Priority Number 2: At the time that a decision to move to an order of selection is made, it is determined that only those consumers in Priority Number 1 above and current and future, otherwise eligible, clients/participants rated to this or a more restrictive priority can be served. Consumers meeting this priority rating are those individuals with most significant disabilities. (5-3-03)

c. Priority Number 3: At the time that a decision to move to an order of selection is made, it is determined that only those consumers in Priorities Numbers 1 and 2 above and current and future, otherwise eligible, clients/participants rated to this or a more restrictive priority can be served. Consumers meeting this priority rating are those individuals with significant disabilities. (5-3-03)

d. Priority Number 4: All eligible clients/participants for Vocational Rehabilitation services (no order of selection in place). (5-3-03)

201. -- 299. (RESERVED).

300. CLIENT/PARTICIPANT SERVICES.

01. Provision of Purchased Services Contingent upon Financial Need of the Client/Participant. The Idaho Division of Vocational Rehabilitation will apply a Financial Needs Assessment. Financial need will not be a consideration in the determination of eligibility for Vocational Rehabilitation, but will be a consideration in

allocating the cost of VR services, with some exceptions. (5-3-03)

02. Authorization to Purchase. The Division requires that when purchasing services from a vendor, an authorization must be issued prior to, or on, the beginning date of service. If services are provided without a Division approved authorization to purchase, the Division reserves the right to not honor the vendor's invoice. (5-3-03)

03. General Provisions. Idaho Division of Vocational Rehabilitation will only pay for services that contribute to the determination of eligibility or to achieve an employment outcome. (3-20-04)

04. Non-Residents of the State. Financial participation will only be available to residents of Idaho. Citizenship is not a requisite for financial assistance; however, the individual must have legal resident status and be present in the state (i.e., illegal aliens will not be eligible for the Vocational Rehabilitation programs). (3-20-04)

05. Provision of CRP (Community Rehabilitation Program) Services. IDVR will purchase vocational services from CRPs that are accredited by either CARE, the Rehabilitation Accreditation Commission, or Rehabilitation Services Accreditation System (RSAS). In conjunction with the client/participant, the qualified professional Vocational Rehabilitation Counselor, will determine which CRP Services, if any, are required for the client/participant to achieve an employment outcome. (3-20-04)

301. -- 999. (RESERVED).

Subject Index

A

Authorization to Purchase 3
Authorization to Purchase, Client/
Participant Services 5

C

Client Participant Appeals 3
Client/Participant Services 4

D

Definitions, IDAPA 47.01.01, General
Administration 3
Designated State Unit 3

I

IPE, Individualized Plan for
Employment 3

M

Method of Written Notification 3
Most Significant Disability (MSD) 3

N

Non-Residents of the State, Client/
Participant Services 5

O

Order Of Selection 4

P

Provision of CRP (Community
Rehabilitation Program), Client/
Participant Services 5
Provision of Purchased Services
Contingent Upon Financial Need of
the Recipient, Client/Participant
Services 4