

IDAPA 15 – OFFICE OF THE GOVERNOR

IDAHO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

15.02.03 – Rules Governing the Independent Living Program

Who does this rule apply to?

All individuals who apply for and are receiving services in the Independent Living Program.

What is the purpose of this rule?

This rule governs the administration of the Independent Living program.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

State Government and State Affairs -
Commission for the Blind and Visually Impaired:

- [Section 67-5407, Idaho Code](#) - Duties
- [Section 67-5408, Idaho Code](#) - Commission as Agency to Administer Rehabilitation in Federal Programs

Who do I contact for more information on this rule?

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Table of Contents

15.02.03 – Rules Governing the Independent Living Program

000. Legal Authority.	3
001. Title And Scope.	3
002. -- 003. (Reserved)	3
004. Incorporation By Reference.	3
005. -- 009. (Reserved)	3
010. Definitions.	3
011. -- 099. (Reserved)	3
100. Provision Of Services On A Statewide Basis And Application.	3
101. -- 109. (Reserved)	3
110. Eligibility.	3
111. -- 149. (Reserved)	4
150. Independent Living Plan.	4
151. -- 199. (Reserved)	4
200. Client Financial Participation.	4
201. -- 999. (Reserved)	4

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 are titled 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. -- 003. (RESERVED)

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. -- 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 that 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. 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)

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

04. 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. -- 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 is 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 will 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 will 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 will be taken into consideration with the expectation that the client will contribute toward or pay for the required service. The Commission will 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 are only granted upon review and approval of the Commission independent living coordinator. (4-2-08)

201. -- 999. (RESERVED)

Subject Index

C

Client Financial Participation 4

D

Definitions 3

Blind or Visually Impaired 3

Comparable Benefits &
Services 3

Functionally Blind 3

Independent Living Services 3

E

Eligibility 3

Ability to Function 4

Blind or Visually Impaired 4

Residency 4

Result of Services 4

I

Incorporation By Reference 3

Independent Living Plan 4

Plan Contents 4

Plan Development 4

L

Legal Authority 3

P

Provision of Services On a Statewide

Basis & Application 3

Application 3

Eligibility Requirements 3

Services 3

T

Title & Scope 3

Scope 3

Title 3