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**IDAPA 15
TITLE 02
CHAPTER 04**

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

**15.02.04 – RULES GOVERNING THE PREVENTION OF BLINDNESS
AND SIGHT RESTORATION PROGRAM**

000. LEGAL AUTHORITY.

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

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 15.02.04, “Rules Governing the Prevention of Blindness and Sight Restoration 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 Prevention of Blindness and Sight Restoration 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.

There are no documents incorporated by reference into the rules of this chapter. (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)

007. PUBLIC RECORDS ACT COMPLIANCE.

Commission records are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (4-2-08)

008. CONFIDENTIALITY.

All personal information concerning clients is confidential. The information is used only for purposes directly connected to the administration of the Commission’s Blind Prevention and Sight Restoration Program and may not be released without the informed, written consent of the client, except as otherwise provided by law. (4-2-08)

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, Prevention of Blindness or Sight Restoration Services. (4-2-08)

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

04. Comparable Benefits or 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. Immediate Danger of Blindness. The status of an individual or client who is in danger of becoming blind or visually impaired within two (2) years. (4-2-08)

07. Prevention of Blindness and Sight Restoration Services or Services. Treatment or surgery to prevent blindness or restore vision to clients without financial resources to procure such Services for themselves. (4-2-08)

011. -- 099. (RESERVED)

100. PROVISION OF SERVICES ON A STATEWIDE BASIS.

Prevention of Blindness and Sight Restoration Services are offered on a statewide basis to individuals who are Blind or Visually Impaired or who are in immediate danger of Blindness, subject to eligibility and available funding. To apply, individuals must meet with a vocational rehabilitation assistant from the Commission to complete and sign an application. (4-2-08)

101. -- 109. (RESERVED)

110. ELIGIBILITY.

Eligibility of a client for Prevention of Blindness and Sight Restoration Services shall be based upon a determination by the Commission that a client is blind or visually impaired, functionally blind, or in immediate danger of blindness and that the client is without financial resources to procure Services for himself. Clients must also meet residency requirements as set forth in Subsection 110.02 of these rules. (4-2-08)

01. Demonstration of Financial Need. Only clients without financial resources to procure Services for themselves are eligible for Prevention of Blindness and Sight Restoration Services. Clients shall undergo a financial needs assessment with Commission staff to determine whether financial eligibility requirements are met. (4-2-08)

02. Residency Requirements. In order to be eligible for Prevention of Blindness and Sight Restoration Services, a client must demonstrate the following residency requirements: (4-2-08)

a. If client is not a United States citizen, client shall provide proof of his legal presence as a registered alien in the United States. (4-2-08)

b. Residence in the state of Idaho for a minimum of six (6) months; and (4-2-08)

c. Presence in the state of Idaho at the time of provision of Prevention of Blindness and Sight Restoration Services. (4-2-08)

112 -- 199. (RESERVED)

200. PAYMENT FOR NECESSARY EXPENSES.

The Commission's payment of necessary expenses associated with provision of Prevention of Blindness and Sight Restoration Services to eligible clients is subject to availability of funds during any single state fiscal year. In the event available funds for Prevention of Blindness and Sight Restoration Services are exhausted prior to the end of any single state fiscal year, eligible clients are placed on a waiting list until such time as funding is available to resume Prevention of Blindness and Sight Restoration Services. (4-2-08)

01. Upper Limits. Subject to Subsection 200.03 of these rules, the Commission shall pay no more than five thousand dollars (\$5,000) per eligible client for necessary expenses incurred for Prevention of Blindness and Sight Restoration Services during each eligible client's lifetime participation in the Blind Prevention and Sight Restoration Program. (4-2-08)

02. Comparable Benefits and Services. Eligible clients shall apply for and secure any comparable benefits and services which shall be applied towards payment of necessary expenses incurred for Prevention of Blindness and Sight Restoration Services before any expenditure of Commission funds. (4-2-08)

03. Exceptions. Any exceptions to the individual lifetime limit per eligible client set forth in Subsection 200.01 of these rules shall only be granted upon approval of the Commission rehabilitation services chief. (4-2-08)

201. -- 999. (RESERVED)

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