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**IDAPA 15
TITLE 02
CHAPTER 03**

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

15.02.03 - RULES GOVERNING THE INDEPENDENT LIVING PROGRAM

000. LEGAL AUTHORITY.

This chapter is adopted in accordance with Sections 67-5407(e) and 67-5408, Idaho Code. (4-2-08)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 15.02.03, "Rules Governing the Independent Living Program." (4-2-08)

02. Scope. These rules include, but are not limited to, the procedure and practice requirements governing the provision of services under the Independent Living Program. (4-2-08)

002. WRITTEN INTERPRETATIONS.

The Commission may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at the offices of the Idaho Commission for the Blind and Visually Impaired. (4-2-08)

003. ADMINISTRATIVE APPEALS.

Administrative appeals shall be governed by the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. (4-2-08)

004. INCORPORATION BY REFERENCE.

The following federal laws and regulations are incorporated by reference into the rules of this chapter: (4-2-08)

01. 29 U.S.C. Section 701, et. seq., Rehabilitation Act of 1973, as amended in 1998. (4-2-08)

02. 34 CFR 364. (4-2-08)

005. OFFICE LOCATION - OFFICE HOURS - MAILING ADDRESS - TELEPHONE NUMBER - FACSIMILE NUMBER.

01. Location. The principal place of business of the Idaho Commission for the Blind and Visually Impaired is located at 341 West Washington Street, Boise, Idaho. (4-2-08)

02. Office Hours. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. (4-2-08)

03. Mailing Address. The mailing address of the office is P. O. Box 83720, Boise, Idaho 83720-0012. (4-2-08)

04. Telephone. The telephone number of the office is (208) 334-3220. (4-2-08)

05. Facsimile. The facsimile number of the office is (208) 334-2963. (4-2-08)

006. PUBLIC RECORDS ACT COMPLIANCE.

Commission records are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (4-2-08)

007. CONFIDENTIALITY.

All personal information concerning clients is confidential. The information is used only for purposes directly

connected to the administration of the Commission's Independent Living Program and may not be released without the informed, written consent of the client, except as otherwise provided by law. (4-2-08)

008. -- 009. (RESERVED).

010. DEFINITIONS.

01. Blind or Visually Impaired. A person whose visual acuity with correcting lenses is not better than Twenty/two hundred (20/200) in the better eye; or a person whose vision in the better eye is restricted to a field which subtends an angle of not greater than twenty (20) degrees; or a person who is functionally blind; or a person who is without any sight. (4-2-08)

02. Client. An individual who has applied for, or is determined to be eligible for Independent Living Services. (4-2-08)

03. Commission. The Idaho Commission for the Blind and Visually Impaired. (4-2-08)

04. Comparable Benefits and Services. Any benefit or service that exists under any other programs that is available to the client. Examples are, but not limited to, Medicaid, Medicare, private health insurance, and medical indigence programs for medication. (4-2-08)

05. Functionally Blind. A person with a visual impairment which constitutes or results in a substantial impediment to employment or substantially limits one (1) or more major life activities. (4-2-08)

06. Impairment. Any physical, mental, or emotional disability that causes limitations in a functional area such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills. (4-2-08)

07. Independent Living Services. Services that reduce the impact of functional limitations on the ability of a client to achieve independence in the family or community. (4-2-08)

011. ABBREVIATIONS.

01. CFR. Code of Federal Regulations. (4-2-08)

02. ICBVI. Idaho Commission for the Blind and Visually Impaired. (4-2-08)

012. -- 099. (RESERVED).

100. PROVISION OF SERVICES ON A STATEWIDE BASIS AND APPLICATION.

01. Services. Independent Living Services are offered on a statewide basis to individuals who are blind or visually impaired, subject to eligibility requirements as set forth in Section 110 of these rules. (4-2-08)

02. Eligibility Requirements. Eligibility requirements will be applied by the Commission without regard to sex, race, creed, color, physical or mental disability, sexual orientation, or national origin of the individual applying for Independent Living Services. (4-2-08)

03. Application. To apply for Independent Living Services, an individual must meet with a Commission rehabilitation teacher and complete an application for Independent Living Services. An individual is considered to have applied for Independent Living Services with the Commission when that individual has signed an application for Independent Living Services, including completion and signature of required forms relating to independent living rights and responsibilities and to the release and exchange of information. (4-2-08)

101. -- 109. (RESERVED).

110. ELIGIBILITY.

Eligibility of a client for Independent Living Services shall be based upon a determination by the Commission that: (4-2-08)

- 01. Blind or Visually Impaired.** The client is blind or visually impaired; (4-2-08)
- 02. Ability to Function.** The client's blindness or visual impairment substantially limits the client's ability to function in the family or community; (4-2-08)
- 03. Result of Services.** Provision of Independent Living Services will improve the client's ability to function, continue functioning, or move toward functioning independently in the family or community; and (4-2-08)
- 04. Residency.** The client is a resident of the state of Idaho. (4-2-08)

111. -- 149. (RESERVED).

150. INDEPENDENT LIVING PLAN.

- 01. Plan Development.** For those clients determined eligible for Independent Living Services, an Independent Living Plan shall be jointly developed by the client and the assigned Commission rehabilitation teacher, unless the need for an Independent Living Plan is waived by the client in writing. (4-2-08)
- 02. Plan Contents.** If the client chooses to have an Independent Living Plan, it shall include the independent living goals and objectives, Independent Living Services to be provided, including start and end dates, costs, Comparable Benefits and Services involved, client financial participation and any other elements deemed necessary by the Commission rehabilitation teacher. (4-2-08)

151. -- 199. (RESERVED).

200. CLIENT FINANCIAL PARTICIPATION.

There is no fee assessed for Independent Living Services provided directly to the client by the Commission rehabilitation teacher. However, where the provision of Independent Living Services includes the purchase of aids, appliances, assistive technology, computer hardware and software, and other purchased services or devices, the client's ability to pay shall be taken into consideration with the expectation that the client will contribute toward or pay for the required service. The Commission shall expend no more than five hundred dollars (\$500) per eligible client towards the purchase of aids, appliances, assistive technology, computer hardware and software, and other devices and services. Any exceptions to this rule shall only be granted upon review and approval of the Commission independent living coordinator. (4-2-08)

201. -- 999. (RESERVED).

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