

**Commission  
for  
Rehabilitation Services  
January 12, 2015, Regular Meeting  
Department of Rehabilitation Services  
3535 NW 58th Street, Suite 200  
Oklahoma City, OK 73112**

**State Of Oklahoma  
Commission  
for  
Rehabilitation Services**

**Department of Rehabilitation Services  
3535 NW 58<sup>th</sup> Street, Suite 200  
Oklahoma City, Oklahoma 73112**

**Monday, January 12, 2015, 10:00 am  
Regular Meeting**

Jack Tucker– Commission Chair  
Lynda Collins – Commission Vice Chair  
Steve Shelton – Commission Member  
Linda Santin – Commission Assistant

- |    |  |                      |
|----|--|----------------------|
| 1. | Call to Order and Roll Call                              | Commission Chair     |
| 2. | Statement of Compliance with Open Meeting Act            | Commission Assistant |
| 3. | Introduction of Guests                                   | Commission Chair     |
| 4. | Questions, Concerns, and Comments from the Commissioners | Commission Chair     |
| 5. | Public Comments  | Public Audience      |

**Reports**

- |    |  |   |
|----|--|---|
| 6. | Director's Report: The presentation will include a summary of the Director's activities, agency program updates including an update on the Fort Sill Randolph Sheppard troop dining contract and staff recognition for the previous month. | Joe Cordova,<br>DRS Executive Director    |
| 7. | Financial Status Report with possible Commission discussion. The presentation includes FY14 and FY15 Summaries.  | Kevin Statham,<br>Chief Financial Officer |

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| 8.  | Personnel Activity Report with possible Commission discussion: The presentation will include the status of vacancy announcements by division, including names and effective dates of selected employees; all separations by division for the previous month; and current FTE status. | Goli Dunkle,<br>MSD Administrator  |
| 9.  | Information Services Report with possible Commission discussion: The report contains Administrative Updates; AWARE Management Team Update; Applications/Development and Network Operations Team update; Document Imaging Team update; Helpdesk and PC Support Team Update            | Goli Dunkle,<br>MSD Administrator;<br>Jonathan Woodward,<br>IS Administrator |
| 10. | Legislative Report: This report includes discussion of requests for legislation from Division Administrators/Superintendents, i.e., exemptions for OSB and OSD, unclassified FTE request, surcharge language for telecommunications equipment & maintenance program.                 | Kevin Nelson, DRS<br>Legislative Liaison                                     |
| 11. | Visual Services Administrator's Report with possible Commission discussion: The presentation will include a summary of the division's activities, and program updates.   | Doug Boone,<br>VS Administrator  |
| 12. | Oklahoma School for the Blind Superintendent's Quarterly report with possible Commission discussion: The report includes a summary of student activities and student progress.   | James Adams,<br>OSB Superintendent   |

**Action Items**

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|-----|--|----------------------|
| 13. | Review and Discussion with Possible Vote to Approve the December 15, 2014 Commission for Rehabilitation Services Meeting Minutes | Commission Assistant |
|-----|--|----------------------|

- |   |   |
|---|---|
| 14. Review and Discussion with Possible Vote for Approval of Donations to the Oklahoma School for the Blind<br>Resolution 2015-12   | Jim Adams,<br>OSB Superintendent                                    |
| 15. Review and Discussion With Possible Vote of Proposed Hearing Aid Rate Increase<br>Resolution 2015-10  | Terri Williams, Kathy<br>Rothenberger, Jonathan<br>Cook, Toni Stine |
| 16. Review and Discussion of Proposed Changes for DRS Internal Policy and DRS Oklahoma Administrative Code Provisions<br><b>DRS External Policies(OAC):</b><br>612:1-1-6. Description of forms and instructions issued by the Department for public use [AMENDED]<br>612:1-3-2.1. The Chief of Staff of Rehabilitation Services [AMENDED]<br>612:1-3-10. Final signature authority [AMENDED]<br>612:1-5-1. Overview of the department [AMENDED]<br>612:1-5-3. Division of <del>Visual Services (DVS)</del> Vocational Rehabilitation for the Blind & Visually Impaired (DVRBVI) [AMENDED]<br>612:3-5-30. Vocational Rehabilitation and <del>Visual Services</del> Vocational Rehabilitation for the Blind & Visually Impaired compliance reviews [AMENDED]<br>612:3-5-31. Vocational Rehabilitation and <del>Visual Services</del> Vocational Rehabilitation for the Blind & Visually Impaired outcome measures [AMENDED]<br>612:10-1-1. Purpose [AMENDED]<br>612:10-1-2. Definitions [AMENDED]<br>612:10-1-3. Basic philosophy of rehabilitation programs [AMENDED]<br>612:10-1-3.1. Procedural exceptions [AMENDED]<br>612:10-1-3.2. Pilot projects [AMENDED]<br>612:10-1-5. Confidentiality [AMENDED]<br>612:10-1-6. Due process [AMENDED]<br>612:10-1-7. Purchase of services and goods for individuals with disabilities [AMENDED]<br>612:10-3-2. Consideration of comparable services and benefits [AMENDED]<br>612:10-7-1. Overview of Vocational Rehabilitation and <del>Visual Services</del> Vocational Rehabilitation for the Blind & Visually Impaired [AMENDED]<br>612:10-7-2. Field staff responsibilities[AMENDED] | Sandra Wright,<br>PDPS Administrator                                |

612:10-7-3. Client responsibilities [AMENDED]  
612:10-7-21. Processing incoming referrals  
[AMENDED]  
612:10-7-21.1 Information and referral system  
[AMENDED]  
612:10-7-24.2 Assessment for determining  
eligibility [AMENDED]  
612:10-7-24.3 Trial Work Experience and  
Extended Evaluation [AMENDED]  
612:10-7-25.1 Order of selection [AMENDED]  
612:10-7-31. Transfer of cases [AMENDED]  
612:10-7-50. Eligibility Status [AMENDED]  
612:10-7-51. Individualized Plan for Employment  
[AMENDED]  
612:10-7-87. Actions requiring supervisor's  
approval [AMENDED]  
612:10-7-98. General guidelines for physical and  
mental restoration services [AMENDED]  
612:10-7-130. Maintenance [AMENDED]  
612:10-7-142. General guidelines for training  
services [AMENDED]  
612:10-7-149. College and university training  
[AMENDED]  
612:10-7-150. Continued eligibility for college or  
university training [AMENDED]  
612:10-7-152. Payment of tuition and fees at  
colleges and universities [AMENDED]  
612:10-7-158. Training for individuals in custody  
of the Department of Corrections [AMENDED]  
612:10-7-161. Public and private vocational  
schools [AMENDED]  
612:10-7-162. Textbooks, supplies, training tools  
and equipment [AMENDED]  
612:10-7-183. Ongoing support services  
[AMENDED]  
612:10-7-184. Extended services [AMENDED]  
612:10-7-199. Reader/recording services  
[AMENDED]  
612:10-7-201. Rehabilitation teaching services  
[AMENDED]  
612:10-7-203. Orientation and Mobility (O & M)  
[AMENDED]  
612:10-7-205. Services to persons who are deaf –  
blind [AMENDED]  
612:10-7-206. Assistive technology services for  
individuals with visual impairments [AMENDED]  
612:10-7-216. Tools, occupational equipment,  
initial stocks and supplies [AMENDED]  
612:10-7-245. Definitions [AMENDED]

612:10-9-17. Application Status [AMENDED]  
612:10-11-7. Administrative review [AMENDED]  
612:15-1-3. Library functions and legal basis  
[AMENDED]  
612:15-5-2. Suspension procedures [AMENDED]  
612:20-3-5. Departmental resources [AMENDED]  
612:25-2-5. Definitions [AMENDED]  
612:25-4-TOC. Subchapter 4. The State Licensing  
Agency [AMENDED]  
612:25-4-1. Organization of the State Licensing  
Agency [AMENDED]  
612:25-4-14. Training for new or potential licensed  
managers [AMENDED]  
612:25-4-27. Initial inventory and supplies  
[AMENDED]  
612:25-4-52. SLA responsibility for assignment and  
transfer of licensed managers [REVOKED]  
612:25-4-53. Assignment, ~~promotion~~ and transfer  
policy [AMENDED]  
612:25-4-54. Business enterprise vacancy  
announcement [AMENDED]  
612:25-4-55. Qualifications [AMENDED]  
612:25-4-57. Applicant Selection Committee  
[AMENDED]  
612:25-4-58. Annual and Performance Evaluations  
[AMENDED]  
612:25-4-59. Interview, Selection Process and  
Scoring [AMENDED]  
612:25-4-60. Ninety day replacement [AMENDED]  
612:25-4-61. Satellite/~~remote~~ business enterprise  
locations [AMENDED]  
612:25-4-62. Vending machine income [AMENDED]  
612:25-4-72. Audits [AMENDED]  
612:25-4-73. Due Process [AMENDED]  
612:25-6-1. Licensing requirements for managing a  
business enterprise [AMENDED]  
612:25-6-2.1. Probation [AMENDED]  
612:25-6-3. Grounds for suspension or termination of  
a license [AMENDED]  
612:25-6-15. Setting aside of funds [AMENDED]  
612:25-6-18. Establishing new licensed managers in  
business enterprises [AMENDED]  
612:25-6-21. Business expenses [AMENDED]  
612:25-6-22. Monthly reports [AMENDED]

**DRS Internal Policies;**

DRS: 3-3-16. Leave when an office is temporarily  
closed due to unsafe working conditions or  
services are temporarily reduced due to hazardous  
weather (paid administrative leave) [AMENDED]

DRS: 3-3-20. DRS Criminal Background Check  
[AMENDED]

DRS:3-3-110. Risk Management Programs  
Purpose and Scope [AMENDED]

DRS:3-3-112. Disaster Response and Recovery  
[AMENDED]

DRS:3-9-8. Purchases for Vocational  
Rehabilitation and ~~Visual Services~~ Vocational  
Rehabilitation for the Blind & Visually Impaired  
Division's Clients [AMENDED]

DRS:3-9-80. Fleet management [AMENDED]

17. New Business ("Any matter not known about  
or which could not have been reasonably foreseen  
prior to the time of posting." 25 O.S. § 311) Commission Chair
  
18. Announcements Commission Chair  
Date and location of next regular meeting of the  
Commission for Rehabilitation Services:  
Monday, February 9, 2015 at 10:00 a.m.  
Department of Rehabilitation Services  
3535 NW 58<sup>th</sup> Street, Suite 200  
Oklahoma City, OK 73112
  
19. Adjournment Commission Chair

**Director's**

**Report**

## Director's Report to Commissioners

01/12/2015

Joe D. Cordova

- 1 Update on Workforce Innovation and Opportunity Act (WIOA). DRS key staff will be reviewing the various provisions of this act. Staff will be making recommendations for policy changes. They will prepare public comments on the regulations that can be posted beginning in January through February 2015.
  
- 2 Fort Sill Dining Contract - update on the Fort Sill Randolph Sheppard troop dining contract..
  
- 3 Client Success Story, Julie Hildebrand graduated December 19, with a 3.48 grade point average after only two years at the University of Tulsa law school. She has already accepted a contingent job offer at Occidental Petroleum in Houston. Hildebrand has a rare form of dwarfism called 3M syndrome. Raised to be self-reliant, she hesitated before contacting the Oklahoma Department of Rehabilitation for help with law school tuition, a laptop and adaptations for her vehicle. "There's no doubt that I would have to work harder without DRS and my Vocational Rehabilitation counselor C. J. Hurlbut," she said. "He's provided a lot of emotional support and helped advise me when I wasn't sure about my path or direction." Though Hildebrand worked and supported herself while attending undergraduate school, she credits DRS with helping her finish law school in a shorter time span than would have been possible if she continued to work full time. "Because of DRS I was also able to choose what I'm going to do for the rest of my life without worrying about having the right money to pay off my student loans."

# **Financial Status Report**

# Department of Rehabilitation Services Financial Status Report FY 14

As of November 30, 2014

## All Programs Agency Summary

	2014		2014		%	Expended	Encumbrances	% Used
	Budget	% of Total Budget	Expenditures in FY 2014	Expenditures in FY 2015				
Personnel	68,835,664.00	49.3%	62,888,435.19	503,826.72	92.1%	267,782.89	92.5%	
Travel	1,569,026.00	1.1%	1,421,515.15	166,192.66	101.2%	41,311.37	103.8%	
General Operating	21,850,802.90	15.6%	14,680,252.50	1,780,340.25	75.3%	3,247,412.71	90.2%	
Office Furniture & Equipment	2,905,150.00	2.1%	1,130,353.60	335,846.96	50.5%	2,027.16	50.5%	
Client / General Assistance	38,020,760.00	27.2%	25,982,185.85	2,904,001.60	76.0%	2,264,713.26	81.9%	
Indirect Cost	6,469,925.10	4.6%	6,469,925.10	0.00	100.0%	0.00	100.0%	
<b>Total</b>	<b>139,651,328.00</b>	<b>100.0%</b>	<b>112,572,667.39</b>	<b>5,690,208.19</b>	<b>84.7%</b>	<b>5,823,247.39</b>	<b>88.9%</b>	

# Department of Rehabilitation Services Financial Status Report FY 14

As of November 30, 2014

All Programs							
Vocational Rehabilitation and Visual Services							
	2014		2014		%		
	Budget	Expenditures in FY 2014	Expenditures in FY 2015	Expenditures in FY 2015	Expended	Encumbrances % Used	
Personnel	26,588,727.00	37.4%	23,690,638.94	46,103.91	89.3%	168,777.69	89.9%
Travel	1,191,280.00	1.7%	1,120,077.85	140,287.03	105.8%	2,863.72	106.0%
General Operating	9,796,566.39	13.8%	6,005,204.22	817,974.67	69.6%	1,652,160.10	86.5%
Office Furniture & Equipment	1,138,673.00	1.6%	653,567.77	146,780.35	70.3%	1,023.55	70.4%
Client / General Assistance	28,956,760.00	40.8%	18,162,620.49	2,226,522.25	70.4%	1,692,746.55	76.3%
Indirect Cost	3,334,775.61	4.7%	3,334,775.60	0.00	100.0%	0.01	100.0%
<b>Total</b>	<b>71,006,782.00</b>	<b>100.0%</b>	<b>52,966,884.87</b>	<b>3,377,668.21</b>	<b>79.4%</b>	<b>3,517,571.62</b>	<b>84.3%</b>
Vocational Rehabilitation Grant							
	2014		2014		%		
	Budget	Expenditures in FY 2014	Expenditures in FY 2015	Expenditures in FY 2015	Expended	Encumbrances % Used	
Personnel	23,951,427.00	36.1%	21,281,169.81	30,496.90	89.0%	56,973.27	89.1%
Travel	1,097,600.00	1.7%	1,033,462.75	132,587.51	106.2%	1,804.00	94.3%
General Operating	8,862,501.11	13.4%	5,454,550.15	782,094.47	70.4%	1,597,889.56	79.6%
Office Furniture & Equipment	1,014,723.00	1.5%	550,724.55	130,386.93	67.1%	964.90	54.4%
Client / General Assistance	28,264,347.00	42.6%	17,586,800.33	2,187,786.29	70.0%	1,346,625.94	67.0%
Indirect Cost	3,125,419.89	4.7%	3,125,419.89	0.00	100.0%	0.00	100.0%
<b>Total</b>	<b>66,316,018.00</b>	<b>100.0%</b>	<b>49,032,127.48</b>	<b>3,263,352.10</b>	<b>78.9%</b>	<b>3,004,257.67</b>	<b>78.5%</b>

# Department of Rehabilitation Services Financial Status Report FY 14

As of November 30, 2014

All Programs		2014		2014		%			
Oklahoma School for the Blind		Expenditures		in FY 2014		in FY 2015			
	Budget	% of Total Budget	Expenditures	in FY 2014	Expenditures	in FY 2015	Expended	Encumbrances	% Used
Personnel	5,239,989.00	63.8%	5,101,919.15	12,427.84	97.6%	14,110.35	97.9%		
Travel	56,161.00	0.7%	45,250.38	2,147.50	84.4%	0.00	84.4%		
General Operating	1,790,245.98	21.8%	1,297,898.90	109,979.86	78.6%	93,792.41	83.9%		
Office Furniture & Equipment	632,837.00	7.7%	131,728.65	120,711.22	39.9%	903.61	40.0%		
Client / General Assistance	95,000.00	1.2%	63,286.97	4,129.97	71.0%	3,909.27	75.1%		
Indirect Cost	393,922.02	4.8%	393,922.02	0.00	100.0%	0.00	100.0%		
<b>Total</b>	<b>8,208,155.00</b>	<b>100.0%</b>	<b>7,034,006.07</b>	<b>249,396.39</b>	<b>88.7%</b>	<b>112,715.64</b>	<b>90.1%</b>		

# Department of Rehabilitation Services Financial Status Report FY 14

As of November 30, 2014

	All Programs					
	2014		2014			
	Budget	Expenditures in FY 2014	Expenditures in FY 2015	% Expended	Encumbrances	% Used
Personnel	6,908,873.00	6,628,314.56	16,193.22	96.2%	19,784.82	96.5%
Travel	66,270.00	52,589.71	2,487.85	83.1%	4,190.81	89.4%
General Operating	2,629,056.73	1,556,059.43	483,282.77	77.6%	383,711.67	92.2%
Office Furniture & Equipment	561,040.00	215,535.91	40,954.67	45.7%	100.00	45.7%
Client / General Assistance	599,000.00	523,652.48	43,400.23	94.7%	60,632.50	104.8%
Indirect Cost	502,542.27	502,542.27	0.00	100.0%	0.00	100.0%
<b>Total</b>	<b>11,266,782.00</b>	<b>9,478,694.36</b>	<b>586,318.74</b>	<b>89.3%</b>	<b>468,419.80</b>	<b>93.5%</b>

# Department of Rehabilitation Services Financial Status Report FY 14

As of November 30, 2014

		All Programs					
		2014		2014			
Disability Determination Division		Expenditures		Expenditures		%	
Budget	% of Total Budget	in FY 2014	in FY 2014	in FY 2015	in FY 2015	Expended	% Used
Personnel	60.9%	22,760,800.96	384,467.67	92.7%	45,282.28	92.8%	
Travel	0.3%	83,587.93	4,890.25	68.1%	33,421.84	93.8%	
General Operating	12.8%	3,723,070.62	175,254.24	74.6%	971,975.57	93.2%	
Office Furniture & Equipment	0.1%	18,352.88	0.00	30.6%	0.00	30.6%	
Client / General Assistance	20.4%	7,232,625.91	629,949.15	93.9%	507,424.94	100.0%	
Indirect Cost	5.4%	2,233,443.87	0.00	100.0%	-0.01	100.0%	
<b>Total</b>	<b>100.0%</b>	<b>36,051,882.18</b>	<b>1,194,561.31</b>	<b>90.8%</b>	<b>1,558,104.62</b>	<b>94.6%</b>	

# Department of Rehabilitation Services Financial Status Report FY 14

As of November 30, 2014

		All Programs				
		DRS Support Services				
		2014		2014		
	% of Total Budget	Expenditures in FY 2014	Expenditures in FY 2015	Expenditures %	Encumbrances	% Used
Budget	Budget	in FY 2014	in FY 2015	in FY 2015	Encumbrances	% Used
Personnel	62.7%	4,706,761.58	44,634.08	92.8%	19,827.75	93.2%
Travel	1.5%	120,009.28	16,380.03	108.8%	835.00	109.5%
General Operating	29.5%	2,098,019.33	193,848.71	95.2%	145,772.96	101.3%
Office Furniture & Equipment	6.3%	111,168.39	27,400.72	27.0%	0.00	27.0%
Indirect Cost	0.1%	5,241.33	0.00	100.0%	0.00	100.0%
<b>Total</b>	<b>100.0%</b>	<b>7,041,199.91</b>	<b>282,263.54</b>	<b>89.6%</b>	<b>166,435.71</b>	<b>91.7%</b>

**Department of Rehabilitation Services**  
**Financial Status Report FY 14**  
As of November 30, 2014

**Personnel**

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Salary Expense  
Insurance Premium -Health-Life, etc  
FICA-Retirement Contributions  
Inter/Intre Agency Payment for Personal Services

**Travel**

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Travel - Agency Direct  
Travel - Reimbursements

**General Operating**

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AFP Encumbrances  
Bond Indebtness and Expenses  
Buildings-Purchase, Construction and Renovation  
General Operating  
Maintenance & Repair  
Miscellaneous Administration Fee  
Professional Services  
Production, Safety, Security  
Refunds, Indemnities, Restitution  
Rent Expense  
Scholarships, Tuition and Other Incentive-Type Payments  
Shop Expense  
Specialized Supplies & Materials

**Office Furniture & Equipment**

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Library Equipment & Resources  
Office Furniture & Equipment

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**Client / General Assistance**

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Social Service and Assistance Payments

**Indirect Cost**

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# Department of Rehabilitation Services Financial Status Report FY 15

As of November 30, 2014

## All Programs Agency Summary

	% of Total		%			
	Budget	Budget	Expenditures	Expended	Encumbrances	% Used
Personnel	77,385,588.00	52.7%	29,228,312.82	37.8%	47,673,123.52	99.4%
Travel	1,676,351.00	1.1%	685,018.81	40.9%	102,261.22	47.0%
General Operating	18,280,132.00	12.5%	4,943,817.06	27.0%	12,867,698.02	97.4%
Office Furniture & Equipment	3,115,519.00	2.1%	262,850.41	8.4%	1,555,505.45	58.4%
Client / General Assistance	37,093,992.00	25.3%	10,373,242.39	28.0%	25,176,039.67	95.8%
Indirect Cost	9,257,769.00	6.3%	3,553,987.09	38.4%	5,703,781.91	100.0%
Total	146,809,351.00	100.0%	49,047,228.58	33.4%	93,078,409.79	96.8%

# Department of Rehabilitation Services Financial Status Report FY 15

As of November 30, 2014

## All Programs Vocational Rehabilitation and Visual Services

	% of Total			%		
	Budget	Budget	Expenditures	Expended	Encumbrances	% Used
Personnel	27,743,828.00	38.3%	10,469,068.74	37.7%	16,933,600.93	98.8%
Travel	1,297,750.00	1.8%	567,810.13	43.8%	12,200.40	44.7%
General Operating	8,267,879.00	11.4%	1,956,957.04	23.7%	6,193,717.48	98.6%
Office Furniture & Equipment	1,902,262.00	2.6%	60,042.69	3.2%	1,253,766.03	69.1%
Client / General Assistance	28,360,818.00	39.2%	7,699,160.51	27.1%	19,296,615.58	95.2%
Indirect Cost	4,858,336.00	6.7%	1,819,091.49	37.4%	3,039,244.51	100.0%
Total	72,430,873.00	100.0%	22,572,130.60	31.2%	46,729,144.93	95.7%

## Vocational Rehabilitation Grant

	% of Total			%		
	Budget	Budget	Expenditures	Expended	Encumbrances	% Used
Personnel	25,082,021.00	37.0%	9,430,321.97	37.6%	15,244,200.71	98.4%
Travel	1,225,400.00	1.8%	548,744.62	44.8%	12,125.40	45.8%
General Operating	7,299,690.00	10.8%	1,741,360.49	23.9%	5,795,431.48	103.2%
Office Furniture & Equipment	1,788,912.00	2.6%	55,304.99	3.1%	1,024,132.30	60.3%
Client / General Assistance	27,738,164.00	41.0%	7,472,014.28	26.9%	19,057,142.84	95.6%
Indirect Cost	4,599,493.00	6.8%	1,716,297.73	37.3%	2,883,195.27	100.0%
Total	67,733,680.00	100.0%	20,964,044.08	31.0%	44,016,228.00	95.9%

# Department of Rehabilitation Services Financial Status Report FY 15

As of November 30, 2014

	% of Total		%		Encumbrances	% Used
	Budget	Budget	Expenditures	Expended		
Personnel	5,461,797.00	68.0%	2,137,747.66	39.1%	3,315,552.48	99.8%
Travel	46,000.00	0.6%	25,626.73	55.7%	7,538.10	72.1%
General Operating	1,626,049.00	20.3%	514,308.02	31.6%	955,773.40	90.4%
Office Furniture & Equipment	313,079.00	3.9%	46,393.19	14.8%	128,785.04	56.0%
Client / General Assistance	100,174.00	1.2%	30,751.30	30.7%	17,000.00	47.7%
Indirect Cost	481,791.00	6.0%	195,552.69	40.6%	286,238.31	100.0%
Total	8,028,890.00	100.0%	2,950,379.59	36.7%	4,710,887.33	95.4%

# Department of Rehabilitation Services Financial Status Report FY 15

As of November 30, 2014

All Programs		Oklahoma School for the Deaf		%			
	Budget	% of Total Budget	Expenditures	Expended	Encumbrances	% Used	
Personnel	6,962,245.00	66.8%	2,739,130.42	39.3%	4,163,289.27	99.1%	
Travel	38,900.00	0.4%	9,684.96	24.9%	8,375.05	46.4%	
General Operating	1,896,780.00	18.2%	564,676.40	29.8%	1,295,700.53	98.1%	
Office Furniture & Equipment	341,178.00	3.3%	137,825.92	40.4%	10,538.88	43.5%	
Client / General Assistance	583,000.00	5.6%	163,844.42	28.1%	291,910.25	78.2%	
Indirect Cost	604,006.00	5.8%	270,290.92	44.7%	333,715.08	100.0%	
<b>Total</b>	<b>10,426,109.00</b>	<b>100.0%</b>	<b>3,885,453.04</b>	<b>37.3%</b>	<b>6,103,529.06</b>	<b>95.8%</b>	

# Department of Rehabilitation Services Financial Status Report FY 15

As of November 30, 2014

	All Programs					
	Disability Determination Division					
	% of Total		%			
	Budget	Budget	Expended	Encumbrances		
				% Used		
Personnel	31,097,668.00	66.4%	11,728,480.06	37.7%	19,298,418.03	99.8%
Travel	152,000.00	0.3%	23,033.66	15.2%	66,439.67	58.9%
General Operating	3,985,086.00	8.5%	1,249,218.62	31.3%	2,634,682.81	97.5%
Office Furniture & Equipment	269,000.00	0.6%	3,329.87	1.2%	155,934.50	59.2%
Client / General Assistance	8,050,000.00	17.2%	2,479,486.16	30.8%	5,570,513.84	100.0%
Indirect Cost	3,307,046.00	7.1%	1,267,470.73	38.3%	2,039,575.27	100.0%
Total	46,860,800.00	100.0%	16,751,019.10	35.7%	29,765,564.12	99.3%

# Department of Rehabilitation Services Financial Status Report FY 15

As of November 30, 2014

	All Programs		DRS Support Services		%	
	Budget	% of Total Budget	Expenditures	% Expended	Encumbrances	% Used
Personnel	6,120,050.00	67.5%	2,153,885.94	35.2%	3,962,262.81	99.9%
Travel	141,701.00	1.6%	58,863.33	41.5%	7,708.00	47.0%
General Operating	2,504,338.00	27.6%	658,656.98	26.3%	1,787,823.80	97.7%
Office Furniture & Equipment	290,000.00	3.2%	15,258.74	5.3%	6,481.00	7.5%
Indirect Cost	6,590.00	0.1%	1,581.25	24.0%	5,008.75	100.0%
<b>Total</b>	<b>9,062,679.00</b>	<b>100.0%</b>	<b>2,888,246.24</b>	<b>31.9%</b>	<b>5,769,284.36</b>	<b>95.5%</b>

# Department of Rehabilitation Services

## Financial Status Report FY 15

As of November 30, 2014

### **Personnel**

---

Salary Expense

Insurance Premium -Health-Life, etc

FICA-Retirement Contributions

Inter/Intre Agency Payment for Personal Services

### **Travel**

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Travel - Agency Direct

Travel - Reimbursements

### **General Operating**

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AFP Encumberances

Bond Indebttness and Expenses

Buildings-Purchase, Construction and Renovation

General Operating

Maintenance & Repair

Miscellaneous Administration Fee

Professional Services

Production, Safety, Security

Refunds, Indemnities, Restitution

Rent Expense

Scholarships, Tuition and Other Incentive-Type Payments

Shop Expense

Specialized Supplies & Materials

**Office Furniture & Equipment**

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Library Equipment & Resources

Office Furniture & Equipment

---

**Client / General Assistance**

---

Social Service and Assistance Payments

**Indirect Cost**

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# Personnel Activity Report

# PERSONNEL ACTIVITY REPORT AS OF DECEMBER 21, 2014

FILLED AND VACANT POSITIONS										
Personnel Activity = 4 vacant positions filled / 32 positions in Announcement or Selection Process										
Division	Title/PIN	Date Vacated	Location	Begin date	End date	Ann. #	Action/Incumbent	Date Filled		
EXECUTIVE	Programs Field Representative I / 0649	10/1/2014	EXECUTIVE	9/29/2014	10/13/2014	15-033	App list sent 10/24/2014			
EXECUTIVE	Programs Field Representative I / 0624	9/30/2011	EXECUTIVE	12/17/2014	12/30/2014	15-059	Currently open			
DDD	DD Specialist I / Multiple	New PINS	DDD	5/21/2014	Continuous	14-122	Currently open			
DDD	DD Specialist II / Multiple	New PINS	DDD	5/21/2014	Continuous	14-123	Currently open			
DDD	DD Specialist III / Multiple	New PINS	DDD	5/21/2014	Continuous	14-124	Currently open			
OSB	IS Network Technician I / 0061	3/31/2010	OSB	9/29/2014	10/13/2014	15-031	David Stewart	12/1/2014		
		4/22/2014								
OSB	Direct Care Specialist II / 0248,0638,0298	10/1/2013	OSB	10/30/2014	11/10/2014	15-042	App list sent 11/18/2014			
OSB	Food Service Specialist I / 0586	10/19/2014	OSB	11/6/2014	11/19/2014	15-048	App list sent 12/1/2014			
OSB	Recreational Activities Specialist II / 0419	8/28/2014	OSB	12/17/2014	12/30/2014	15-058	Currently open			
OSD	Teaching Assistant / 0084	4/01/2014	OSD	5/01/2014	5/28/2014	14-118	App list sent 6/04/2014			
OSD	Teacher / 0635	1/17/2014	OSD	7/10/2014	Until Filled	15-004	Currently open			
OSD	Teacher / 0413	7/31/2014	OSD	7/23/2017	Until Filled	15-009	App list sent 8/12/2014			
OSD	Direct Care Specialist II / 0778	5/20/2014	OSD	11/13/2014	11/26/2014	15-051	App list sent 12/03/2014			
OSD	Direct Care Specialist II / 0299	8/22/2014	OSD	12/12/2014	12/26/2014	15-055	Currently open			
OSD	Construction/Maintenance Technician II / 0154	9/01/2014	OSD	12/12/2014	12/26/2014	15-056	Currently open			
OSD	HRM Specialist (Temporary) / 0117	11/10/2014	OSD				Jammie Thomison	12/01/2014		

Division	Title/PIN	Date Vacated	Location	Begin date	End date	Ann #	Action/Incumbent	Date Filled
VR	Assistive Technology specialist I / 1197	9/30/2012	VR36 – OKC	6/09/2014	6/30/2014	14-130	App list sent 7/10/2014	
VR	Rehabilitation Technician III / 0359	8/25/2014	VR26 – Claremore	9/12/2014	10/2/2014	15-021	App list sent 10/10/2014	
VR	VR Specialist IV / 0929	8/31/2014	VR26 – Claremore	9/19/2014	10/9/2014	15-028	App list sent 10/17-2014	
VR	Rehabilitation Technician II / 0452	9/11/2014	VR03 – Ardmore	10/8/2014	10/21/2014	15-039	Kaci Hill	12/15/2014
VR	VR Specialist IV / 0323	9/12/2014	VR47 – OKC	10/16/2014	10/29/2014	15-040	App list sent 11/12/2014	
VR	VR Specialist IV / 0671	3/05/2013	VR26 – Claremore	11/3/2014	11/7/2014	15-043	Carol White	12/8/2014
VR	VR Specialist II / 0049	8/07/2014	VR80 – Tulsa	11/3/2014	11/17/2014	15-044	App list sent 11/24/2014	
VR	VR Specialist III / 0166	8/31/2014	VR45 – Tulsa	11/4/2014	11/24/2014	15-046	App list sent 12/01/2014	
VR	VR Specialist IV / 0366	9/15/2014	VR31 – OKC	11/4/2014	11/24/2014	15-047	App list sent 12/03/2014	
VR	Psychological Clinician III / 0467	10/14/2014	VR23 – OKC	11/13/2014	12/3/2014	15-049	App list sent 12/11/2014	
VR	Programs Field Representative I / 1195	9/29/2014	VR95 – OKC	12/03/2014	12/09/2014	15-052	App list sent 12/15/2014	
VR	VR Specialist III / 1030	10/22/2014	VR78 – Tahlequah	12/04/2014	12/17/2014	15-053	Waiting for E-list	
VR	Rehabilitation Technician III / 0372	12/01/2014	VR47 – OKC	12/10/2014	12/23/2014	15-054	Waiting for E-list	

Division	Title/PIN	Date Vacated	Location	Begin Date	End Date	Ann. #	Action/Incumbent	Date Filled
VS	VR Specialist II / 0462	8/09/2013	VS73 – OKC	9/16/2014	10/6/2014	15-024	App list sent 10/14/2014	
VS	Rehabilitation of the Blind Specialist II / 0052	5/31/2014	VS58 – Ada	9/23/2014	10/13/2014	15-029	App list sent 10/24/2014	
VS	Rehabilitation of the Blind Specialist II / 0930	8/10/2012	VS73 – OKC	9/23/2014	10/12/2014	15-030	App list sent 10/24/2014	
VS	VR Specialist III / 0755	9/22/2014	VS62 – Muskogee	10/2/2014	10/22/2014	15-036	App list sent 10/29/2014	
VS	VR Specialist III / 1033	7/14/2014	VS73 – OKC	10/2/2014	10/22/2014	15-037	App list sent 10/29/2014	
VS	Vending Facility Business Consultant II / 0170	4/01/2014	VS33 – OKC	10/22/2014	11/4/2014	15-041	App list sent 11/12/2014	
VS	Programs Manager II / 0193	6/23/2014	VS62 – Muskogee	11/13/2014	12/3/2014	15-050	App list sent 12/11/2014	
VS	Vending Machine Technician I / 1027	10/27/2014	VS33 – OKC	12/17/2014	12/30/2014	15-057	Currently open	

**NOTE:** Waiting for HCM-9 = Waiting for HCM to return HCM-9's to inform if applicant meets minimum qualifications for position.

Waiting for E-List = Waiting to receive electronic applicant log from HCM.

Pending Approval= Waiting for unclassified appointments to be approved by director and cabinet secretary to establish an effective date

**RESIGNATIONS/RETIREMENTS/SEPARATIONS = 7**

**SUPPORT SERVICES DIVISION (Executive/MSD/FSD)**

NONE

**DIVISION OF VOCATIONAL REHABILITATION**

Williamson, Hugh – Assistive Technology Specialist III – VR05-Weatherford, Retired 12/01/2014 (36 years)

Anderson, Gary – Rehabilitation Technician III – VR36-OKC, Discharged 12/05/2014 (12 years 9 months)

**VISUAL SERVICES DIVISION**

Harris, Steven – Rehabilitation Technician SWIP – VS58-Ada, Resigned 12/4/2014 (3 months)

**DVR/DVS-HRD**

NONE

**OKLAHOMA SCHOOL FOR THE BLIND**

Davison, Randy – Fire Prevention/Security Officer II, Deceased 12/14/2014 (7 years 3 months)

**OKLAHOMA SCHOOL FOR THE DEAF**

NONE

**DISABILITY DETERMINATION DIVISION**

Abt, Kenneth – DD Specialist III, Resigned 11/30/2014 (16 years 6 months)

Cooper, Omar – DD Specialist I, Resigned 12/10/2014 (4 months)

Douglas, Roy – DD Specialist I, Resigned 12/8/2014 (4 months)

# CURRENT FTE STATUS FY 2015

*FTE as of December 21, 2014*

<u>DIVISION</u>	<u>BUDGETED FTE</u>	<u>FILLED</u>	<u>PENDING</u>	<u>EXEMPT FTE</u>	<u>TOTAL FILLED PLUS PENDING MINUS EXEMPT FTE</u>
Support Services (Executive/MSD/FSD)	74.50	61.70	2.00	(0.00)	63.70
Vocational Rehabilitation	277.00	244.00	11.00	(9.00)	246.00
Visual Services	144.00	124.00	8.00	(3.00)	129.00
DVR/DVS-HRD	8.00	10.00	0.00	(0.00)	10.00
Oklahoma School for the Blind	94.50	86.50	5.00	0.00	91.50
Oklahoma School for the Deaf	126.50	118.00	6.00	0.00	124.00
<b>Total (NON-EXEMPT)</b>	<b>724.50</b>	<b>644.2</b>	<b>32.00</b>	<b>(12.00)</b>	<b>664.20</b>
Disability Determination Division (EXEMPT)	358.00	324.00	0.00	0.00	324.00
<b>TOTAL NON-EXEMPT &amp; EXEMPT</b>	<b>1082.50</b>	<b>968.20</b>	<b>32.00</b>	<b>(12.00)</b>	<b>988.20</b>

**Authorized Agency FTE Limit = 1255**

**\* Authorized agency FTE limit does not include Executive Fellow and SWIP appointments**

ROUTING TO: Joe Cordova, Director  
 Cheryl Gray, Chief of Staff  
 Kevin Statham, Chief Financial Officer  
 Goli Dunkle, Division Administrator  
 Tom Patt, Human Resources Program Director  
 Dana Tallon, Public Information Manager II  
 Linda Santin, Executive Assistant  
 Rosemarie Chitwood, Secretary V  
 Paul Adams, Project Coordinator

**Information**

**Services**

**Report**

The information contained in this report reflects activities for the third and fourth quarter of the 2014 calendar year.

### **Administrative Updates:**

- The DRS IS Administrator has been selected to lead a statewide multi-agency project to design and deploy SharePoint Online services for the Oklahoma Health and Human Services DISCUSS (Deliver Interoperable Solution Components Utilizing Shared Services) committee members and their designee's.
- Establishment of the DRS ITOC (Information Technology Oversight Committee).
- DRS is quickly becoming the states most recognized entity for accessibility testing. We have been receiving an increasing number of requests to test and evaluate sites/applications for accessibility. Most recently we evaluated the states JobAPs portal and found multiple areas that needed to be addressed for its lack of accessibility features.
- Assisted with the planning and guidance to both schools for resolving their audit findings this past year.
- Creation of the DRS internal Change Advisory Board (CAB) as a part of ITIL standards.
- Imminent implementation of video conferencing software that will integrate with our existing video conferencing system and give us the ability to video conference with out-of-state candidates on nearly any type of device.
- We worked as part of the Governor's EITA (Electronic Information and Technology Accessibility) Council subcommittee to update Oklahoma's Technical Assistance Document (TAD). The TAD instructs agencies on ensuring web-based applications are in compliance with Oklahoma's accessibility standards.

### **AWARE Management Team Update:**

- Actively working on a Statement of Work with Alliance Enterprises for the development of an online application for the AWARE system.
- The statement of work will also include development of a portal where clients can login in to get a summary of their case information such as their current contact information, case status, and the counselor who is assigned to them. The client would also have the ability to submit updated contact information via the portal as well once it is completed.
- An upgraded version of AWARE was installed in June 2014 to meet new Federal reporting requirements. Despite the short notice given by RSA, we were able to assist DRS staff with bringing their case data up-to-date in time to meet the deadlines for submitting the RSA-911 and the RSA-2 reports.

## **Applications/Development and Network Operations Team update:**

- We had a large undertaking to migrate to a new security platform transitioning from McAfee to Symantecas per directed by OMES. As a result we emerged as a leading agency developing scripts and procedures which ended up saving another state agency (Office of Juvenile Affairs) at least \$40k in new equipment and software costs.
- NSI Project completed – allowing for fully readable PDF Documents delivered to email via our Savin Copier systems.
- Wireless expansion/transition project completed.
- SharePoint 2010 to 2013 migration underway.
- Provided OSB with additional storage hardware.
- Provided OSB with network/server auditing/tracking tool NetWrix to help track changes to their systems. We were able to do this from our existing software licensing which helped to keep costs low. We also assisted with its installation and configuration.

## **Document Imaging Team update:**

- Retirement of Jim Noe from the state. Jim will be missed as he was an integral part of bringing us forward with document imaging as an agency.
- Full virtualization of KnowledgeLake Servers – All KL servers are now virtual, allowing for faster connection for users and technicians alike as well as a rigid, thorough backup schedule for all KL systems.

## **Helpdesk and PC Support Team Update:**

- We implemented a separate helpdesk section for OSB to use by their IT staff and employees. We were able to do this from our existing software which again helped to keep costs down as well as time to deploy in to production. This equipped OSB tech support saff with a full-featured ticketing system allowing for accurate record keeping of all technical incidents.

# Legislative

# Report

DRS JANUARY LEGISLATIVE REPORT  
Kevin Nelson  
Legislative Liaison

As of the 29<sup>th</sup>, we have not received the gift of the thousands of bills we expect under the tree just after Christmas. That said, we did receive four requests for legislation from Department heads, and have lined up authors prior to the deadline for requesting bills, December 12 of this month. This is an overview of our requests for your consideration and approval:

SCHOOLS:

There are three bills from the schools. The first bill is to exempt the two schools from the A-F grading system. It was requested by both schools. Both Sen. Garrison and Simpson have offered to be Senate authors, with Faught in the house. Sen. Simpson is also going to try to help us talk with Superintendent Hoffmeister to see if we can resolve this administratively. No word from Simpson yet. I have been contacted by Senate staff on behalf of Garrison and they have offered to draft the language.

The second bill is to exempt property held by the schools from the requirements of HB 3050, passed last year, that requires all proceeds of property sold by an agency to go to the OMES maintenance fund for all state buildings. It was a carry over issue from last year affecting the School for the Blind. Our concern is that property given to the schools, especially in a will, may be lost by the schools if they ever tried to sell it because the proceeds would not go to the school as intended/required by the person giving the property.

Again, Sen. Garrison and Simpson have offered to be Senate authors, with Faught in the house. Sen. Simpson is going to talk with Sen. Griffin, the Senate author of HB 3050, to see if she wants to carry it. No word yet. I have been contacted by Senate staff on behalf of Garrison and they will draft it.

The third bill would amend an exemption from the central purchasing act for the School for the blind and the School for the Deaf under 74 OS 85.12. It exempts:

14. Expenditure of monies appropriated to the State Department of Rehabilitation Services for educational programs or educational materials for the Oklahoma School for the Blind and the Oklahoma School for the Deaf;

There have been some delays, particularly with IT, that have affected the schools. We are working with OMES to see if we can resolve these administratively. This may be used as a vehicle to clarify the exemption.

Sen. Garrison and Simpson have offered to be Senate authors, with Faught in the house. I have been contacted by Senate staff on behalf of Garrison. They would like us to propose language.

DDD:

The fourth bill is a request for additional unclassified FTE. It is a carry over from last year. Like the last three years, we have asked for an additional 7 unclassified positions.

Sen. David has agreed to be our Senate author, and I have asked Rep. Owenby to be the house author. I have been contacted by Senate staff on behalf of Sen. David. They will draft. I have contacted OPEA to brief them. We have a meeting scheduled for today, December 29<sup>th</sup>.

## BILL REVIEW

Finally, as mentioned above, there are only a dozen bills out now, but they should be out when we meet in January. This will be our life for the next month, so please say a prayer for our sanity as Jean and I wade through them.

Right now, as far as legislation affecting DRS, we know of one bill so far. The Health Department is looking at putting legislation in place to define healthy vending and requiring healthy vending on state properties. The legislation should mirror new federal requirements brought about by the Affordable Care Act. We are evaluating the requirements and officials from Health will discuss them with our vending committee this month.

**Visual  
Services  
Administrator's  
Report**

Report to the Department of Rehabilitation Services  
Commission Board, January 12, 2015  
Respectfully submitted by:  
Doug C. Boone, Visual Services Division Administrator

Deaf-Blind Conference, Lake Murray, OK:

It was my pleasure to speak at the Banquet of regional Deaf-Blind Conference at Lake Murray Lodge and meet many of the participants. Visual Services assisted in sponsoring this event, where deaf-blind persons and their SSP participated in a variety of activities, including going through a buffet line. We look forward to continue to support the efforts of our deaf-blind specialists and counselor to challenge consumers to reach for full participation in society. To assist both the VR and VS Division deaf, deaf-blind specialists, both division staff have committed to meet several times each year to share information and best practices.

Training:

Violence in the Workplace has been scheduled to start in January, for all VR/VS offices. It will be a 1.5 – 2 day long class and will result in staff being nationally certified. It has been some time since this topic has been addressed and with many new staff in our offices, the training should prove to be very timely and valuable.

New AT Training Classroom:

VS is moving to establish an AT (Assistive Technology) training classroom in the Sunoco Office Building, in Tulsa. With the addition of the equipment and instructor, residents of the Eastern part of the State will no longer have to travel to Oklahoma City to obtain instruction in the use of speech or screen enlargement technology. Classes can be held on a more frequent basis and competencies developed more rapidly. The development of skills to effectively use AT devices will assist blind and visually impaired persons in Tulsa and the surrounding area to independently use computer technology. Most jobs today require computer literacy and this added service will empower more clients to be successful in their efforts to return to employment and independence in the home.

ABLE Tech Collaboration:

VS is working with ABLE Tech to expand the knowledge of assistive technology available for our consumers. To that end, we have agreed to have our Counselors demonstrate iPads, which will be provided to each office by ABLE Tech. These demonstrations will challenge the thinking of newly blind individuals, as they learn about voice over and the accessibility build into each of the Apple devices. Interested clients can acquire an iPad on loan, from ABLE Tech, to assist in developing their skills. Counselors will assist clients in applying for a technology loan from ABLE Tech.

### Outreach to New Consumers:

On October 31, Director Joe Cordova, Commissioner Steve Shelton and I, along with other staff, participated in a new consumer forum sponsored by a Tulsa chapter of the NFB. The goal was to educate potential clients of the opportunities/positive changes to their lives participation in vocational rehabilitation can result in. Other staff present included Danny Robison and Jon Pickup, who shared information about their recent participation in skills training. Many staff were present from the Tulsa VS Office and included Fatos Floyd, FSC, Tracy Brigham, PM and several counselors who assisted participants in completing applications at the close of the day's activities. William Ginn was present to share information regarding CAP and the new client application cartridge was provided to all who were interested. It was well attended and was considered a success.

### CSAVR/NCSAB Participation:

It was to my great benefit that I was able to attend CSAVR and learn more about the changes to the Rehabilitation Act under WIOA. I also reported back to the Veteran's Committee regarding a breakthrough in making contact with the Army, regarding participation by Rehabilitation in the Yellow Ribbon events. The Yellow Ribbon events are designed to reduce the number of suicides by soldiers returning from deployment. There are pre-deployment, during deployment and post deployment events. I became aware of these events as a result of our son's deployment to Afghanistan. I noticed that representation by rehabilitation was absent from the information tables, provided as resources to soldiers and their families and after my third attendance, I finally connected with persons in charge of scheduling information tables. CSAVR and NCSAB will now be able to provide rehabilitation information to soldiers and their families. VS also presented information regarding our new applicant cartridge and the issuing of Library players to new consumers during a presentation to NCSAB. The concept was well received by other state agencies serving the blind.

### BEP:

On November 18 – 20, I and a number of BEP staff attended a BLAST Conference in Austin, Texas, sponsored by the National Association of Blind Merchants. The conference included a number of different components, including legal training for agency attorneys, coordinated in part by Rick Olderbak. Over 71 booths were present to display Vending Machines and other products. Each booth provided an opportunity for examination by staff and our Licensed Merchants. Numerous motivational speakers presented strategies for attaining greater success, as a blind merchant. Over 650 persons were in attendance at the Conference. This was my first attendance at such a conference and I found it to be very worth the time of our staff and Licensed Managers who attended.

### Review of Long Term Training Programs:

During the first week of December, a number of VS staff visited the Carroll Center for the Blind in Newton, MA. I was accompanied by 4 staff as we reviewed the offerings by the facility. We found the visit very informative and feel that it should remain on the list of facilities with which we contract for long term blindness skill training. We now have a better understanding of strengths within the program and as a Division we are better prepared to answer consumer questions regarding use of this facility.

Positions Filled:

Since my last report, we have filled a number of positions within VS. We have hired 5 Vocational Rehabilitation Counselors and 2 Orientation and Mobility instructors. We feel very fortunate to have had the opportunity to hire these staff, given the supply/competition for these professionals.

**OSB**

**Superintendent's**

**Report**

December 29, 2014

## Oklahoma School for the blind

### Commissioners Report

#### **OSB Student Activities Summary:**

October 7<sup>th</sup> our elementary students visited the Tulsa Zoo to see the dinosaur exhibit.

Our academic team was active in academic meets in Ft. Gibson and on hosted one event on campus at OSB. Our 4-H Club had an evening meeting to plan events and activities for the year.

October 14<sup>th</sup> students and staff celebrated “White Cane Day” at Arrowhead Mall in Muskogee and conducted their first competitive white cane even, “Cane Quest”. We were one of three locations in the nation to conduct this event.

October 21<sup>st</sup> our DECA Leadership Team attended the DECA Fall Leadership Conference in Norman.

October 22<sup>nd</sup> our FCCLA members attended their district meeting in Ft. Gibson and our Special Olympians traveled to McAlester for a bowling tournament.

November 3-7 two students traveled to Washington D.C. to attend Close-up.

November 4<sup>th</sup> and 11<sup>th</sup> our academic team traveled to Sallisaw and Hilldale respectively for their competition. Our FCCLA club sponsored their annual Power of Pink Dinner at the Oklahoma Music Hall of Fame. Our Jazz Band performed and drew a large crowd and played a major part in the success of this event.

November 14<sup>th</sup> our wrestlers traveled to the Arkansas School for the Blind to compete in their homecoming tournament.

November 15<sup>th</sup> our academic team competed in the OSSAA Regional meet in Oilton.

#### **OSB Student Progress:**

The following data reflects our students’ progress. This data is base of the Woodcock-Johnson III-Test of Achievement which is normed for blind and visually impaired students. The Woodcock-Johnson- Test of Achievement is a nationally recognized leader in individually administered assessments. This data is calculated for a two year cycle, or putting it another way, the WJIII is given every two years. Therefore, some of our students have not been enrolled with us long enough to obtain a valid measure.

In grade six through twelve 82 percent showed improvements in reading abilities and 73.3 percent showed improvement in their math ability as compared to their previous test. The overall grade equivalent ranges for zero to grade eighteen.

December 29, 2014

Fifty two students are in the data pool; however, twenty five have not been enrolled with us long enough to be included in the data results. Thirty one are large print users and seventeen are braille users.

The break down analyzes is as follows:

Seniors:

Of the ten seniors, seven showed improvement in reading and math skills. Two were not able to be scored due to the length of enrollment and one had no reading medium. Their grade equivalent level ranges from grades zero to 16.9. All are large print users.

Juniors:

Of the six juniors, four showed improvement in the reading skills and two showed improvement in their math skills. Two were unable to score in both areas, one showed no change and one regressed. Their grade equivalent ranges from kindergarten to grade 18. Three are braille users and three are large print users.

Sophomores:

Of the eleven sophomores, four showed improvement in their math and reading skill and five were unable to score, three showed regression or no change. Their grade equivalent ranges from kindergarten to grade 13. Six are braille users and five are large print users.

Freshmen:

Of the sixteen freshmen, ten were unable to be scored and one regressed. Of the six students who were able to score, six showed improvement in their reading skills and four showed improvement in their math skills. Their grade equivalent ranges from kindergarten to 11.8. Seven are braille users and five are large print users.

Eight Graders:

Of the seven students, four were unable to be scored. Three showed an improvement in their reading and math skills. Their grade equivalent ranges from 1.9 to 5.4. Six are large print users and one is a braille user.

Seven Graders:

Of the two students in the seventh grade neither has been enrolled with us long enough to measure their progress. Their grade equivalent ranges from 2.0 to 6.4. Both are large print users.

December 29, 2014

Summary:

Each student's progress, at the Oklahoma School for the Blind, is based on their Individualized Education Plan (IEP). Our faculty uses data from the WJ III to create appropriate strategies for developing each student's Individual Education Plan (IEP) which then becomes part of their daily instruction tailored specify to each student.

# Commission

# Minutes

State of Oklahoma  
Commission for Rehabilitation Services  
Department of Rehabilitation Services  
3535 NW 58<sup>th</sup>, Suite 200  
Oklahoma City, OK 73112  
Monday, December 15, 2015

Commissioner Chair, Jack Tucker, called the meeting to order. Roll call was taken Commissioner Tucker and Commissioner Collins were present. Commissioner Shelton was absent.

Reports:

Director, Joe Cordova, reported on the Workforce Innovation and Opportunity Act (WIOA), Coaching for VR Quality Outcomes Initiative, Opening of Priority Group 3, Meeting held with DRS contractors, Deaf-Blind Conference, Social Security Reimbursements, Update on Disability Determination Division, Media release regarding Oklahoma School for the Deaf, Holiday message with Highway Safety PSAs.

Financial Status Report: A Summary of the Financial Status Report was presented by Kevin Statham. No discussion

Personnel Activity Report: The report was presented by Goli Dunkle. No discussion.

ABLE-Tech FY2014 Annual Report: Ms. Linda Jaco presented the annual report.

Action Items:

Review and approval of the minutes from the October 13, 2014, regular commission meeting. All commissioners present voted in the affirmative. Motion passed.

Review and approval of Donations for the Oklahoma School for the Deaf. Resolution 2015-08. All Commissioners present voted in the affirmative. Motion passed.

Review and approval of Donations for the Oklahoma School for the Blind. Resolution 2015-09. All Commissioners present voted in the affirmative. Motion passed.

Review and discussion of Proposed Hearing Aid Rate Increase. Proposal was presented by Jonathan Cook. Proposal will be voted on at the January 12, 2015, regular Commission for Rehabilitation Services meeting.

Review and Discussion of Proposed Changes for DRS Internal Policy and DRS Oklahoma Administrative Code Provisions. Proposed changes were presented by Sandra Wright for review only. No approval will be sought until after public hearings.

Announcements:

Date and location of the next regular meeting for the Commission for  
Rehabilitation Services:

Monday, January 12, 2015, 10:00 a.m.

Department of Rehabilitation Services

3535 NW 58<sup>th</sup>, Suite 200

Oklahoma City, OK 73112

Adjournment: Meeting was declared adjourned by Jack Tucker, Commission Chair.

**OSB**

**Report**

STATE OF OKLAHOMA  
COMMISSION FOR REHABILITATION SERVICES  
RESOLUTION 2015-10  
January 12, 2015

RESOLVED, THAT THE COMMISSION FOR REHABILITATION SERVICES DOES HEREBY APPROVE AND ADOPT THE FOLLOWING IN CONFORMANCE WITH SB 356, O.S. Section 166.2 Title 74:

Donations to the Oklahoma School for the Blind in January 2015, from individuals, groups and employees.

Approved in regular session on January 12, 2015.

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Jack Tucker, Chair  
Commission for Rehabilitation Services

lcs

# Executive Summary

## December 2014

### OSB Action Item

#### ISSUE:

Advise Commission of donations received by Oklahoma School for the Blind in December, 2014

#### BACKGROUND:

Gifts from individuals, groups and employees.

#### STAFF RECOMMENDATION:

Superintendent recommends acceptance of gifts from sources listed above.

#### BUDGET IMPACT: (if any)

#### ATTACHMENT(S)/PACKET SUPPORT DOCUMENTS: (list)

**\*Limit Summary to one page**

## OSB Donation Report December 2014 Donations

### Donations under \$500

Date	Name	Address, City, State, Zip	Cash	Fund	Property AV Switcher	Value
12.02.14	Donald Baccus	27195 E. 121 <sup>st</sup> St. S #202 Coweta, OK 74429				\$20.00
12.02.14	Robert & Patricia Morgan	9337 Dockside Way West Chester, OH 45069	\$200.00	216 – Tech. Equip. Fromme Memory Don.		
12.08.14	Carl Tuttle & Norma Kelley	1500 N. Sewell Drive Pawnee, OK 74058-0037	\$50.00	216 – Tech. Equip. Staggs – Memory Don.		
12.08.14	Versie Daniels	3807 Heritage Place Muskogee, OK 74403-2334	\$25.00	216 – Tech. Equip. Staggs – Memory Don.		
12.08.14	K.L. Meyer Jr.	1500 W. Okmulgee Muskogee, OK 74401-6741	\$50.00	216 – Tech. Equip. Staggs – Memory Don.		
12.08.14	Karen Wagner	111 Foltz Lane Muskogee, OK 74403-6118	\$100.00	216 – Tech. Equip. Staggs – Memory Don.		
12.08.14	V David & Billie Miller	3707 Country Club Drive Muskogee, OK 74403-1756	\$100.00	216 – Tech. Equip. Staggs – Memory Don.		
12.08.14	Mike & Trude Norman	P. O. Box 1096 Muskogee, OK 74402-1096	\$100.00	216 – Tech. Equip. Staggs – Memory Don.		
12.08.14	Gene & Donna Baucom	4701 W 93 <sup>rd</sup> Street S. Oktaha, OK 74450	\$25.00	216 – Tech. Equip. Staggs – Memory Don.		
12.18.14	SEDL	4700 Mueller Blvd. Austin, TX 78723	\$250.00	216 – Tech. Equip. Staggs – Memory Don.		
12.18.14	Martin & Pamela Walton	261 County Road 1299 Yantis, TX 75497	\$100.00	216 – Tech. Equip. Staggs – Memory Don.		
12.18.14	Billie Peterson	19513 Fieldshire Drive Edmond, OK 73012	\$25.00	701 – Recreation/Needy		
12.18.14	Bill & Kathleen Settle	P. O. Box 1368 Muskogee, OK 74402-1368	\$100.00	216 – Tech. Equip. Staggs – Memory Don		
12.18.14	Muskogee City-County Port Authority	P. O. Box 2819 Muskogee, OK 74402	\$100.00	216 – Tech. Equip Staggs – Memory Don		
12.18.14	Real Estate Professionals	510 North Main Street Muskogee, OK 74401	\$300.00	216 – Rec/Needy		
<b>Subtotal of Cash (under \$500) donated December 2014</b>			<b>\$1,525.00</b>		<b>Subtotal of Value</b>	<b>\$20.00</b>
<b>Donations \$500 and over</b>						
12.02.14	Karen Renfro	501 Pecan Ridge Road Fort Gibson, OK 74434			Books, videos, misc. Phys. Ed. items	\$3,250.00
12.18.14	Joe & Barbara Cunningham	201 S. 33 <sup>rd</sup> Street Muskogee, OK 74401	\$10,000.00	216 – Book Fund		
<b>Subtotal of Cash (\$500 and over) donated In Dec. 2014</b>			<b>\$10,000.00</b>		<b>Subtotal of Value</b>	<b>\$3,250.00</b>
<b>Total Donation Amts.- Cash and Property for Dec. 2014</b>			<b>\$14,795.00</b>			

# Hearing Aid Proposed Rate Change

STATE OF OKLAHOMA  
COMMISSION FOR REHABILITATION SERVICES  
RESOLUTION 2015-11  
January 12, 2015

RESOLVED, THAT THE COMMISSION FOR REHABILITATION SERVICES DOES HEREBY APPROVE AND ADOPT THE FOLLOWING IN CONFORMANCE WITH SB 356, O.S. Section 166.2 Title 74:

Hearing Aid Rates approved January 12, 2015.

Approved in regular session on January 12, 2015.

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Jack Tucker, Chair  
Commission for Rehabilitation Services

lcs

## REQUEST FOR REVIEW AND POSSIBLE APPROVAL OF RATE INCREASE FOR HEARING AIDS

The Services to the Deaf and Hard of Hearing Unit and the Medical Services Units of the Department of Rehabilitation Services desires to revise the fixed rates for hearing aids purchased for consumers of the agency. The last rate increase was approved by the Commission in April 2012. The rates currently paid for hearing aids are extremely low, making it difficult for hearing aid providers to provide quality hearing aids to our consumers. The agency is at risk of losing hearing aid providers due to these low rates. A taskforce meet with representatives of both audiologist and hearing aid vendors who represented the various types of hearing devices, and who contract with the agency. The market rates were researched and found to be much higher than the current DRS rates paid. The proposed hearing aid prices include the hearing aid device, fitting and adjustments for one year, dispensing of aid, one-year repair/replacement warranty, and manual T-coil. Ear molds will be billed with a separate CPT code. A report of FY2014 cost was reviewed and compared to the proposed hearing aid rates.

**Financial Impact:** The financial impact will be approximately \$241,768.00 per year.

<u>Current Rate</u>	<u>Proposed Rate</u>	<u>Financial Impact</u>
Basic - \$750 per aid	\$1525 per aid	\$775 increase per aid
Mid - \$1000 per aid	\$1825 per aid	\$825 increase per aid
High - \$1650 per aid	\$2225 per aid	\$575 increase per aid

### Market Rates

Basic - \$1750 per aid  
Mid - \$2750 per aid  
High - \$3500 per aid

The proposed rates will make it more feasible for hearing aid providers to provide the quality hearing aids to DRS consumers, and we are confident this increase will ensure that we can maintain an adequate number of hearing aid providers.



State of Oklahoma  
Office of Management and Enterprise Services

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December 5, 2014

Kathy Rothenberger  
Oklahoma Department of Rehabilitation Services  
3535 N.W. 58th Street, Suite 500  
Oklahoma City, Oklahoma 73112-4824

RE: Request for an increase in the fixed rate related to hearing aids purchased for consumers of the agency as addressed in your letter dated December 2, 2014 and received in our office on December 2, 2014.

Dear Ms. Rothenberger,

Your request is approved for a rate increase for basic, mid, and high rated hearing aids in order to continue the service of providing quality hearing aids to consumers of the agency. As your letter states, the increase is based on recent market research of rates for equivalent hearing aids through current hearing aid providers.

The rate includes the hearing aid device, fitting and adjustments for one year, dispensing of the aid, a one year repair/replacement warranty, and a manual T-coil.

Please provide the results of your commission meeting to be held on December 15, 2014 by forwarding a copy of the meeting minutes to the State Purchasing Director.

No other changes in these Fixed Rates are authorized without submitting the proposed changes for approval to the Office of Management and Enterprise Services (OMES), Central Purchasing Division.

Per Procurement Information Memorandum (PIM) 07-01, please provide us with a copy of your public notice in lieu of the requirements of 3.b.1., etc.

Sincerely,

 Scott Schlotthauer  
2014.12.04  
16:37:16 -06'00'

Scott Schlotthauer  
State Purchasing Director

**Proposed**

**Policy**

**Changes**

# OKLAHOMA COMMISSION FOR REHABILITATION SERVICES

## EXECUTIVE SUMMARY

DRS POLICY, CHAPTER 1. ADMINISTRATIVE OPERATIONS  
DRS POLICY, CHAPTER 3. MANAGEMENT SERVICES DIVISION  
DRS POLICY, CHAPTER 10. VOCATIONAL REHABILITATION AND VISUAL SERVICES  
DRS POLICY, CHAPTER 15. OKLAHOMA LIBRARY FOR THE BLIND  
AND PHYSICALLY HANDICAPPED (OLBPH)  
DRS POLICY, CHAPTER 20. SPECIAL SCHOOLS  
DRS POLICY, CHAPTER 25. BUSINESS ENTERPRISE PROGRAM

January 12, 2015

**ISSUE:** The majority of the changes that encompasses all chapters is a revised name from Visual Services (VS) to Vocational Rehabilitation for the Blind and Visually Impaired (VRBVI). Additional changes to Chapter 25 are due to state and federal audits as well as updating language.

**BACKGROUND:** Due to changes in procedures and state and federal audits, changes in our policy are now necessary.

### STAFF RECOMMENDATION:

#### Review and discuss:

#### External Policies:

- 612:1-1-6. Description of forms and instructions issued by the Department for public use [AMENDED]
- 612:1-3-2.1. The Chief of Staff of Rehabilitation Services [AMENDED]
- 612:1-3-10. Final signature authority [AMENDED]
- 612:1-5-1. Overview of the department [AMENDED]
- 612:1-5-3. Division of ~~Visual Services (DVS)~~ Vocational Rehabilitation for the Blind & Visually Impaired (DVRBVI) [AMENDED]
- 612:3-5-30. Vocational Rehabilitation and ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired compliance reviews [AMENDED]
- 612:3-5-31. Vocational Rehabilitation and ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired outcome measures [AMENDED]
- 612:10-1-1. Purpose [AMENDED]
- 612:10-1-2. Definitions [AMENDED]
- 612:10-1-3. Basic philosophy of rehabilitation programs [AMENDED]
- 612:10-1-3.1. Procedural exceptions [AMENDED]
- 612:10-1-3.2. Pilot projects [AMENDED]
- 612:10-1-5. Confidentiality [AMENDED]
- 612:10-1-6. Due process [AMENDED]
- 612:10-1-7. Purchase of services and goods for individuals with disabilities [AMENDED]
- 612:10-3-2. Consideration of comparable services and benefits [AMENDED]

- 612:10-7-1. Overview of Vocational Rehabilitation and ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired [AMENDED]
- 612:10-7-2. Field staff responsibilities [AMENDED]
- 612:10-7-3. Client responsibilities [AMENDED]
- 612:10-7-21. Processing incoming referrals [AMENDED]
- 612:10-7-21.1 Information and referral system [AMENDED]
- 612:10-7-24.2 Assessment for determining eligibility [AMENDED]
- 612:10-7-24.3 Trial Work Experience and Extended Evaluation [AMENDED]
- 612:10-7-25.1 Order of selection [AMENDED]
- 612:10-7-31. Transfer of cases [AMENDED]
- 612:10-7-50. Eligibility Status [AMENDED]
- 612:10-7-51. Individualized Plan for Employment [AMENDED]
- 612:10-7-87. Actions requiring supervisor's approval [AMENDED]
- 612:10-7-98. General guidelines for physical and mental restoration services [AMENDED]
- 612:10-7-130. Maintenance [AMENDED]
- 612:10-7-142. General guidelines for training services [AMENDED]
- 612:10-7-149. College and university training [AMENDED]
- 612:10-7-150. Continued eligibility for college or university training [AMENDED]
- 612:10-7-152. Payment of tuition and fees at colleges and universities [AMENDED]
- 612:10-7-158. Training for individuals in custody of the Department of Corrections [AMENDED]
- 612:10-7-161. Public and private vocational schools [AMENDED]
- 612:10-7-162. Textbooks, supplies, training tools and equipment [AMENDED]
- 612:10-7-183. Ongoing support services [AMENDED]
- 612:10-7-184. Extended services [AMENDED]
- 612:10-7-199. Reader/recording services [AMENDED]
- 612:10-7-201. Rehabilitation teaching services [AMENDED]
- 612:10-7-203. Orientation and Mobility (O & M) [AMENDED]
- 612:10-7-205. Services to persons who are deaf –blind [AMENDED]
- 612:10-7-206. Assistive technology services for individuals with visual impairments [AMENDED]
- 612:10-7-216. Tools, occupational equipment, initial stocks and supplies [AMENDED]
- 612:10-7-245. Definitions [AMENDED]
- 612:10-9-17. Application Status [AMENDED]
- 612:10-11-7. Administrative review [AMENDED]
- 612:15-1-3. Library functions and legal basis [AMENDED]
- 612:15-5-2. Suspension procedures [AMENDED]
- 612:20-3-5. Departmental resources [AMENDED]
- 612:25-2-5. Definitions [AMENDED]
- 612:25-4-TOC. Subchapter 4. The State Licensing Agency [AMENDED]
- 612:25-4-1. Organization of the State Licensing Agency [AMENDED]
- 612:25-4-14. Training for new or potential licensed managers [AMENDED]
- 612:25-4-27. Initial inventory and supplies [AMENDED]
- 612:25-4-52. SLA responsibility for assignment and transfer of licensed managers [REVOKED]

- 612:25-4-53. Assignment, ~~promotion~~ and transfer policy [AMENDED]
- 612:25-4-54. Business enterprise vacancy announcement [AMENDED]
- 612:25-4-55. Qualifications [AMENDED]
- 612:25-4-57. Applicant Selection Committee [AMENDED]
- 612:25-4-58. Annual and Performance Evaluations [AMENDED]
- 612:25-4-59. Interview, Selection Process and Scoring [AMENDED]
- 612:25-4-60. Ninety day replacement [AMENDED]
- 612:25-4-61. Satellite/~~remote~~ business enterprise locations [AMENDED]
- 612:25-4-62. Vending machine income [AMENDED]
- 612:25-4-72. Audits [AMENDED]
- 612:25-4-73. Due Process [AMENDED]
- 612:25-6-1. Licensing requirements for managing a business enterprise [AMENDED]
- 612:25-6-2.1. Probation [AMENDED]
- 612:25-6-3. Grounds for suspension or termination of a license [AMENDED]
- 612:25-6-15. Setting aside of funds [AMENDED]
- 612:25-6-18. Establishing new licensed managers in business enterprises [AMENDED]
- 612:25-6-21. Business expenses [AMENDED]
- 612:25-6-22. Monthly reports [AMENDED]

**Internal Policies;**

- DRS: 3-3-16. Leave when an office is temporarily closed due to unsafe working conditions or services are temporarily reduced due to hazardous weather (paid administrative leave) [AMENDED]
- DRS: 3-3-20. DRS Criminal Background Check [AMENDED]
- DRS:3-3-110. Risk Management Programs Purpose and Scope [AMENDED]
- DRS:3-3-112. Disaster Response and Recovery [AMENDED]
- DRS:3-9-8. Purchases for Vocational Rehabilitation and ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired Division's Clients [AMENDED]
- DRS:3-9-80. Fleet management [AMENDED]

**BUDGET IMPACT:** The proposed policy sections should have no impact on the budget.

**ATTACHMENTS/PACKET SUPPORT DOCUMENTS:**

- 612:1-1-6, 612:1-3-2.1, 612:1-3-10, 612:1-5-1, 612:1-5-3, 612:3-5-30, 612:3-5-31,
- 612:10-1-1, 612:10-1-2, 612:10-1-3, 612:10-1-3.1, 612:10-1-3.2, 612:10-1-5, 612:10-1-6,
- 612:10-1-7, 612:10-3-2, 612:10-7-1, 612:10-7-2, 612:10-7-3, 612:10-7-21, 612:10-7-21.1,
- 612:10-7-24.2, 612:10-7-24.3, 612:10-7-25.1, 612:10-7-31, 612:10-7-50, 612:10-7-51,
- 612:10-7-87, 612:10-7-98, 612:10-7-130, 612:10-7-142, 612:10-7-149, 612:10-7-150,
- 612:10-7-152, 612:10-7-158, 612:10-7-161, 612:10-7-162, 612:10-7-183, 612:10-7-184,
- 612:10-7-199, 612:10-7-201, 612:10-7-203, 612:10-7-205, 612:10-7-206, 612:10-7-216,
- 612:10-7-245, 612:10-9-17, 612:10-11-7, 612:15-1-3, 612:15-5-2, 612:20-3-5, 612:25-2-5,
- 612:25-4-TOC, 612:25-4-1, 612:25-4-14, 612:25-4-27, 612:25-4-52, 612:25-4-53, 612:25-4-54,
- 612:25-4-55, 612:25-4-57, 612:25-4-58, 612:25-4-59, 612:25-4-60, 612:25-4-61, 612:25-4-62,

612:25-4-72, 612:25-4-73, 612:25-6-1, 612:25-6-2.1, 612:25-6-3, 612:25-6-15, 612:25-6-18,  
612:25-6-21, 612:25-6-22, DRS: 3-3-16, DRS: 3-3-20, DRS:3-3-110, DRS:3-3-112, DRS:3-9-8,  
DRS:3-9-80

1 **612:1-1-6. Description of forms and instructions issued by the Department for public**  
2 **use [AMENDED]**

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4 Forms and instructions issued by the Department for public use are:

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6 (1) "A Personal Directory, Your Rights and Responsibilities as an Applicant or Client for  
7 Vocational Rehabilitation or ~~Visual Services~~ Vocational Rehabilitation for the Blind &  
8 Visually Impaired" is issued for public use as a guide to accessing services from the  
9 Department, as a guide to requesting fair hearings, and as a guide to the application and  
10 eligibility determination process. The explanations given in this publication repeat  
11 Department policy faithfully and accurately.

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13 (2) The Certification as a Person With A Severe Disability is issued to qualifying individuals  
14 to use in applying for State government jobs, and allows for exemption from specific Merit  
15 System requirements.

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17 (3) From time to time, the Department issues public information pamphlets for general  
18 distribution. These pamphlets present general overviews of services provided by the  
19 Department as a whole, or by Divisions or Units within the Department. These pamphlets  
20 are carefully reviewed using the two-person proofreading method to check against the  
21 official Code or Register text.

**612:1-3-2.1. The Chief of Staff of Rehabilitation Services [AMENDED]**

(a) The Chief of Staff of Rehabilitation Services assists the Director of the Department in fulfilling the chief administrative and executive responsibilities for day-to-day direction of the activities necessary for DRS to attain its mission as established by Title 74, Section 166.1 et seq. of Oklahoma State Statute. The work of the Chief of Staff is overseen by the Director of the Department of Rehabilitation Services. In the Director's absence, the work of the Chief of Staff is overseen by the Commission for Rehabilitation Services.

(b) To the extent deemed necessary and prudent by the Director, or in the Director's absence, the Chief of Staff supervises the Division Administrators for Vocational Rehabilitation Services, ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired, Disability Determination, Financial Services Division, Management Services, and the Superintendents of the School for the Blind and the School for the Deaf. To the extent deemed necessary and prudent by the Director, or in the Director's absence, the Chief of Staff also supervises the Communications Director and External Relations Officer, and the Chief Fiscal Officer, ~~and the Civil Rights Administrator.~~

(c) The Chief of Staff duties include:

(1) assuring that all of DRS is working toward its mission and the goals established by the Commission and the Director through aggressive implementation of the planning and budgeting system;

(2) serving as staff to the Commission for Rehabilitation Services at the direction of, or in the absence of, the Director, providing necessary input for decision-making and assuring that actions approved by the Commission are carried out;

(3) developing and maintaining cooperative relationships with lawmakers and other officials, both federal and state, to assure the fulfillment of DRS's mission;

(4) maximizing all available resources for the delivery of services to the clients DRS is charged to serve;

(5) serving as a spokesperson for DRS and as an advocate for the clients it serves;

(6) assuring the coordination of services with other state agencies; and,

(7) carrying out such other duties and assignments the Director, or in the Director's absence, the Commission deems necessary and prudent to attain the mission of DRS; delegating authority to complete duties assigned, and overseeing the accomplishment of those assigned responsibilities.

1 | **612:1-5-1. Overview of the department [AMENDED]**

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The purpose of this Subchapter is to provide an overview of the program divisions within the Department of Rehabilitation Services. Program divisions are established for the following areas: Vocational Rehabilitation Services, ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired, Disability Determination, Management Services, The Oklahoma School for the Blind and the Oklahoma School for the Deaf. Each of the Divisions has one or more components.

1 **612:1-5-1. Overview of the department [AMENDED]**  
2

3 The purpose of this Subchapter is to provide an overview of the program divisions  
4 within the Department of Rehabilitation Services. Program divisions are established for  
5 the following areas: Vocational Rehabilitation Services, ~~Visual Services~~ Vocational  
6 Rehabilitation for the Blind & Visually Impaired, Disability Determination, Management  
7 Services, The Oklahoma School for the Blind and the Oklahoma School for the Deaf.  
8 Each of the Divisions has one or more components.

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**612:1-5-3. Division of ~~Visual Services~~Vocational Rehabilitation for the Blind & Visually Impaired (~~DVSDVRBVI~~) [AMENDED]**

The Division of ~~Visual Services~~Vocational Rehabilitation for the Blind & Visually Impaired provides diagnostic, counseling and guidance, physical restoration, training, and other services to individuals whose major disability is blindness; or severe visual impairments ~~and/or diabetes impairment~~. All departmental managers and ~~Visual Services~~Vocational Rehabilitation for the Blind & Visually Impaired Field Coordinators report directly to the Division Administrator or designee. Rehabilitation teachers for the blind provide in-home training, counseling and instruction in daily-living skills to blind individuals. DRS has field staff assigned to meet the needs in every county of the state, although staff may not be officed in each county. Local office staff report to ~~VSVRBVI~~ Program Managers, who report to the Field Coordinators. The Oklahoma Library for the Blind and Physically Handicapped provides books and magazines in special media to blind and print-limited Oklahomans. The Division of ~~Visual Services~~Vocational Rehabilitation for the Blind & Visually Impaired administers the Randolph-Sheppard Business Enterprise Program in Oklahoma, securing suitable locations for vending facilities; designing and installing equipment; recruiting, training, placing and supervising operators for the facilities.

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**612:3-5-30. Vocational Rehabilitation and ~~Visual Services~~ Vocational Rehabilitation  
for the Blind & Visually Impaired compliance reviews [AMENDED]**

(a) Assigned Case Review staff will conduct reviews on a random sample of closed cases to determine if case documentation indicates consumers are being served according to standards established by the Rehabilitation Act and agency policy. Staff will use the instrument currently approved by the Director or designee and will report their findings to appropriate staff on a regular schedule.

(b) Upon request and as other duties allow, Case Review staff will conduct reviews of active cases and will report their findings to appropriate staff within agreed-upon deadlines.

(c) Case Review staff will participate in compliance reviews conducted by RSA as assigned. RSA staff will be responsible for reporting the results of such reviews unless otherwise directed by the Administrator for Policy Development and Program Standards.

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**612:3-5-31. Vocational Rehabilitation and ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired outcome measures [AMENDED]**

(a) Assigned Program Standards staff will conduct data analysis and consumer surveys to determine actual service outcomes for the Divisions of Vocational Rehabilitation and ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired. Such information will be gathered from a statistically significant random sample of consumer cases. Staff will report their findings on a regular basis to be specified by affected administrators.

(b) Outcome measures will be used to determine the overall effectiveness of the Divisions of Vocational Rehabilitation and ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired in carrying out their mission. Results will therefore be reported on a program level, and not on an individual caseload level.

(c) Assigned Program Standards staff will assist RSA staff in conducting reviews of agency programs and community based rehabilitation programs funded under the Rehabilitation Act. RSA staff will be responsible for reporting the results of such reviews unless otherwise directed by the Administrator of Policy Development and Program Standards.

1 | **612:10-1-1. Purpose [AMENDED]**

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3 | The purpose of this Chapter is to set forth rules for the provision of services provided by  
4 | the Division of Vocational Rehabilitation and the Division of ~~Visual Services~~ Vocational  
5 | Rehabilitation for the Blind & Visually Impaired.

1 | **612:10-1-2. Definitions [AMENDED]**

2  
3 The following words and terms, when used in this Chapter, shall have the following  
4 meaning, unless the context clearly indicates otherwise:

5  
6 "**Act**" means the Rehabilitation Act [29 USC 701 et seq.].

7  
8 "**ADL**" Activities of Daily Living often refer to the routine activities carried out for  
9 personal hygiene and health (including bathing, dressing, feeding) and for operation of a  
10 household.

11  
12 "**Applicant**" means an individual who has completed and signed an agency application  
13 form or has otherwise requested vocational rehabilitation services; who has provided  
14 information necessary to initiate an assessment to determine eligibility and priority for  
15 services; and who is available to complete the assessment process.

16  
17 "**Assistive technology**" means technology designed to be utilized in an assistive  
18 technology device or service.

19  
20 "**Assistive technology device**" means any item, piece of equipment, or product  
21 system, whether acquired commercially, modified, or customized, that is used to increase,  
22 maintain, or improve functional capabilities of individuals with disabilities.

23  
24 "**Assistive technology service**" means any service that directly assists an individual  
25 with a disability in the selection, acquisition, or use of an assistive technology device.

26  
27 "**Authorized Representative**" means a client's or applicant's parent, guardian,  
28 advocate (i.e. Client Assistance Program) or other person designated by the client or  
29 applicant as the individual authorized to deal with the Department on behalf of the client or  
30 applicant, consistent with provisions of the Act. Authorized representative does not include  
31 an employee of the Department of Rehabilitation Services, another state agency, or vendor  
32 of the Department unless the person is actually the parent, guardian, or is serving in the  
33 capacity of guardian (for example: court appointed).

34  
35 "**Best correction**" refers to the use of standard eyeglasses or contact lenses and does  
36 not include the use of bioptic telescopic systems or specialized lenses which cannot be  
37 worn by the individual on a sustained basis.

38  
39 "**Blind**" means persons who are blind within the meaning of the State Law relating to  
40 Vocational Rehabilitation. Legal blindness means a visual acuity of 20/200 or less in the  
41 better eye with best correction, or a visual field of 20 degrees or less.

42  
43     **"Client/Consumer"** means an individual found eligible and receiving services under the  
44 Act.

45  
46     **"Clubhouse model"** means a psychosocial and vocational approach to work  
47 adjustment for people with mental illness. The work-ordered day is a core element of the  
48 clubhouse, which focuses on strengths, talents and abilities. Work in the clubhouse helps  
49 members develop appropriate social skills and gain self-worth, purpose, and confidence.  
50 The clubhouse enables members to return to paid work through Transitional Employment,  
51 Supported Employment and independent employment.

52  
53     **"Community rehabilitation program"** (CRP) means a program that directly provides  
54 or facilitates the provision of vocational rehabilitation services to individuals with disabilities,  
55 and provides singly or in combination, services for an individual with a disability to enable  
56 the individual to maximize opportunities for employment, including career advancement.

57  
58     **"Comparable services and benefits"** means services that are provided or paid for in  
59 whole or in part by other Federal, state or local public agencies, health insurance or  
60 employee benefits, and are available to the individual at the time needed to further the  
61 progress of the individual toward achieving his/her identified employment outcome.

62  
63     **"Compensatory training"** means training required before the client can enter a formal  
64 training program or employment, such as pre-vocational or personal adjustment training.

65  
66     **"Competitive employment"** means work in the competitive labor market that is  
67 performed on a full-time or part-time basis in an integrated setting; and for which the  
68 individual is compensated at or above the minimum wage, but not less than the customary  
69 wage and level of benefits paid by the employer for the same or similar work performed by  
70 individuals who do not have disabilities.

71  
72     **"Consumer Independence Support Services" (CISS)** are defined as providing  
73 independent living assessment, intensive counseling, community integration, and housing  
74 modifications to further assist consumers with severe disabilities in achieving  
75 independence.

76  
77     **"Continuity of Services"** means once an individual is selected for services in  
78 accordance with policy, regardless of the priority category from which the individual was  
79 selected, the individual will receive the necessary purchased services, including post-  
80 employment services.

82       **"Counselor"** means the qualified rehabilitation professional, who is an employee of the  
 83 designated state unit, and who has primary responsibility for the management of an  
 84 individual's rehabilitation services case record, including determination of eligibility, service  
 85 planning and management, counseling and guidance, and determination of successful or  
 86 unsuccessful rehabilitation. Counselor is equivalent to such terms as ~~VR~~/~~SVR~~/~~VRBVI~~  
 87 Specialist and ~~VR~~/~~SVR~~/~~VRBVI~~ Coordinator.

88  
 89       **"Department"** unless otherwise indicated in the text, means the Department of  
 90 Rehabilitation Services as constituted in 74 O.S., Section 166.1 et seq.

91  
 92       **"DRS"** means the Department of Rehabilitation Services.

93  
 94       **"DVR"** means the Division of Vocational Rehabilitation.

95  
 96       **"DVSDVRBVI"** means the Division of ~~Visual Services~~Vocational Rehabilitation for the  
 97 Blind & Visually Impaired.

98  
 99       **"Eligibility" or "Eligible"** means:

100  
 101       (A) when used in relation to an individual's qualification for Vocational Rehabilitation  
 102 services, a determination that the individual has a physical or mental impairment  
 103 which for such individual constitutes or results in a substantial impediment to  
 104 employment; can benefit in terms of an employment outcome from rehabilitation  
 105 services; and requires vocational rehabilitation services to prepare for, enter, engage  
 106 in, or retain gainful employment;

107  
 108       (B) when used in relation to an individual's qualification for Supported Employment  
 109 services, a determination that the individual is eligible for Vocational Rehabilitation  
 110 services; is an individual with the most severe disabilities (priority group one); and

111               (i) for whom competitive employment has not traditionally occurred; or

112               (ii) for whom competitive employment has been interrupted or intermittent as a  
 113 result of a severe disability; and

114               (iii) who, because of the nature and severity of their disability, need intensive  
 115 supported employment services, and extended services after the transition from  
 116 intensive supported employment services, in order to perform such work;

117  
 118       (C) when used in relation to an individual's qualification for Rehabilitation Teaching  
 119 services, certification that the individual is legally and/or functionally blind or has a  
 120  
 121  
 122

123 rapidly progressive condition and may have secondary disabilities; the individual has  
124 identifiable deficiencies in independent living due to disabilities; and it is expected  
125 services will improve the individual's independence in the home and community;  
126

127 (D) when used in relation to an individual's qualification for Independent Living  
128 Rehabilitation services, certification that the individual has a severe physical or  
129 mental disability; the disability results in a substantial limitation or inability to function  
130 independently in the family or community or to continue in employment; and a  
131 reasonable expectation that independent living services will significantly assist the  
132 individual improve his/her ability to function independently.  
133

134 **"Employment and Retention"** (E&R) means short-term job coach support for  
135 individuals with severe disabilities who require assistance preparing for, obtaining, and  
136 maintaining employment.  
137

138 **"Employment outcome"** means, with respect to an eligible individual, entering or  
139 retaining full-time or, if appropriate, part-time competitive employment in the integrated  
140 labor market to the greatest extent practicable; supported employment; or any other type of  
141 employment (including self-employment, telecommuting, or business ownership) that is  
142 consistent with an individual's strengths, resources, priorities, concerns, abilities,  
143 capabilities, interests, and informed choice.  
144

145 **"Extended employment"** means work in a non-integrated or sheltered setting for a  
146 public or private nonprofit agency or organization that provides compensation in  
147 accordance with the Fair Labor Standards Act and any needed support services to an  
148 individual with a disability to enable the individual to continue to train or otherwise prepare  
149 for competitive employment, unless the individual through informed choice chooses to  
150 remain in extended employment.  
151

152 **"Extended period of time"** means when appropriate services are provided in a timely  
153 and orderly manner, completion of the Individualized Plan for Employment (IPE) will be  
154 expected to require a minimum of 6 months.  
155

156 **"Extended services"** means ongoing support services provided to individuals with the  
157 most severe disabilities after the time-limited vocational rehabilitation services have been  
158 completed and job stabilization has been achieved. They consist of specific services,  
159 including natural supports, needed to maintain the supported employment placement.  
160 Extended services are paid from funding sources other than DRS and are specifically  
161 identified in the IPE.  
162

163        **"Extreme medical risk"** means a risk of substantially increasing functional impairment  
164 or risk of death if medical services are not provided expeditiously.

166        **"Functional capacities"** means a client's assets, strengths, and resources which  
167 maintain or increase the individual's ability to work. Functional capacities include mobility,  
168 communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills.

170        **"Functional limitations"** means physical or mental conditions, emergent from a  
171 disability, which impair, interfere with, or impede one or more of an individual's functional  
172 capacities.

174        **"Higher education"** means universities, colleges, community/junior colleges,  
175 vocational schools, technical institutes, or hospital schools of nursing.

177        **"Highly challenged"** describes a client receiving supported employment services who,  
178 due to the nature of the disability, requires a greater level of support from the job coach to  
179 achieve and maintain employment.

181        **"Homemaker"** means a person whose primary work is performance of duties related to  
182 upkeep and maintenance of a home.

183        **"IEP"** means Individualized Education Program as required by the Individuals with  
184 Disabilities Education Act.

186        **"Independent Living (IL) Core services"** is defined as information and referral  
187 services; independent living skills training; peer counseling; and individual and systems  
188 advocacy.

190        **"Independent Living Services"** as defined in the Rehabilitation Act, 29 USC Section  
191 705 (17) and (18), include IL core services and counseling, housing procurement and  
192 modifications, personal assistance, mobility training, rehabilitation technology, life skills  
193 training, interpreters, readers, transportation, community integration, supported living,  
194 physical rehabilitation, aids and devices, social and recreational opportunities, and other  
195 services that are necessary and not inconsistent with the Act's provisions related to  
196 independent living.

198        **"Individual with a disability"** means an individual having one or more physical or  
199 mental conditions which materially limits, contributes to limiting or, if not corrected, will  
200 probably result in limiting an individual's employment activities or vocational functioning.

202        **"Individual with a severe disability"** means with respect to eligibility for the state's  
203 Optional Program for Hiring Applicants with Disabilities, an individual who has a physical or

204 mental impairment which seriously limits one or more functional capacities (such as  
205 mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or  
206 work skills) in terms of an employment outcome.

207  
208 **"Individual with significant disability"** means an individual with a significant barrier to  
209 employment, as used in the Rehabilitation Act amendments of 1998, and an individual:

210  
211 (A) who has a physical or mental impairment seriously limiting one or more  
212 functional capacities (such as mobility, communication, self-care, self-direction,  
213 interpersonal skills, work tolerance, or work skills) in terms of an employment  
214 outcome;

215  
216 (B) whose vocational rehabilitation can be expected to require multiple vocational  
217 rehabilitation services over an extended period of time; and

218  
219 (C) who has one or more physical or mental disabilities resulting from amputation,  
220 arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis,  
221 deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or  
222 pulmonary dysfunction, mental illness, intellectual disability, multiple sclerosis,  
223 muscular dystrophy, musculoskeletal disorder, neurological disorders (including  
224 stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, sickle  
225 cell anemia, specific learning disability, end-stage renal disease or other disability or  
226 combination of disabilities determined on the basis of an assessment for determining  
227 eligibility and vocational rehabilitation needs to cause comparable substantial  
228 functional limitation.

229  
230 **"Individual with the most significant disability"** means an individual with the most  
231 significant barrier to employment as used in the Rehabilitation Act amendments of 1998,  
232 and an individual with physical or mental disabilities:

233  
234 (A) who has a severe physical or mental disability that seriously limits three or more  
235 major life activities in terms of an employment outcome;

236  
237 (B) whose vocational rehabilitation can be expected to require multiple vocational  
238 rehabilitation services over an extended period of time; and

239  
240 (C) who has one or more physical or mental disabilities resulting from amputation,  
241 arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis,  
242 deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or  
243 pulmonary dysfunction, mental illness, intellectual disability, multiple sclerosis,  
244 muscular dystrophy, musculoskeletal disorder, neurological disorders (including

245 stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, sickle  
246 cell anemia, specific learning disability, end-stage renal disease or other disability or  
247 combination of disabilities determined on the basis of an assessment for determining  
248 eligibility and vocational rehabilitation needs to cause comparable substantial  
249 functional limitation.

250  
251 **"Integrated setting"** means:

252  
253 (A) With respect to the provision of services, a setting typically found in the  
254 community in which applicants or eligible individuals interact with non-disabled  
255 individuals other than non-disabled individuals who are providing services to those  
256 applicants or eligible individuals.

257  
258 (B) With respect to an employment outcome, means a setting typically found in the  
259 community in which applicants or eligible individuals interact with non-disabled  
260 individuals, other than non-disabled individuals who are providing services to those  
261 applicants or eligible individuals, to the same extent that non-disabled individuals in  
262 comparable positions interact with other persons.

263  
264 **"Intercurrent (acute) conditions"** means an illness or injury occurring during the  
265 actual course of an individual's rehabilitation which, if not cared for, will complicate or delay  
266 achievement of the client's employment outcome as identified in the client's IPE.

267  
268 **"IPE"** means the Individualized Plan for Employment.

269  
270 **"Job Club"** is a structured learning experience for a client to build skills in self-  
271 assessment, resume development, job search and research strategies, and interview  
272 techniques to assist the person to enter a career of their choice.

273  
274 **"Job Coach/Employment Training Specialist"** means a qualified individual providing  
275 support services to eligible individuals in supported employment and employment and  
276 retention programs. Services directly support the eligible individual's work activity including  
277 marketing and job development, applied behavioral analysis, job and work site assessment,  
278 training and worker assessment, job matching procedures, and teaching job skills.

279  
280 **"Long-term treatment"** means medical or psychological treatment that is expected to  
281 last more than three months.

282  
283 **"Maintenance"** is a service provided to assist with the out-of-ordinary or extra  
284 expenses to the individual resulting from and needed to support the individual's

285 participation in diagnostic, evaluative, or other substantial services in the IPE. Activities of  
286 Daily Living (ADL) expenses are not eligible for maintenance payments.

287  
288 **"Milestones"** means a payment system that reimburses a vendor based on incentives  
289 and outcomes. The vendor is paid when the client completes pre-defined checkpoints on  
290 the way to a desired employment goal.

291  
292 **"Multiple services"** means the counseling and guidance provided as a routine part of  
293 case management plus two or more VR services. Comparable benefits and/or services can  
294 count toward meeting the definition of multiple services. Services routinely provided as a  
295 package do not count as multiple services for the purpose of determining the presence of a  
296 significant disability, even if two or more services are included in the package.

297  
298 **"Natural supports"** means any assistance, relationships or interactions that allow a  
299 person to maintain employment in ways that correspond to the typical work routines and  
300 social interactions of other employees. Natural supports may be developed through  
301 relationships with people or put into place by the adaptation of the work environment itself,  
302 depending on the support needs of the person and the environment.

303  
304 **"Occupational license"** means any license, permit, or other written authority required  
305 by a state, city or other governmental unit to be obtained in order to enter an occupation.

306  
307 **"Ongoing support services"** means services specified in the IPE according to  
308 individual need, which support and maintain an individual with the most severe disabilities  
309 in supported employment. Sponsored ongoing support services are provided from the time  
310 of placement until the individual is stabilized on the job. Ongoing support services are  
311 provided by one or more extended services providers, or by natural supports, following  
312 transition throughout the individual's term of employment. In transitional employment, the  
313 provision of ongoing support services must include continuing sequential job placements  
314 until job permanency is achieved.

315  
316 **"Other Qualified Rehabilitation Personnel"** means qualified rehabilitation personnel  
317 who, in addition to rehabilitation counselors, are necessary to facilitate the accomplishment  
318 of the employment outcomes and objectives of an individual (Section 100(a)(3)(E) of the  
319 Act.) Other qualified rehabilitation personnel include, but are not limited to, rehabilitation  
320 teachers of the blind who are certified at the national level as Certified Vision Rehabilitation  
321 Therapists (CVRT) or who are CRC-eligible (Section 101(a)(7)(B) of the Act). The agency  
322 has determined that nationally certified rehabilitation teachers of the blind are necessary for  
323 the provision of vocational rehabilitation services and accomplishment of employment  
324 outcomes in Homemaker cases and that in their role as Other Qualified Rehabilitation

325 Personnel; nationally certified rehabilitation teachers are approved to manage Homemaker  
326 cases through closure.  
327

328 **"Package of services"** means several services which are usually provided together for  
329 the same purpose. The services in a package are usually, but not always, from the same  
330 category of services (see definition of multiple services, this section). Examples include,  
331 but are not limited to: surgery, anesthesia, and hospitalization; or personal computer,  
332 software, and peripheral equipment.  
333

334 **"Personal assistance services"** means a range of services provided by one or more  
335 persons designed to assist an individual with a disability to perform daily living activities on  
336 or off the job that the individual would typically perform without assistance if the individual  
337 did not have a disability.  
338

339 **"Physical and mental restoration services"** means services which are necessary to  
340 correct or substantially modify a physical or mental condition which is stable or slowly  
341 progressive, within a reasonable period of time.  
342

343 **"Physical or mental disability"** means a physical or mental condition which, if not  
344 corrected, materially limits, contributes to limiting or will result in limiting an individual's  
345 activities or functioning.  
346

347 **"Rehabilitation Act"** means the Rehabilitation Act [29 USC 701 et seq.].  
348

349 **"Related factors"** means those factors which are not directly attributable to the  
350 impediment to employment, but which have impact on the potential for successful  
351 rehabilitation. They frequently become evident only from an assessment of the person's  
352 social, vocational, educational, and environmental circumstances.  
353

354 **"Section 504 Plan"** is a plan designed as a protection for students with disabilities who  
355 may not be considered eligible for special education under IDEA in compliance with Section  
356 504 of the Rehabilitation Act of 1973 as amended.  
357

358 **"Small business enterprises"** means a small business operated by blind or other  
359 individuals with severe disabilities under the management and supervision of the state  
360 DRS. Such businesses include only those selling, manufacturing, processing, servicing,  
361 agricultural, and other activities which are suitable and practical for the effective utilization  
362 of the skills and aptitudes of individuals who are blind or individuals who have severe  
363 disabilities. Small business enterprise provides substantial gainful employment or self-  
364 employment commensurate with the time devoted by the operators to the business, the  
365 cost of establishing the business and other factors of an economic nature.

366

367

"**Stabilization**" means the period of time when job coach support is reduced to the long-term maintenance level while the individual retains employment, and personal satisfaction with the job, as well as employer satisfaction with the person's job performance. Stabilization must include appropriate individualized supports, including a minimum of two employee contacts and one employer contact per month.

371

372

373

"**Substantial impediment to employment**" means that a physical or mental disability (in the light of related medical, psychological, vocational, educational, cultural, social or environmental factors) that impedes an individual's occupational performance, by preventing his/her obtaining, retaining, or preparing for a gainful occupation consistent with his/her capacities and abilities.

377

378

379

"**Supported employment**" (SE) means competitive work in integrated work settings, or employment in integrated work settings in which individuals are working toward competitive work, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals, for individuals with the most severe disabilities who meet the eligibility criteria for supported employment. This term includes transitional employment for persons who are individuals with the most severe disabilities due to mental illness (see the definition for "transitional employment").

385

386

387

"**Transitional employment**" (TE) means, when referring to the Supported Employment Program, a series of temporary job placements in competitive work in integrated settings with ongoing support services for individuals with the most severe disabilities due to mental illness.

390

391

392

"**Transportation**" is a service provided to assist with the costs of travel, including instruction in the use of public transportation vehicles and systems, which result from and are needed to support the individual's participation in diagnostic, evaluative, or other substantial and necessary VR services.

395

396

397

"**Unpaid family worker**" means a person who works without pay on a family farm or in a family business, operated by a family member who is related by blood or marriage.

398

399

400

"**VR**" means the Division of Vocational Rehabilitation, or the more general term vocational rehabilitation services, depending upon the context.

401

402

403

"**VSVRBVI**" means the Division of ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired, or the more general term ~~visual services~~, depending upon the context.

404

405

1 | **612:10-1-3. Basic philosophy of rehabilitation programs [AMENDED]**

2  
 3 (a) **Purpose.** The purpose of programs and services provided by the Division of  
 4 Vocational Rehabilitation (DVR) and the Division of ~~Visual Services~~ Vocational  
 5 Rehabilitation for the Blind & Visually Impaired (DVSDVRBVI) is to empower individuals  
 6 with disabilities to maximize employment, economic self-sufficiency, independence, and  
 7 inclusion and integration into society through comprehensive programs of vocational  
 8 rehabilitation. Vocational rehabilitation programs are designed to assess, plan, develop  
 9 and provide vocational rehabilitation services for individuals with disabilities, consistent with  
 10 their strengths, resources, priorities, concerns, abilities, capabilities, interests and informed  
 11 choice, so that they may prepare for and engage in gainful employment (34 CFR 361.1 (b)).

12  
 13 (b) **Basic philosophy.** DVR and ~~DVSDVRBVI~~ vocational rehabilitation programs are  
 14 carried out in accordance with the principles stated in Section 100 (3) of the Rehabilitation  
 15 Act including,

- 16  
 17 1. Individuals with disabilities, including individuals with the most significant disabilities,  
 18 are generally presumed to be capable of engaging in gainful employment and the  
 19 provision of individualized vocational rehabilitation services can improve their ability to  
 20 become gainfully employed.
- 21  
 22 2. Individuals with disabilities must be provided the opportunities to obtain gainful  
 23 employment in integrated settings.
- 24  
 25 3. Individuals with disabilities must have the opportunity to be active and full partners in  
 26 their vocational rehabilitation process.
- 27  
 28 4. Qualified vocational rehabilitation counselors and other qualified and specialized  
 29 rehabilitation personnel are necessary to facilitate the accomplishment of the  
 30 employment outcomes and objectives of an individual.

1 | **612:10-1-3.1. Procedural exceptions [AMENDED]**

2  
3  
4  
5  
6  
7  
8  
9

Procedures set forth in this Chapter are not intended to reflect every situation that might confront DVR or ~~DVS~~DVRBVI staff or to replace the staff's use of good judgment. In individual cases an exception from basic procedures may be requested. Authority to approve certain deviations from standard procedure rests with the division administrator. Authority to approve certain procedural exceptions has been delegated to program managers and field coordinators. Only those exceptions stated in rule may be applied to rules.

1 | **612:10-1-3.2 Pilot projects [AMENDED]**

2  
3 | The purpose of pilot projects is to allow the Divisions of Vocational Rehabilitation and  
4 | ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired to design and  
5 | evaluate service delivery innovations on a scale that will provide for an effective trial without  
6 | being disruptive to the entire organization. Such pilot projects might include trials of  
7 | innovative policies, standards, and/or procedures.

8  
9 | **(1) Authorization of pilot projects.** The Division Administrator may approve  
10 | applications for pilot projects after review and approval of the pilot by the ~~DVR/DVS~~  
11 | DVR/DVRBVI Management Team. Approval of an application for a pilot project by the  
12 | Division Administrator will constitute authority to implement the pilot project for a length  
13 | of time to be specified by the Division Administrator. The Division Administrator can  
14 | terminate the pilot project at any time prior to the specified project duration. The pilot  
15 | project may not be extended beyond the originally approved time period.

16  
17 | **(2) Effect of DRS policy on pilot projects.** The Director of the Department of  
18 | Rehabilitation Services may waive the applicability of specified departmental policies  
19 | when necessary to implement a meaningful trial of the approved pilot project. The  
20 | waiver will apply only to the pilot project specified by the Director, and will be effective  
21 | only for the duration of the pilot project. The waiver will end immediately upon  
22 | termination or completion of the model project.

1 | **612:10-1-5. Confidentiality [AMENDED]**

2  
3 (a) **General guidelines.** All client or applicant information acquired will remain the property  
4 of DRS. All casework materials are to be maintained in the appropriate case record. The  
5 terms "release of information", "release of personal information", and similar terms refer to  
6 providing access to the record, or providing copies, summaries, descriptions, or other  
7 reproductions of the actual case record materials and not to the materials themselves. All  
8 applicants, clients, or client representatives will be informed of the Department's policies on  
9 confidentiality of personal information. This information will only be used and released for  
10 purposes directly related to the administration of the Vocational Rehabilitation and ~~Visual~~  
11 ~~Services~~ Vocational Rehabilitation for the Blind & Visually Impaired programs. Information  
12 containing identifiable personal information will not be shared with advisory or other bodies  
13 who do not have official responsibility for the administration of these programs. In the  
14 administration of the program, the DVR and ~~DVSDVRBVI~~ units may obtain personal  
15 information from service providers and cooperating agencies under assurances the  
16 information will not be further divulged. Use and release of personal information will  
17 conform to applicable state and federal laws and regulations. Questions regarding release  
18 of information are to be directed to the Department's general counsel. Staff are to consult  
19 the general counsel before providing trial testimony, depositional testimony, or a sworn  
20 affidavit concerning consumer information. Moreover, if served with a subpoena for the  
21 release of client information, staff should notify the general counsel immediately. In a legal  
22 proceeding, client information can only be released without the client's consent in response  
23 to a court order. A subpoena by itself is not sufficient to authorize disclosure of client  
24 information.

25  
26 (b) **Written release required.** Release of personal information must be by written consent  
27 of the individual or authorized representative. If requested in writing by an applicant or  
28 eligible individual, DRS will make all requested information in that individual's record of  
29 services available to the individual in a timely manner except as provided in subsection (c).  
30 The Department's Authorization for Release of Information form may be used when the  
31 client requests that personal information be released by DRS to a third party and may also  
32 be used to request confidential information from other sources. Other release forms are  
33 acceptable, as long as they provide the required information. Written authorization for  
34 release of information must include:

- 35  
36 (1) the nature of the information to be released;  
37  
38 (2) designation of the parties to whom the information is to be released;  
39  
40 (3) the specific purpose for which the released information may be used;  
41

42 (4) designation of the agency or person authorized to disclose the information; and

43  
44 (5) dates of initiation and termination of consent.

45  
46 (c) **Release of information to the individual.** The individual, or the individual's  
47 representative, will be given access to the relevant case record, or provided copies of  
48 requested information upon providing a written authorization for release of information,  
49 except as in (1) through (3) of this Subsection.

50  
51 (1) Psychological, psychiatric, mental health and substance abuse treatment records  
52 and information from psychological, psychiatric, mental health and substance abuse  
53 treatment practitioners may only be obtained provided the requirements of Section 1-  
54 109 of Title 43A of the Oklahoma Statutes are met. Under these circumstances, refer  
55 the individual, or the individual's representative, to the treating health professional.

56  
57 (2) When a DRS professional staff person believes medical or other information not  
58 covered in (1) of this Subsection may be harmful to the individual, the information may  
59 not be released directly to the individual but must be provided to the individual through  
60 a third party chosen by the individual, which may include, among others, an advocate,  
61 a family member, or a qualified medical or mental health professional, unless a  
62 representative has been appointed by a court to represent the individual, in which case  
63 the information must be released to the court-appointed representative.

64  
65 (3) Information obtained from another organization or agency may be released only  
66 through that agency, or under the conditions established by the outside agency,  
67 organization or providers. For example, information from the Veteran's Administration  
68 and Social Security Administration may not be released. Refer the individual requesting  
69 such information to the source from which the information was obtained.

70  
71 (d) **Request for information correction.** An individual who believes that information in the  
72 individual's case record is inaccurate or misleading may request that the information be  
73 amended. Even if the information is not amended, the request for amendment must be  
74 documented in the case record.

75  
76 (e) **Release of information to other programs or authorities.** Paragraphs (1) through  
77 (4) of this Subsection provide the rules governing release of personal information to other  
78 programs or authorities.

79  
80 (1) Upon receiving the informed written consent of the individual, or the individual's  
81 representative, information may be released to another agency or organization. Only  
82 that information that would be released to the involved individual, or the individual's

83 representative will be released, and only to the extent that the other program or  
84 organization demonstrates that the information requested is necessary for its program.

85  
86 (2) Personal information will be released if required by Federal law or regulations.

87  
88 (3) Personal information will be released in response to investigations in connection  
89 with law enforcement, fraud, or abuse, unless expressly prohibited by Federal or State  
90 laws or regulations, and in response to an order issued by a judge, magistrate, or other  
91 authorized judicial officer.

92  
93 (4) Personal information may be released in order to protect the individual or others if  
94 the individual poses a threat to his or her safety or to the safety of others.

95  
96 (f) **Release of information for audit, evaluation or research.** Personal information may  
97 be released to an organization, agency, or individual engaged in audit, evaluation, or  
98 research, only:

99  
100 (1) for the purposes directly connected with the administration of the DVR or  
101 ~~DVSDVRBVI~~ program;

102  
103 (2) for purposes which would significantly improve the quality of life for persons with  
104 disabilities; and

105  
106 (3) if the organization, agency or individual assures:

107  
108 (A) The information will be used only for the purpose it is being provided;

109  
110 (B) The information will be released only to persons officially connected with the  
111 audit, evaluation or research;

112  
113 (C) The information will not be released to the individual;

114  
115 (D) The information will be managed in a manner to safeguard confidentiality; and

116  
117 (E) The final product will not reveal any personal identifying information without the  
118 informed written consent of the involved individual or the individual's  
119 representative.

1 | **612:10-1-6. Due process AMENDED**

2  
3 | (a) **Notification of rights to due process.** Any applicant or client of DVR or ~~DVSDVRBVI~~  
4 dissatisfied with a determination that affects the provision of vocational rehabilitation  
5 services may request a timely review of the determination. Each applicant or client, or as  
6 appropriate, the individual's authorized representative will be informed of:

7  
8 (1) the right to get decisions regarding the individual's case reviewed by an impartial  
9 hearing officer;

10  
11 (2) the right to pursue mediation on decisions regarding the individual's case;

12  
13 (3) the names and addresses of individuals with whom requests for mediation or due  
14 process hearings may be filed;

15  
16 (4) the manner in which a mediator or impartial hearing officer may be selected; and

17  
18 (5) the availability of assistance from the client assistance program.

19  
20 (b) **When notification of rights to due process is required.** The notifications specified  
21 in (a) shall be provided in writing, and in appropriate accessible format:

22  
23 (1) at the time an individual applies for VR services;

24  
25 (2) at the time an individual is assigned to the State's order of selection;

26  
27 (3) at the time the Individualized Plan for Employment is developed; and

28  
29 (4) upon reduction, suspension, or cessation of VR services for the individual.

30  
31 (c) **Client Assistance Program (CAP).** The purpose of the Client Assistance Program  
32 (CAP) as described in this Section is to provide assistance with informing and advising  
33 clients and applicants of all available benefits under the Rehabilitation Act. When requested  
34 by clients and applicants, CAP will assist them in their relationships with projects,  
35 programs, and Community Rehabilitation Programs providing services to them under the  
36 Act.

37  
38 (1) The Oklahoma CAP has the authority to pursue legal, administrative and other  
39 appropriate remedies to ensure the protection of the rights of individuals with  
40 disabilities who are receiving treatment, services or rehabilitation under the Act within  
41 the State.

42  
43 (2) Vocational Rehabilitation agencies are required by Federal statute to advise all  
44 clients and applicants of the existence of CAP, the services provided by the program,  
45 and how to contact the program. A brochure is provided to each individual at the time  
46 of application and development of the IPE.

47  
48 (3) Counselors must assure clients and applicants have access to CAP without fear of  
49 reprisal and are not pressured against or otherwise discouraged from using CAP  
50 services.

51  
52 (4) The CAP staff members will provide the following services:

53  
54 (A) Helping clients or applicants to understand rehabilitation service programs  
55 under the Act;

56  
57 (B) Advising clients or applicants of benefits available to them through  
58 rehabilitation programs authorized under the Act and their rights and  
59 responsibilities in connection with those benefits;

60  
61 (C) Otherwise assisting clients and applicants in their relationships with projects,  
62 programs, and Community Rehabilitation Programs providing rehabilitation  
63 services under the Act;

64  
65 (D) Helping clients or applicants by pursuing or assisting them in pursuing legal,  
66 administrative, and other available remedies when necessary to ensure the  
67 protection of their rights under the Act;

68  
69 (E) Advising State and other agencies of identified problem areas in the delivery of  
70 rehabilitation services to individuals with disabilities and suggesting methods and  
71 means of improving agency performance; and

72  
73 (F) Providing information to the public concerning the CAP and Title I of the ADA.

74  
75 (5) Clients may be referred to CAP by any one of the following:

76  
77 (A) The client's counselor;

78  
79 (B) Other DRS representative;

80  
81 (C) Office of Handicapped Concerns' Hotline;

82

83 (D) Self;

84  
85 (E) Any other interested party.

86  
87 (6) Every client or applicant has the right to protection of information provided by  
88 | him/her from unauthorized or indiscriminate disclosure. DVR and ~~DVSD~~DVRBVI will  
89 provide CAP officials information regarding an individual's case in accordance with  
90 612:10-1-5 and applicable Federal law and regulations.

91  
92 (7) The CAP staff will make periodic field visits to facilitate CAP's availability to clients  
93 or applicants who cannot travel to Oklahoma City.

94  
95 | (d) **Supervisory review.** DVR and ~~DVSD~~DVRBVI use a supervisory review process to  
96 resolve disagreements as close to the field service delivery level as possible. The objective  
97 of the supervisory review process is a timely resolution of disagreements, and is not to be  
98 used to delay or deny a fair hearing before a hearing officer or the services of an impartial  
99 mediator. The supervisory review of a counselor determination starts the 60 day time  
100 period established under (f)(5) of this Section. The request for a fair hearing is submitted at  
101 this time in accordance with (f)(2) of this Section.

102  
103 (1) The supervisory review is usually conducted by the program manager. If the  
104 program manager was involved in the disputed determination, the field coordinator  
105 conducts the administrative review. If the field coordinator was involved in the disputed  
106 determination, the division administrator conducts the administrative review.

107  
108 (2) The decision that results from the administrative review will be stated in a letter to  
109 the individual, or to the individual's representative, with copies to the case record, the  
110 program manager, and the hearings coordinator. The letter will identify the individual,  
111 case number, caseload, and office location. The body of the letter will state the reason  
112 for the administrative review and the decision resulting from that review. If the  
113 administrative review resolves the disagreement, the Withdrawal of Request for  
114 Hearing form must be submitted with the copy of the letter that is sent to the hearings  
115 coordinator.

116  
117 (e) **Mediation.** Whenever a fair hearing is requested under this Section, mediation shall be  
118 offered as an option to resolve a disputed decision. DRS uses the voluntary mediation  
119 services of the Oklahoma Supreme Court. The supervisor will arrange for a mediator with  
120 the Early Settlement Center that is most convenient to the consumer upon receipt of a  
121 request for mediation. DRS will bear the cost of the mediation. The mediation session will  
122 be scheduled in a timely manner. An agreement reached by the parties to the dispute in the  
123 mediation will be set forth in writing. Discussions that occur during the mediation process

124 will be confidential and may not be used as evidence in any subsequent due process  
 125 hearing or civil proceeding. Should the dispute be resolved through mediation, a withdrawal  
 126 of request for hearing must be submitted to the hearings coordinator. The parties to the  
 127 mediation may be required to sign a confidentiality pledge prior to commencement of the  
 128 process. Nothing in this Subsection shall be construed to preclude the parties from  
 129 informally resolving the dispute. The Departmental representative attending the mediation  
 130 must be the individual who has final decision making authority for the question in dispute.  
 131 The mediation:

- 132 (1) must be entered into voluntarily by all parties;
- 133 (2) is not used to deny or delay the hearing or any other right; and
- 134 (3) Is conducted by a qualified and impartial mediator.

135 (f) **Fair hearing process.** The fair hearing process will be conducted in accordance  
 136 with (1) through (10) of this Subsection.

137 (1) **Services under IPE to continue.** No services being provided under the IPE shall  
 138 be stopped, delayed, or reduced by the Department pending a final resolution of a  
 139 requested hearing unless so requested by the individual or individual's authorized  
 140 representative; or the service was obtained through misrepresentation, fraud, collusion,  
 141 or criminal conduct on the part of the individual with disabilities.

142 (2) **Request for a fair hearing.** The individual has 30 calendar days following the date  
 143 on the notice of the adverse decision to request a fair hearing.

144 (A) The individual requesting a fair hearing, may submit it to the local office, or may  
 145 send it directly to the hearings coordinator in State Office. ~~DVR~~ and ~~DVSDVRBVI~~  
 146 staff will assist the individual in completing this form and with preparation of  
 147 evidence from the case record in conformance with 612:10-1-5, if so requested.

148 (B) ~~DVR~~ and ~~DVSDVRBVI~~ staff will immediately notify their supervisor of the  
 149 request for a fair hearing so that the administrative review can be started by the  
 150 appropriate staff person. The completed Hearing Summary form, a copy of the  
 151 notice of the adverse decision, and all supporting materials to be used in the  
 152 hearing must be sent to the hearings coordinator as soon as possible. If a request  
 153 for a fair hearing is submitted to the local office, staff will immediately forward it with  
 154 the other materials.

164 (C) Prior to the actual fair hearing, the hearings coordinator will provide copies of  
165 materials the agency will use in the fair hearing to the individual and/or the  
166 individual's representative in conformance with 612:10-1-5.  
167

168 (3) **Withdrawal of request for a fair hearing.** The individual, or the individual's  
169 representative, may submit a withdrawal of request for hearing any time following the  
170 submission of a request for a fair hearing up to the time the hearing is actually held. If  
171 the issue is resolved prior to the fair hearing, the individual, or the individual's  
172 representative, must submit a Withdrawal of Request for Hearing to end the fair hearing  
173 process.  
174

175 (4) **Selection of impartial hearing officer.** The hearings coordinator will select an  
176 impartial hearing officer from a list of qualified impartial hearing officers maintained and  
177 identified by the State unit. Once selected, the impartial hearing officer will assume  
178 responsibility for arranging and conducting the fair hearing with the assistance of  
179 agency staff as necessary. The hearings coordinator will be apprised of events in the  
180 hearing process, and will be provided copies of all correspondence.  
181

182 (A) Selections will be made randomly; or by agreement between the director of the  
183 designated State unit and the applicant or eligible individual or, as appropriate, the  
184 individual's representative; from the list of available impartial hearing officers. The  
185 hearings coordinator will forward all relevant materials to the assigned impartial  
186 hearing officer.  
187

188 (B) The impartial hearing officer will send written notice of the fair hearing to all  
189 parties involved. The written notice of the fair hearing will include the name,  
190 address, and a brief vita of the impartial hearing officer.  
191

192 (C) The individual may request a different impartial hearing officer based upon  
193 presented evidence that a conflict of interest exists consistent with Section 7 (16) of  
194 the Rehabilitation Act and 34 CFR 361.5(b)(25). A request for a different impartial  
195 hearing officer must be made within five days of receiving the fair hearing notice.  
196

197 (5) **Scheduling of the fair hearing.** The fair hearing must be held within 60 calendar  
198 days from the date the request for a fair hearing is received, unless the issue is resolved  
199 prior to the 60th day or the parties agree to a specific extension of time. The  
200 administrative review must be conducted and concluded within the same 60 days.  
201 Delays or continuances will not be given for the purpose of extending the provision of  
202 services. Any agreement to an extension of time must be formalized in writing.  
203

- 204 (6) **Consumer's participation in hearing.** At a fair hearing, the individual, or the  
205 individual's representative, is afforded the opportunity to:  
206
- 207 (A) present additional evidence, information, and witnesses to the impartial hearing  
208 officer;
  - 209
  - 210 (B) be represented by counsel or other advocate selected by the applicant or  
211 eligible individual; and
  - 212
  - 213 (C) examine all witnesses and other relevant sources of information and evidence.  
214
- 215 (7) **Agency staff attendance.** Professional staff involved in the disputed determination  
216 will appear at the hearing to provide appropriate information and evidence and  
217 testimony. Other staff will appear as directed.  
218
- 219 (8) **Order of proceedings in the fair hearing.** The Impartial Hearing Officer will  
220 conduct the fair hearing in accordance with State laws regarding conduct of individual  
221 proceedings before an agency, and applicable Federal laws and regulations. Although  
222 the order of proceedings is at the discretion of the Hearing Officer, generally, the fair  
223 hearing follows this order of proceedings:  
224
- 225 (A) presentation, arguments, and disposition of all preliminary motions and matters;
  - 226
  - 227 (B) opening statements;
  - 228
  - 229 (C) information and evidence presented by the agency;
  - 230
  - 231 (D) evidence presented by the grievant;
  - 232
  - 233 (E) rebuttal by either or both sides;
  - 234
  - 235 (F) closing statements by the grievant;
  - 236
  - 237 (G) closing statements by the agency; and
  - 238
  - 239 (H) rebuttal by grievant.  
240
- 241 (9) **Decision.** The hearing officer makes a decision based on the provisions of the  
242 approved State Plan, the Act, Federal vocational rehabilitation regulations, and State  
243 regulations and policies that are consistent with Federal requirements and on whether  
244 or not the counselor properly applied rules. The hearing officer does not have the

245 authority to rule upon the legality of DRS rules that are consistent with Federal  
246 requirements. A decision made after a fair hearing shall be final, unless a party to the  
247 fair hearing requests a review under Paragraph (10) of this Subsection. The hearing  
248 officer provides the individual, or the individual's representative, and the hearings  
249 coordinator a full written report of the findings and grounds for the decision within 30  
250 days of the completion of the hearing. The hearings coordinator will immediately forward  
251 the decision to the Director of DRS. The impartial hearing officer may make one of  
252 several decisions, which include, but are not limited to:

- 253 (A) finding in favor of the grievant;
- 254 (B) upholding the determination or action of the agency;
- 255 (C) accepting a withdrawal of the appeal confirmed in writing signed by the  
256 grievant, or the grievant's representative; or
- 257 (D) accepting a settlement of the issues agreed to by the grievant and the agency  
258 which must include a written withdrawal of request for a hearing.

259 (10) **Review of impartial hearing officer's decision.** Any party involved in a fair  
260 hearing may request an impartial review of the impartial hearing officer's decision within  
261 20 calendar days of that decision. This review will be conducted by the Governor or the  
262 Governor's designee to whom DRS is assigned. The review will be conducted in  
263 accordance with the standards in (A) through (E) of this paragraph:

- 264 (A) The Governor or the Governor's designee will not delegate responsibility for  
265 this review to any officer or employee of DRS.
- 266 (B) The Governor or the Governor's designee will provide an opportunity for the  
267 submission of additional evidence and information relevant to a final decision  
268 concerning the matter under review.
- 269 (C) The Governor or the Governor's designee will make a final decision within 30  
270 days of the request for administrative review. The decision will be provided to all  
271 parties, and/or to the parties' authorized representatives, in writing. The written  
272 decision will include a full report of the findings, and the grounds for the decision.
- 273 (D) The Governor or the Governor's designee cannot overturn or modify a  
274 decision, or part of a decision, made by an impartial hearing officer that supports  
275 the position of the individual unless the Governor or the Governor's designee  
276 concludes, based upon clear and convincing evidence, that the decision of the  
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285

286 hearing officer is clearly erroneous on the basis of being contrary to the approved  
 287 State plan, the Act, Federal vocational rehabilitation regulations, or State  
 288 regulations and policies that are consistent with Federal requirements. The  
 289 Governor or the Governor's designee will apply the standards presented in (i)  
 290 through (iii) of this Subparagraph when conducting the review of the hearing  
 291 officer's decision.

292  
 293 (i) The hearing officer's decision shall not be arbitrary, capricious, an abuse  
 294 of discretion, or otherwise unreasonable.

295  
 296 (ii) The hearing officer's decision shall be supported by substantial findings of  
 297 fact.

298  
 299 (iii) In reaching the initial decision, the impartial hearing officer shall correctly  
 300 apply Federal and State law, regulation, agency policy, and the approved  
 301 State Plan as they pertain to the specific issue in question.

302  
 303 (E) A decision made under this Paragraph shall be final unless a party involved in  
 304 the hearing brings a civil action.

305  
 306 (g) **Civil proceedings.** Any party aggrieved by a final decision of an impartial hearing  
 307 officer, or by the Governor or the Governor's designee, may bring a civil action for review of  
 308 the decision. The action may be brought in any State court of competent jurisdiction or in a  
 309 district court of the United States of competent jurisdiction without regard to the amount in  
 310 controversy. If a party brings a civil action, the final decision of the impartial hearing officer,  
 311 or of the Governor or the Governor's designee, shall be implemented pending review by the  
 312 court. In any action brought under this Subsection, the court:

313  
 314 (1) shall receive the records relating to the hearing, and the records relating to any  
 315 review conducted under (f)(10), if applicable;

316  
 317 (2) shall hear additional evidence at the request of a party to the action; and

318  
 319 (3) basing the decision of the court on the preponderance of the evidence, shall grant  
 320 such relief as the court determines to be appropriate. [29 USC 722]

321  
 322 (h) **Standards for impartial hearing officers.** In addition to qualifications required in a  
 323 contract with the Department, an impartial hearing officer must meet the standards set forth  
 324 in (1) through (6) of this Subsection:  
 325

326 (1) cannot be an employee of a public agency (other than an administrative law judge,  
327 hearing examiner, or employee of an institution of higher learning);

328  
329 (2) cannot be a member of the Oklahoma Rehabilitation Council;

330  
331 (3) has not been involved previously in the vocational rehabilitation of the applicant or  
332 eligible individual;

333  
334 (4) must have knowledge of the delivery of vocational rehabilitation services, the State  
335 plan required under Section 101 of the Act, and the Federal and State rules governing  
336 the provision of such services and training with respect to the performance of official  
337 duties;

338  
339 (5) must have no personal, professional or financial interest that would be in conflict  
340 with the objectivity of the impartial hearing officer; and

341  
342 (6) must have successfully completed impartial hearing officer training presented by  
343 DRS.

344  
345 (i) **Standards for impartial mediators.** In addition to qualifications required in a contract  
346 with the Department, an impartial mediator:

347  
348 (1) will be trained and certified or licensed in effective mediation techniques;

349  
350 (2) will not be an employee of a public agency (other than an Administrative Law  
351 Judge, hearing examiner, employee of a State Office of Mediators, or employee of an  
352 institution of higher education);

353  
354 (3) will not be a member of the Oklahoma Rehabilitation Council;

355  
356 (4) must be knowledgeable in laws and regulations relating to the provision of VR  
357 services;

358  
359 (5) has not been involved previously in the vocational rehabilitation of the applicant or  
360 eligible individual; and

361  
362 (6) must have no personal, professional or financial interest that would be in conflict  
363 with the impartiality of the mediator.

1 **612:10-1-7. Purchase of services and goods for individuals with disabilities**

2 **[AMENDED]**

3  
4 (a) All Department authorizations are made in compliance with the state purchasing policy  
5 under legal authority of the Director or by an employee to whom the Director has delegated  
6 such authority. Services, other than diagnosis, must be in an approved Individualized Plan  
7 for Employment prior to authorization. All authorizations are to be issued prior to or  
8 simultaneously with the provision of the services. Verbal authorizations may be made when  
9 needed to ensure effective delivery of services. Verbal authorization must be followed  
10 immediately by the actual authorization. Separate authorizations for each fiscal year are  
11 required when a planned service extends beyond a single fiscal year. Rehabilitation  
12 professionals may not authorize fees for services in excess of those established by the  
13 Department unless approved by the Division Administrator. A prior written purchasing  
14 agreement is required before authorization can be made to any medical vendor or post-  
15 secondary school. Other nonmedical vendors will not require a prior written purchasing  
16 agreement unless stated otherwise in the DRS policy manual section(s) for that service.  
17 When a vendor has a prior written purchasing agreement with the Department, and  
18 required approvals have been obtained, authorization may be issued for consumer services  
19 directly to that vendor. All other consumer services will be purchased pursuant to the rules  
20 in (g) and (h) of this Section. However, a requisition may be submitted to the DRS  
21 Purchasing Section if, in the judgment of the responsible rehabilitation professional, the  
22 best interests of the consumer and/or the agency would be served by having the  
23 Purchasing Section handle the procurement. In either case, once items have been received  
24 and checked against the authorization, the appropriate DVR or ~~DVSD~~DVRBVI staff, in  
25 accordance with (g) and (h) of this Section, approves the claim, then forwards it to the DRS  
26 Financial Services Division. When a vendor does not abide by the authorization or written  
27 purchasing agreement or bills and accepts fees from the client in addition to those agreed  
28 upon, the rehabilitation professional will bring this to the immediate attention of the  
29 supervisor for action by the administration. The vendor will not be used for further  
30 rehabilitation services until agreement to discontinue the objectionable practice is reached.

31  
32 (b) Since the Department is a state-federal agency, it does not pay sales, excise, or  
33 transportation taxes.

34  
35 (c) All claims for medical and/or nonmedical client services must be filed on claim forms  
36 approved by the Department. When the provision of an authorization is fulfilled, payment  
37 for the authorized client services constitutes payment in full. The client will not have any  
38 financial liability other than the amount required of clients who must participate in the cost  
39 of the service provided. The individual is liable for services he/she arranged which were not

planned and initiated under the auspices of DRS. When DVR and ~~DVSDVRBVI~~ funds are used to supplement third party medical resources, participation cannot exceed the difference between the third-party payment and the Department's established schedule.

(d) The client must transfer, assign, or authorize payments to the Department of any and all claims against Health Insurance or Liability Insurance companies or other third parties, to the full extent of all payments for medical services made by the Department.

(e) The Department retains right and title to any tools, equipment, durable medical equipment, or other goods costing \$500 or more purchased with DVR and ~~DVSDVRBVI~~ funds, until and unless such goods are released to the client. Upon delivery of any such goods to the client, a Receipt for Equipment and Title Agreement must be completed and approved.

**(1) Completion of Program:**

Any tools, equipment or durable medical goods purchased for training or occupational purposes remain with the client after completion of the program of services if they can be used in the client's chosen vocation. If the client fails to complete the program of service, the counselor will make effort to reclaim the goods to transfer to another client.

**(2) Disposition at closure:**

Case recording must reflect the disposition at the time of closure of tools, equipment, and goods provided the client. All occupational tools, equipment, and durable medical goods remain the property of the agency until released. If the client is not using the items, the counselor will pick them up if an economical savings to the agency will result, and if the transfer will not endanger the health or safety of the client.

**(3) Title Release:**

Title on any tools, equipment or durable medical equipment purchased with DRS funds for training or occupational purposes will not be released to the client until the counselor has determined the client is using the items as planned.

(f) When the rehabilitation professional determines an authorization or portion of an authorization will not be utilized, procedures to cancel the remaining services will be completed. Before the case is closed, all unliquidated authorizations must be canceled or accounted for to determine if a claim will be made against any outstanding authorization.

79

80 (g) Purchasing consumer goods or services, other than direct client payments, when there  
81 is no prior written purchasing agreement is basically a three step process. These steps  
82 include specifying the requirements for the goods or services, authorizing for the purchase,  
83 and receiving delivery of the goods or services. For audit purposes, no one person can  
84 perform more than one of these steps. A different person is required for:

85

86 (1) identifying the requirement for the purchase;

87

88 (2) placing the order; and

89

90 (3) accepting the material or service.

91

92 (h) When a prior written purchasing agreement for consumer goods or services, other than  
93 direct client payments, is not required, and the service or package of services to be  
94 obtained will cost the amount of the DCAM authority order limit or less, the rehabilitation  
95 professional and client will jointly choose an appropriate vendor. The rehabilitation  
96 professional will then authorize for the planned services to the chosen vendor. When a prior  
97 written purchasing agreement for consumer services, other than direct client payments, is  
98 not required, and the service or package of services will cost more than the DCAM  
99 authority order limit, the rehabilitation professional will follow rules in (1) through (7) of this  
100 Subsection.

101

102 (1) The rehabilitation professional will obtain specialist recommendations for purchase  
103 requirements and approvals in accordance with agency policy.

104

105 (2) The participation of the client, or the client's authorized representative, will be  
106 obtained in deciding upon at least three vendors to be contacted by the rehabilitation  
107 professional to obtain bids for the goods or services. The rehabilitation professional will  
108 review available vendor information with the client, or client's authorized representative,  
109 to jointly determine which vendor(s) can best meet the needs of the client in terms of  
110 product and service function, quality, and vendor accessibility.

111

112 (3) At least three vendors offering the goods or services will be contacted to obtain  
113 bids. To expedite planning and service delivery, bids may be obtained verbally. Upon  
114 request, contacted vendors will be afforded at least 24 hours in which to prepare and  
115 submit the verbal bid. The rehabilitation professional will ensure that all bids are  
116 submitted in writing for the same or comparable items, and will document the bids  
117 received by using the Vendor Bid Documentation Form.

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(4) The rehabilitation professional will issue the appropriate authorization and claim to the vendor submitting the lowest and best bid. If the rehabilitation professional managing the case is also the recognized specialist who identified the purchase requirements, then the supervisor will issue the appropriate authorization. Authorization may be issued to a vendor not submitting the lowest bid only with strong documentation that the selected vendor can best meet the needs of the client. When the bid is in excess of \$5,000.00 the successful bidder will sign a non-collusion statement (to be sent with the claim), which will be maintained in the case service record.

(5) In the case of a vehicle modification or housing modification, upon completion of the authorized services, the counselor will contact the AT Specialist to schedule inspection of the work in accordance with 612:10-7-220 and 612:10-11-38. The AT Specialist will complete the "Assistive Technology Inspection Report" verifying the modification conforms to acceptable standards and the work is satisfactory. 3

(6) Upon delivery of the goods or services in accordance with the IPE and authorization, a rehabilitation staff person other than the specialist who specified the purchase requirements and the rehabilitation professional who authorized the purchase will accept delivery, verify that goods received match the vendor invoice, sign the appropriate claim form, sign and attach the invoice and forward them to the DRS Financial Services Division.

(7) Upon delivery of any goods costing \$500 or more to the client, a Receipt for Equipment and Title Agreement must be completed and approved.

(8) Itemized documentation will be in the case record on all orders costing less than \$500 and the client will acknowledge their receipt. (For example, signing and dating the packaging slip, vendor's invoice, or typed list of goods.)

(9) Returned or repossessed items must be documented on for "Receipt for Equipment and Title Agreement" and the final disposition noted in Case Narrative entry.

(i) Program Managers will review case records when submitted for approvals to ensure that purchases are being awarded in a manner that ensures competition and client participation within the scope of DRS and applicable fiscal rules. At least once each fiscal year a random selection of case records will be reviewed by the DRS Central/Departmental

612:10-1-7

**Vocational Rehabilitation and ~~Visual Services~~  
Vocational Rehabilitation for the Blind &  
Visually Impaired  
Purchase of services and goods for  
individuals with disabilities**

157 Services Unit to monitor compliance with DRS and applicable fiscal rules. If a Program  
158 Manager has reason to believe that a rehabilitation professional is not making a good faith  
159 effort to award purchases in a competitive manner and in accordance with agency policy, a  
160 fiscal audit of the entire caseload will be requested to determine the appropriate action to  
161 take.

162  
163 (j) Pursuant to 74 O.S. 85.44A, any goods or services required under a court order shall be  
164 purchased in accordance with DRS fiscal rules.

612:10-1-7

**Vocational Rehabilitation and ~~Visual Services~~  
Vocational Rehabilitation for the Blind &  
Visually Impaired  
Purchase of services and goods for  
individuals with disabilities**

**612:10-3-2. Consideration of comparable services and benefits [AMENDED]**

(a) Prior to providing any VR service to an eligible individual, except those services specified in Paragraph (1), the VR counselor will determine whether comparable services and benefits are available under any other program unless any of the conditions in Paragraph (2) apply to the individual.

(1) The VR services listed in (A) through (F) are to be provided without first determining the availability of comparable services and benefits. However, comparable services and benefits may be used for these VR services if the comparable services and benefits are readily available at the time the VR services are needed. VR services exempt from a required search for comparable services and benefits are:

(A) information and referral services to eligible individuals not in an open priority group under the order of selection;

(B) assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;

(C) counseling and guidance, including information and support services to assist an individual in exercising informed choice;

(D) referral and other services to secure needed services from other agencies through cooperative agreements;

(E) job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services; and

(F) rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.

(2) Determining whether comparable benefits and services are available will not be required prior to providing any VR services if that determination would interrupt or delay:

(A) the progress of the individual toward achieving the employment outcome identified in the IPE;

40 (B) an immediate job placement; or

41  
42 (C) the provision of such services to any individual at extreme medical risk.

43  
44 (b) Counselors will advise clients of available benefits, help in completing the application  
45 for such benefits when needed, and refer clients to the appropriate contact person. Each  
46 client is required to apply for such benefits. DVR and ~~DVSDVRBVI~~ will not participate in the  
47 cost of services for any client who fails to apply for and accept available comparable  
48 benefits.

49  
50 (c) Whether or not the client must participate in the cost of VR services has absolutely no  
51 effect upon the required search for, or use of, available comparable benefits. Available  
52 comparable benefits cannot be used in place of client resources when the client is required  
53 to participate in the cost of VR services.

54  
55 (d) Awards and scholarships based upon merit will not be counted as comparable benefits.

56  
57 (e) A student loan is not a comparable benefit. Failure to apply for a student loan which  
58 must be repaid will not be cause to withhold participation by DVR or ~~DVSDVRBVI~~. Clients  
59 who have defaulted on a student loan will not be assisted with post-secondary training until  
60 the client has cleared the default or has made arrangement with the lender on the terms of  
61 payment. Documentation of the arrangement made must be in the case record before  
62 post-secondary training services are provided when it is known a client has defaulted on a  
63 loan. The counselor will inform such clients of organizations which can help resolve debt  
64 problems, such as credit counseling services and legal aid.

65  
66 (f) Clients are expected to provide the counselor a copy of the award letter(s) or other  
67 written notice of comparable benefits received from other sources, and it is expected the  
68 comparable services and benefits available to the client will be used to defray all or part of  
69 the cost of the individual's IPE.

70  
71 (g) The client's IPE will be reviewed and amended by the client and VR counselor  
72 whenever comparable services or benefits that were not accounted for in the original plan  
73 become available to the client.

74  
75 (h) Cooperative agreements between DRS and other service providers may affect how  
76 comparable services and benefits available from such service providers will be applied in  
77 an IPE. Cooperative agreements entered into by DRS with other service providers will  
78 include:

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- (1) provisions for determining and stating the financial responsibility of each agency in providing services;
- (2) conditions, terms, and procedures for DRS to be reimbursed by other agencies for providing covered services;
- (3) procedures for resolving interagency disputes under the agreement; and
- (4) coordination of agency procedures for timely VR services delivery.

**Vocational Rehabilitation and ~~Visual Services~~  
Vocational Rehabilitation for the Blind &  
 Visually Impaired  
 Overview of Vocational Rehabilitation and ~~Visual  
 Services~~ Vocational Rehabilitation for the Blind  
 & Visually Impaired**

**612:10-7-1. Overview of Vocational Rehabilitation and ~~Visual Services~~ Vocational  
 Rehabilitation for the Blind & Visually Impaired [AMENDED]**

(a) Vocational rehabilitation services are provided by the Division of Vocational Rehabilitation and the Division of ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired to help eligible individuals achieve employment outcomes that are consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of each eligible individual. To the maximum extent appropriate, VR services are meant to result in competitive employment in an integrated setting. Vocational rehabilitation services include services for individuals and services to groups of individuals.

(b) Vocational rehabilitation services for an individual are prescribed in an Individualized Plan for Employment (IPE) that is based on an assessment of the individual's rehabilitation needs, guidance provided by a qualified vocational rehabilitation professional and the individual's informed choice with regard to employment goal, services and service providers. Services may include but are not limited to:

(1) an assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;

(2) counseling and guidance, including information and support services to assist an individual in exercising informed choice;

(3) referral and other services to secure needed services from other agencies through cooperative agreements if such services are not available from DVR or ~~DVSDVRBV~~;

(4) job-related services, including job search and placement assistance, job retention services, ongoing services, and extended services;

(5) vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials;

(6) to the extent that financial support is not readily available from a source (such as health insurance or comparable services and benefits) other than DVR or ~~DVSDVRBV~~, diagnosis and treatment of physical and mental impairments;

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(7) maintenance for additional costs incurred while participating in an assessment for determining eligibility and vocational rehabilitation needs or while receiving services under an Individualized Plan for Employment;

(8) transportation, including training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the individual to participate in rehabilitation services or to achieve an employment outcome;

(9) on-the-job or other related personal assistance services provided while an individual is receiving other services described in this section;

(10) interpreter services provided by qualified personnel for individuals who are deaf or hard of hearing, and reader services for individuals who are determined to be blind;

(11) rehabilitation teaching services, and orientation and mobility services, for individuals who are blind;

(12) occupational licenses, tools, equipment, and initial stocks and supplies;

(13) technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome;

(14) rehabilitation technology, including rehabilitation engineering, assistive technology devices and assistive technology services;

(15) transition services for students with disabilities, that facilitate the achievement of the employment outcome identified in the Individualized Plan for Employment;

(16) supported employment services for individuals with the most significant disabilities that need ongoing support services from a job coach to obtain and maintain employment;

**Vocational Rehabilitation and ~~Visual Services~~**  
**Vocational Rehabilitation for the Blind &**  
**Visually Impaired**  
**Overview of Vocational Rehabilitation and ~~Visual~~**  
**Services Vocational Rehabilitation for the Blind**  
**& Visually Impaired**

75 (17) employment and retention services for individuals with significant disabilities who  
 76 require short term job coach support to obtain and maintain a successful employment  
 77 outcome;

78  
 79 (18) transitional employment services for individuals with the most significant  
 80 disabilities due to mental illness who have little or no successful work history and need  
 81 work adjustment/trial work experience;

82  
 83 (19) job placement services for individuals with disabilities who are job ready;

84  
 85 (20) services to the family of an individual with a disability necessary to assist the  
 86 individual to achieve an employment outcome; and

87  
 88 (21) specific post-employment services necessary to assist an individual with a  
 89 disability to, retain, regain, or advance in employment.

90  
 91 (c) Vocational rehabilitation services for groups of individuals with disabilities are described  
 92 in 34 CFR 361.49 and include:

93  
 94 (1) in the case of any type of small business operated by individuals with significant  
 95 disabilities the operation of which can be improved by management services and  
 96 supervision provided by DVR or ~~DVSDVRBVI~~, the provision of such services and  
 97 supervision, along or together with the acquisition by DVR or ~~DVSDVRBVI~~ of vending  
 98 facilities or other equipment and initial stocks and supplies;

99  
 100 (2) services that contribute to the rehabilitation of a group of individuals but are not  
 101 related directly to an individualized plan for employment of any one individual with a  
 102 disability;

103  
 104 (3) the use of telecommunications systems (including telephone, television, satellite,  
 105 radio, and other similar systems) that have the potential for substantially improving  
 106 delivery methods of activities described in this section and developing appropriate  
 107 programming to meet the particular needs of individuals with disabilities;

108  
 109 (4) special services to provide access to information for individuals who are blind,  
 110 visually impaired, deaf, hard of hearing or deaf-blind including:

- 112 (A) the use of telecommunications, Braille, sound recordings, or other appropriate  
113 media;
- 114  
115 (B) captioned television, films, or video cassettes for individuals who are deaf or  
116 hard of hearing;
- 117  
118 (C) tactile materials for individuals who are deaf-blind; and
- 119  
120 (D) other special services that provide information through tactile, vibratory,  
121 auditory, and visual media.
- 122  
123 (5) technical assistance and support services to businesses that are not subject to  
124 Title I of the Americans with Disabilities Act of 1990 [42 USC 12111 et seq.] and that  
125 are seeking to employ individuals with disabilities; and
- 126  
127 (6) consultative and technical assistance services to assist educational agencies in  
128 planning for the transition of students with disabilities from school to post-school  
129 activities, including employment.

1 | **612:10-7-2. Field staff responsibilities [AMENDED]**

2  
3 (a) The counselor is responsible for contacting each referral within 30 days of receipt of the  
4 referral information. The counselor is responsible for completing a contact by telephone or  
5 in person. The counselor is responsible for providing interpreter services to applicants who  
6 are deaf or non-English speaking.

7  
8 (b) The rehabilitation counselor is responsible for the determination of an individual's  
9 eligibility to receive services from DVR or ~~DVSDVRBVI~~. In cases where the counselor has  
10 difficulty in making an eligibility determination, the counselor will consult with the  
11 supervisor. For further clarification, the case will be reviewed by the field coordinator for a  
12 decision. Individuals who are legally blind are to be referred to the appropriate rehabilitation  
13 teacher for determination of eligibility for the rehabilitation teaching program.

14  
15 (c) The counselor's primary vocational rehabilitation service is counseling and guidance  
16 with job placement. Additional services must be justified as necessary to compensate for,  
17 correct or circumvent an impediment to employment. Every IPE must include a plan of  
18 counseling and guidance services. Regular documentation of counseling sessions will be  
19 included in every DVR and ~~DVSDVRBVI~~ case.

20  
21 (d) The rehabilitation counselor is to ensure that the client is a full participant in the  
22 decisions that are made concerning his or her vocational rehabilitation. This responsibility is  
23 carried out by providing the individual with as much relevant information as is available so  
24 that the individual, and/or the individual's authorized representative, can exercise informed  
25 choice consistent with the Department's policies. The minimum information concerning  
26 service choice to be supplied includes:

27  
28 (1) service cost;

29  
30 (2) available service providers;

31  
32 (3) service accessibility;

33  
34 (4) expected duration of services;

35  
36 (5) consumer satisfaction with the services in question, to the extent that such  
37 information is available;

38  
39 (6) qualifications of potential service providers;

40  
41 (7) the types of services offered by the potential service providers;

42  
43 (8) the degree to which services are provided in integrated settings; and  
44

45 (9) outcomes achieved by individuals working with the service provider, to the extent  
46 such information is available.  
47

48 (e) The individual will be notified in writing of any adverse determination made by  
49 professional staff concerning that individual's case. This notification will be made in a timely  
50 manner, and in a manner that supports the individual's right to due process.  
51

52 (f) The counselor will complete a financial status determination form prior to the provision  
53 of any service (other than exempt services listed in 612:10-3-4) to determine if the client will  
54 be required to participate in the cost of services.  
55

56 (g) The counselor will inform each individual of his or her rights and responsibilities as an  
57 applicant or client of DVR and ~~DVSDVRBVI~~. Cross reference 612:10-7-3  
58

59 (h) The Department of Rehabilitation Services (DRS) has an obligation under state and  
60 federal law to provide services in a fair and impartial manner. State Ethics Commission  
61 Rules state that the proper operation of state government requires that the state employee  
62 be independent and impartial; that state employees not use state office to obtain private  
63 benefits; that a state employee must avoid action which creates the appearance of using  
64 state office to obtain a private or inappropriate benefit; and that state employees exercise  
65 their powers without prejudice or favoritism.  
66

67 (i) The counselor is limited in determining eligibility for services for friends or relatives. At  
68 the time of application or referral, if in the counselor's judgment, the individual is familiar to  
69 the point of friendship, the counselor must immediately disclose this relationship to their  
70 supervisor in writing and obtain approval before determining eligibility. If the applicant is  
71 related by blood or marriage, the counselor must immediately refer the case to another  
72 counselor, if available. If no other counselor is available, the counselor must notify their  
73 supervisor immediately for appropriate case assignment. The counselor should also  
74 disclose the potential conflict of interest to the applicant and explain the reason for the  
75 potential delay of eligibility determination. The counselor must not only be impartial in the  
76 determination of eligibility but also act so that there can be no question of impartiality. The  
77 technician must also disclose to the counselor any relationship with the applicant that might  
78 create a conflict of interest. The counselor will then contact the Program Manager to see if  
79 the case can be worked without partiality or transferred to another counselor.

1 | **612:10-7-3. Client responsibilities [AMENDED]**

2  
3 To make the rehabilitation effort a success, the individual and agency's staff must  
4 work together to reach chosen goals. This shared responsibility requires that the client or  
5 applicant for services accept the basic responsibilities in (1) through (12) of this Subsection.  
6 Other specific client responsibilities are stated in relevant manual sections. It is the  
7 counselor's responsibility to fully and appropriately inform the client of client responsibilities.  
8

9 (1) Provide information and be available to complete the assessment process to find  
10 out if you are eligible for services.

11  
12 | (2) Be on time and keep appointments with DVR/~~DVSD~~DVRBVI staff, doctors and  
13 others. Call in advance or as soon as possible, if you cannot come to an appointment.  
14

15 (3) Follow the advice of doctors and other medical professionals.  
16

17 | (4) Participate with your DVR/~~DVSD~~DVRBVI counselor in developing the Individualized  
18 Plan for Employment, (IPE) including participating in assessments needed to  
19 determine your needs and strengths.  
20

21 (5) Provide enrollment documents to home/supervisor counselor before the college or  
22 university's designated "Drop and Add" deadline so an authorization can be issued, if  
23 your IPE includes educational and training services.  
24

25 (6) Attend education or training classes on a regular basis and make at least passing  
26 grades, if your IPE includes these services.  
27

28 (7) Review your IPE with your counselor at least once a year and participate in making  
29 revisions to the plan when needed.  
30

31 (8) Maintain satisfactory progress toward completing the IPE.  
32

33 (9) Abstain from abuse of drugs and/or alcohol. Individuals who abuse drugs and/or  
34 alcohol while receiving services will be referred to the Oklahoma Department of Mental  
35 Health and Substance Abuse Services (ODMHSAS) and/or other appropriate agencies  
36 for purposes of seeking treatment. All case services will be suspended. If the client  
37 refuses or fails to cooperate with seeking treatment, or is not available to pursue a  
38 DRS program, this will be considered as reasonable cause for case closure.  
39

40 (10) Keep the appropriate professional informed of changes in the individual's  
41 address, financial status, or other program-related changes.

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(11) Apply for and make appropriate use of any comparable benefits and services for which the client is eligible to defray in whole or in part the cost of services in the individual's IPE and provide verification of financial aid award status to counselor.

(12) Work with the counselor to obtain or keep suitable gainful employment or appropriate independent living outcomes as services are being completed.

1 | **612:10-7-21. Processing incoming referrals [AMENDED]**

2 |  
3 | (a) **Processing incoming referrals.** All referrals to DVR and DVSDVRBVI will be  
4 | contacted by the VR counselor and appropriate action taken within 30 days, after receipt of  
5 | the referral information. The counselor is responsible for completing a contact by telephone  
6 | or in person. The counselor is responsible for providing interpreter services to referrals who  
7 | are deaf or non-English speaking. In situations where the individual cannot be personally  
8 | contacted, correspondence will be mailed to the individual for informational purposes.  
9 |

10 | (b) **Referrals to rehabilitation teachers.** All individuals who are legally blind, whether  
11 | being served by a DVR counselor or a ~~DVSD~~VRBVI counselor, will be referred to a  
12 | rehabilitation teacher.

1 | **612:10-7-21.1. Information and referral system [AMENDED]**

2  
3 | (a) DVR and ~~DVSDVRBVI~~ staff will ensure that individuals with disabilities, including  
4 eligible individuals who do not meet order of selection criteria when the agency is operating  
5 under an order of selection, are provided accurate vocational rehabilitation information and  
6 guidance, using appropriate modes of communication. This information and guidance will  
7 be used to assist the individual in preparing for, securing, retaining, or regaining  
8 employment.

9  
10 (b) Staff will ensure that individuals with disabilities are appropriately referred to Federal  
11 and State programs, including other components of the workforce investment system. An  
12 appropriate referral shall:

13  
14 (1) be to the Federal or State program(s) best suited to address the specific  
15 employment needs of the individual; and

16  
17 (2) include, for each involved program, provision to the individual of:

18  
19 | (A) a notice of the referral from DVR or ~~DVSDVRBVI~~ to the agency responsible for  
20 the program;

21  
22 (B) information identifying a specific point of contact within the agency responsible  
23 for the program; and

24  
25 (C) information and advice regarding the most suitable services to assist the  
26 individual

1 | **612:10-7-24.2. Assessment for determining eligibility [AMENDED]**

2  
3 (a) To determine whether an individual is eligible for vocational rehabilitation services:

4  
5 (1) the counselor will use to the maximum extent possible and appropriate existing data  
6 including counselor observations, education records, information provided by the  
7 individual or the individual's family, and determinations made by officials of other  
8 agencies; and

9  
10 (2) to the extent necessary provide appropriate assessments, including provision of  
11 goods and services during the assessment, to obtain additional documentation  
12 necessary to make the determination of eligibility and priority group assignment. The  
13 counselor will carefully evaluate the need to provide assistive technology devices and  
14 services or worksite assessments.

15  
16 (b) The counselor will determine whether an individual is eligible for vocational  
17 rehabilitation services within a reasonable period of time, not to exceed 60 days after the  
18 individual has submitted an application for services. This time period may be extended only  
19 when unforeseen and exceptional circumstances beyond the control of the Department  
20 preclude completing the determination of eligibility within the 60 days and the individual  
21 agrees a specific extension of time is warranted as documented on the Need for Extension  
22 of Time to Determine Eligibility form; or a trial work period or an extended evaluation is  
23 needed to determine the individual's ability to benefit from VR services.

24  
25 (c) Documentation that the individual has a disability which constitutes or results in an  
26 impediment to employment must come from qualified professionals.

27  
28 (d) Applicants who have been determined eligible for vocational rehabilitation services by  
29 an American Indian Vocational Rehabilitation program are deemed to be eligible for  
30 services through DRS. After making the determination of eligibility the VR counselor may  
31 authorize assessments and services needed to further document eligibility, assign priority  
32 group and develop the IPE, making maximum use of diagnostic documentation and other  
33 data provided by the American Indian VR program.

34  
35 (e) A qualified rehabilitation professional may proceed with a determination of eligibility if  
36 there is an obvious and/or observable disability that results in an impediment to  
37 employment. The VR specialist will document observations pertaining to the applicant's  
38 disability. After making the determination of eligibility the VR specialist may authorize any  
39 assessments and services necessary to further document eligibility, establish priority group  
40 placement and determine rehabilitation needs for development of the Individualized Plan  
41 for Employment.

42  
43 (f) Diagnosis and evaluation are to be provided only for determination of eligibility for VR  
44 services, priority group placement, and determination of VR service needs. DVR and  
45 ~~DVS~~DVRBVI funds are not to be used to assist an individual in establishing eligibility for  
46 other programs.

47  
48 (g) When necessary, diagnostic evaluations may be purchased at any time during the life  
49 of the case.

50  
51 (h) If an individual is determined eligible, the VR counselor will notify the individual in  
52 writing. If the individual is determined to be ineligible, the counselor will notify the applicant  
53 and provide information on further options in accordance with DRS policy on ineligibility  
54 decisions.

55  
56 (i) **Eligibility for supported employment.** The counselor may not find an individual  
57 ineligible for supported employment services because a resource for providing extended  
58 services cannot be identified. In this instance, the counselor will:

- 59 (1) accept the individual as eligible for VR services;  
60  
61 (2) plan VR services as appropriate, including the expected availability of extended  
62 services; and  
63  
64 (3) seek out and/or help in developing the needed extended services resource.  
65

1 | **612:10-7-24.3. Trial Work Experience and Extended Evaluation [AMENDED]**  
2 |

3 | (a) **Use of trial work experience and extended evaluation.** It shall be presumed that an  
4 | individual can benefit in terms of an employment outcome from vocational rehabilitation  
5 | services unless clear and convincing evidence demonstrates that the individual is incapable  
6 | of benefiting in terms of an employment outcome due to the severity of the individual's  
7 | disability. In making such demonstration, the VR Counselor will explore the individual's  
8 | capabilities to perform in work settings through the use of trial work experiences with  
9 | appropriate supports, except under limited circumstances when an individual cannot take  
10 | advantage of such experiences and extended evaluation may be utilized.

11 |  
12 | (b) **Trial work.** The trial work experience shall be provided in the most integrated setting  
13 | possible, consistent with the individual's informed choice and rehabilitation needs, and shall  
14 | be of sufficient variety and duration to determine the eligibility of the individual or to  
15 | determine the existence of clear and convincing evidence that the individual is incapable of  
16 | benefiting from VR services in terms of an employment outcome. Cases may not remain in  
17 | this status more than 18 months. An assessment of the individual's progress is required as  
18 | frequently as necessary but at least once every 90 days. The assessment will include  
19 | periodic reports from the institution, facility or person providing the services to determine  
20 | the results of the provision of such services and to ascertain whether the individual may be  
21 | determined to be eligible or ineligible. The assessment summary narrative will be recorded  
22 | in the case file.

23 |  
24 | (c) **Extended evaluation.** Extended evaluation is available for individuals with the most  
25 | significant disabilities who cannot take advantage of trial work experiences or if the options  
26 | for trial work experiences have been exhausted before DVR or ~~DVSD~~DVSRBVI is able to  
27 | conclude whether the applicant is able to benefit from vocational rehabilitation services or  
28 | incapable of benefiting from VR services in terms of an employment outcome due to the  
29 | severity of the disability. Trial work experiences remain the first option by which to assess  
30 | an individual's ability to benefit from VR service. Extended evaluation is not meant to be a  
31 | routine alternative to trial work experiences, but is to be used only as a last resort and  
32 | under limited circumstances. An individual may be determined unable to take advantage of  
33 | a trial work experience if there is a need for substantial restoration services prior to entering  
34 | a work environment. Extended evaluation involves the development of a written plan which  
35 | provides only those services necessary to make a determination of eligibility.

36 |  
37 | (d) **Case recording requirements.** The counselor will document the case record  
38 | according to the criteria and recording standards in (1) - (5) of this Subsection.

39 |  
40 | (1) **Justification that a trial work experience or an extended evaluation is**  
41 | **required.** It is presumed that an individual can benefit in terms of an employment

42 outcome from vocational rehabilitation services unless clear and convincing evidence  
43 demonstrates otherwise. The use of trial work experiences or extended evaluations is to  
44 be limited solely to those extraordinary situations in which the preponderance of  
45 evidence obtained in the normal manner is sufficient to challenge the presumption of  
46 benefit due to the severity of the disability. Documentation and case recording must  
47 clearly support the determination that this preponderance of evidence exists, and that  
48 trial work experience is necessary to make the eligibility determination.

49  
50 **(2) Written plan for trial work experiences or extended evaluations.** Services  
51 related to the trial work experience or extended evaluation will be planned by the  
52 counselor and individual, or the individual's authorized representative. The trial work  
53 experience or extended evaluation plan will describe the services necessary to obtain  
54 clear and convincing evidence concerning the presumption of benefit.

55  
56 **(3) Termination of trial work experience or extended evaluation - eligible.** When  
57 an individual is determined to be eligible for services, the case is processed in  
58 accordance with DRS policy.

59  
60 **(4) Termination of trial work experience or extended evaluation - ineligible.** If the  
61 trial work experience or extended evaluation provides clear and convincing evidence  
62 that the individual cannot benefit from vocational rehabilitation services in terms of an  
63 employment outcome due to the severity of the disability, the case may be closed as  
64 ineligible in accordance with DRS policy. In addition to explaining the individual's right  
65 to a review of the determination and the availability of the Client Assistance Program,  
66 the counselor will make referrals to other agencies, facilities, or programs as may be  
67 appropriate.

68  
69 **(5) Amendments.** An amendment to the plan is made stating all new decisions, facts,  
70 and planned services not already covered in the original trial work experience or  
71 extended evaluation plan.

1 | **612:10-7-25.1. Order of selection [AMENDED]**

2  
3 (a) **Need for order of selection.** The Department, in consultation with the Oklahoma  
4 Rehabilitation Council, has determined, due to budgetary constraints or other reasoned  
5 limitations, that it cannot serve all individuals who are determined eligible for DVR and  
6 | ~~DVSDVRBVI~~ services. The Department consults with the Oklahoma Rehabilitation Council  
7 regarding the:

- 8  
9 (1) need to establish an order of selection, including any re-evaluation of the need;  
10  
11 (2) priority categories of the particular order of selection;  
12  
13 (3) criteria for determining individuals with the most significant disabilities; and  
14  
15 (4) administration of the order of selection.

16  
17 (b) **Priority groups.** It is the policy of DRS to provide vocational rehabilitation services to  
18 eligible individuals under an order of selection. Under the order of selection, the  
19 Department has established three priority groups on the basis of serving first those with the  
20 most significant disabilities. Every individual determined to be eligible for DVR and  
21 | ~~DVSDVRBVI~~ services is placed in the appropriate priority group based upon the  
22 documentation used to determine eligibility and/or vocational rehabilitation needs. Selection  
23 and placement in a priority group is based solely upon the significance of the eligible  
24 individual's disability, and is not based upon the type of disability, geographical area in  
25 which the individual lives, projected type of vocational outcome, age, sex, race, color,  
26 creed, religion, or national origin of the individual. The priority groups are:

- 27  
28 (1) **Priority Group 1.** Eligible individuals with the most significant barrier to  
29 employment. A most significant barrier is one that includes a mental or physical  
30 disability resulting in serious limitations in three or more functional capacities and can  
31 be expected to require multiple services over an extended period of time.  
32  
33 (2) **Priority Group 2.** Eligible individuals with significant barriers resulting in serious  
34 limitations in at least one, but not more than, two functional capacities and can be  
35 expected to require multiple services over an extended period of time.  
36  
37 (3) **Priority Group 3.** Eligible individuals with disabilities not meeting the definition of  
38 individual with a significant barrier.

39  
40 (c) **Implementation.** Prior to the start of each fiscal quarter, or when circumstances  
41 require, the DRS Director will determine in which priority groups new Individualized Plans

42 for Employment will be written and initiated. The Director may restrict the writing and  
43 initiation of new Individualized Plans for Employment within a priority group to cases having  
44 eligibility dates falling on or before a specified date providing that all consumers in higher  
45 priority groups are being served. Considerations in making this determination will include,  
46 but not be limited to, the projected outcomes, service goals, expenditures, and resources  
47 available for each priority group. Projected costs and resources for each priority group will  
48 be based upon costs of current Individualized Plans for Employment, anticipated referrals,  
49 availability of financial resources, and adequacy of staffing levels. The Director will  
50 implement actions under the order of selection through written notice to DVR and  
51 ~~DVSDVRBVI~~ staff. The written notice will specify the implementation date of the action and  
52 direct DVR and ~~DVSDVRBVI~~ staff on how to handle cases by priority group and application  
53 date. DVR and ~~DVSDVRBVI~~ staff will inform each eligible individual on their caseloads:

- 54
- 55 (1) of the priority groups in the order of selection;
- 56
- 57 (2) of the individual's assignment to a priority group; and
- 58
- 59 (3) of the individual's right to appeal that assignment.
- 60

61 (d) **Closing and opening priority groups.** When all or part of a priority group is closed,  
62 designated cases within that priority group without a written IPE will be placed on a waiting  
63 list after the individual has been determined to be eligible. No IPE will be written for cases  
64 on the waiting list. Staff will continue to take applications, diagnose and evaluate all  
65 applicants to determine eligibility and vocational rehabilitation needs, find the individual  
66 eligible when documentation supports such a decision, then place each eligible individual's  
67 case in the appropriate priority group. If an eligible individual is placed in a closed priority  
68 group, his or her case will go on the waiting list and no IPE will be written or initiated. The  
69 DRS Director will notify DVR and ~~DVSDVRBVI~~ staff in writing when all or part of a closed  
70 priority group is opened. When this directive includes new applicants who are found  
71 eligible, individuals already on the waiting list within that same priority group will be given  
72 priority over new applicants. When all or part of closed priority groups are opened, staff will  
73 contact individuals on the waiting list to develop and implement their Individualized Plans  
74 for Employment using the priorities in Paragraphs (1) - (3) of this Subsection:

- 75
- 76 (1) contact individuals within the highest open priority group first, Most Significant being  
77 the highest of all priority groups;
- 78
- 79 (2) within each opened priority group, staff will contact individuals on the waiting list in  
80 order of application date, earliest application date first; then
- 81

82 (3) staff will contact individuals whose cases will remain on the waiting list to explain  
83 how their cases will be handled.  
84

85 (e) **Continuity of services.** Any individual with an IPE that existed prior to the date all or  
86 part of that individual's priority group was closed will continue to receive services as  
87 planned. Such an IPE may be amended if the changes are necessary for the individual to  
88 continue progress toward achieving an appropriate employment outcome, or are otherwise  
89 necessary within policy. Persons requiring post employment services will also be provided  
90 the necessary services regardless of priority group assignment.

91  
92 (f) **Information and referral services.** Information and referral services will remain  
93 available to eligible individuals who are not in an open priority group. These individuals will  
94 be given information and guidance, using appropriate modes of communication, to assist  
95 such individuals in preparing for, securing, retaining or regaining employment, and will be  
96 appropriately referred to Federal and State programs (other than the vocational  
97 rehabilitation program) including other components of the statewide workforce investment  
98 system in the state. No IPE will be written to provide such services to these individuals.

1 | **612:10-7-31. Transfer of cases [AMENDED]**

2

3 (a) **Transfer of cases between caseloads.** When it has been determined an individual  
4 has moved from one counselor's area to another, the individual could be served more  
5 | appropriately under another DVR or ~~DVSDVRBVI~~ program, or in the supervisor's opinion,  
6 transfer is in the best interest of the individual, the case will be transferred.

7

8 (b) **Transfer of cases between programs.** Prior to transferring a case between DVR and  
9 | ~~DVSDVRBVI~~, the transferring counselor must obtain the required specialist information to  
10 support the change of primary disability.

1 | **612:10-7-50. Eligibility Status [AMENDED]**  
2

3 (a) **Use of Eligibility Status.** An active case is defined as one which has been accepted  
4 as meeting the basic eligibility requirements. An applicant who has been determined  
5 eligible for vocational rehabilitation will be placed in Eligibility Status for completion of a  
6 comprehensive assessment to determine employment goal and rehabilitation needs and for  
7 development of the Individualized Plan for Employment (IPE). An individual who is placed  
8 in an order of selection priority group that is not currently being served will be placed on a  
9 waiting list and held there pending further directives from the Director concerning opening  
10 or closing of priority groups.

11  
12 (b) **Case recording requirements.** The counselor records activities during this period by  
13 individual entry or by summary recording at regular intervals in case narratives. Copies of  
14 | pertinent case information will be shared with all DVR or ~~DVSDVRBVI~~ professionals  
15 involved in the case. During eligibility status and throughout the life of the case,  
16 | ~~DVSDVRBVI~~ counselors and rehabilitation teachers will share pertinent information related  
17 to a case they jointly serve. Pertinent case information will also be shared with contracted  
18 vendors, when appropriate, with a release signed by the client. If an IPE cannot be  
19 developed during this period, the client's case is closed with a full explanation to the client  
20 and documentation as to the reason for closing the case. This documentation will be  
21 completed on a closure letter and a copy given to the client.

1 | **612:10-7-51. Individualized Plan for Employment [AMENDED]**

2  
 3 (a) **Options for developing the Individualized Plan for Employment (IPE).** The VR  
 4 counselor will provide the eligible individual, or the individual's authorized representative, in  
 5 writing and in appropriate mode of communication, with information on the individual's  
 6 options for developing the IPE.

7  
 8 (1) The required information will include the following:

9  
 10 (A) information on the availability of assistance, to the extent determined to be  
 11 appropriate by the eligible individual, or authorized representative, from a qualified  
 12 VR counselor in developing all or part of the IPE, and the availability of technical  
 13 assistance for this purpose;

14  
 15 (B) a description of the required content of the IPE;

16  
 17 (C) as appropriate:

18  
 19 (i) an explanation of agency requirements for client participation in cost of  
 20 services;

21  
 22 (ii) additional information requested by the individual or authorized  
 23 representative;

24  
 25 (iii) information on the availability of assistance in completing  
 26 ~~DVR/DVSD~~DVRBVI forms required in developing the IPE;

27  
 28 (iv) For cases involving Mental Disorders and Obesity, treatment must be  
 29 incorporated as a service in the IPE, in accordance with DRS policy.

30  
 31 (D) a copy of a DRS publication addressing client's rights and responsibilities.

32  
 33 (2) For cases in an open priority group, the IPE must be completed and signed as  
 34 soon as possible, consistent with the needs of the individual, but not more than 90  
 35 calendar days following the eligibility determination, unless the individual or the  
 36 authorized representative and the VR or ~~V~~SVRBVI counselor jointly agree to an  
 37 extension of time of a specific duration. The 90-day time frame for development of the  
 38 IPE will be applied from the date a closed priority group is reopened.

39  
 40 (b) **Vocational objective.** The primary purpose in providing vocational rehabilitation  
 41 services is to assist an eligible individual obtain appropriate competitive employment in an

42 integrated setting consistent with the individual's informed choice. The choice of a  
43 vocational objective for an individual receiving vocational rehabilitation services must be  
44 based primarily upon the individual's strengths, resources, priorities, concerns, abilities,  
45 interests and capabilities.

46  
47 (1) **Informed choice.** The vocational objective is to be chosen with the full  
48 participation of the client. The client's interests and informed choice determine his or  
49 her vocational goal to the extent these factors are consistent with the client's strengths,  
50 resources, priorities, concerns, abilities, interests and capabilities.

51  
52 (2) **External conditions.** Factors such as the local labor market or local economy  
53 must also be taken into consideration. However, in most cases these factors cannot be  
54 used as the only basis upon which to determine whether a vocational objective is  
55 appropriate.

56  
57 (c) **Non-competitive vocational objectives.** The primary mission of DVR and  
58 ~~DVSDVRBVI~~ is to help eligible individuals achieve competitive employment in an integrated  
59 work setting. Therefore, careful consideration and planning are required when services are  
60 to be provided to achieve a long term goal of non-competitive employment.

61  
62 (1) **Homemaker.** A homemaker is defined as a person whose primary work is  
63 performance of duties related to the upkeep and maintenance of a home. This work  
64 takes place in the individual's own home, without remuneration.

65  
66 (A) The IPE can have a vocational objective of homemaker only when services will  
67 directly and substantially improve the individual's ability to perform the primary  
68 homemaking work activities for their home.

69  
70 (B) Self-care activities are not sufficient to meet the definition of gainful  
71 occupation.

72  
73 (C) A vocational objective of homemaker can be established for only one person  
74 within the same household.

75  
76 (2) **Unpaid family worker.** A vocational objective of unpaid family worker is  
77 appropriate when services will enable the individual to perform work without pay on a  
78 family farm or in a family business operated by one or more members of the client's  
79 family. The record must document how the services will substantially improve the  
80 productivity of the client and his/her contribution to the family farm or business.

81  
82 (d) **General requirements for the Individualized Plan for Employment.**

83  
84 (1) The IPE documents the client's chosen employment goal, and the planning of  
85 vocational rehabilitation services which are necessary to achieve a successful  
86 employment outcome. The client will be a full participant in the development of the IPE  
87 or any amendments consistent with Federal and State regulations, laws, and statutes.  
88 The eligible individual must be given the opportunity to exercise informed choice in  
89 selecting an employment outcome, the specific VR services to be provided under the  
90 plan, the service providers, and the methods for service delivery. For cases in an open  
91 priority group, the IPE must be agreed to and signed by the eligible individual or  
92 authorized representative, approved by a VR counselor and, as appropriate, other  
93 administrators employed by DVR or ~~DVSDVRBVI~~ within 90 days of determination of  
94 eligibility, unless the individual or the authorized representative of the individual and the  
95 VR or ~~VSVRBVI~~ counselor jointly agree to an extension of time of a specific duration.  
96 To the maximum extent possible, the IPE is to be provided in the native language or  
97 mode of communication of the individual or, as appropriate, of a parent, family  
98 member, guardian, advocate, or authorized representative. It is also required the client  
99 receive a copy of the plan and any subsequent amendments.

100  
101 (2) The IPE is subject to continuous development and change. Substantial changes to  
102 the IPE are documented as amendments. A substantial change is broadly defined as  
103 any change in the employment objective, or in service needs or available resources not  
104 accounted for in the original IPE or existing amendment(s). The amount of any client  
105 participation in the cost of a service will be based upon the determination of client's  
106 financial status completed at the time the relevant IPE or amendment is written, and is  
107 to be stated in the IPE or amendment. If services based upon financial status are  
108 included in the original IPE and/or in the amendment, a new Financial Status  
109 Determination form will be completed when the IPE is amended. A copy of any  
110 Amendment to an Individualized Plan for Employment will be given to the client, or  
111 client's authorized representative, as appropriate.

112  
113 (3) Diagnosis related to eligibility or the IPE can be provided at any time it is necessary  
114 during the life of the case.

115  
116 (4) An IPE is not considered in effect until all required approvals have been obtained in  
117 accordance with Department policy.

118  
119 (5) Plan reviews are comprehensive reviews of the entire IPE. A plan review can be  
120 done at any time, but must be done at least annually. The client must be given the  
121 opportunity to review the plan and, if necessary, participate in its redevelopment and  
122 agree to its terms. A financial status determination will be completed at the time of plan  
123 review when the IPE includes services based upon client's financial status.

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(e) **Content of the Individualized Plan for Employment.** The Individualized Plan for Employment must include:

(1) a description of the specific employment outcome that is chosen by the client consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the client, and to the maximum extent appropriate, results in competitive employment in an integrated setting, and the estimated timeframe for the achievement of the employment outcome;

(2) a description of the specific VR services that are:

(A) needed to achieve the employment outcome including as appropriate, the provision of assistive technology services and devices, and personal assistance services, including training in the management of such services;

(B) provided in the most integrated setting that is appropriate for the service involved and is consistent with the informed choice of the client; and

(C) timelines for the achievement of the employment outcome and for the initiation of services.

(3) a description of the service provider chosen by the client or authorized representative, and the methods of services delivery;

(4) a description of the criteria that will be used to evaluate progress toward achieving the employment outcome;

(5) the terms and conditions of the IPE including as appropriate:

(A) the responsibilities of DVR or ~~DVSD~~DVRBVI;

(B) the responsibilities of the client, including:

(i) the client's responsibilities for the employment outcome;

(ii) the client's participation in paying the cost of VR services; and

(iii) the client's responsibility to apply for, accept, and use comparable services and benefits to defray in whole or in part the cost of VR services.

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(6) for an IPE that includes supported employment services, information identifying:

(A) the extended services needed by the client; and

(B) the source of the extended services, including natural supports, or an explanation concluding there is a reasonable expectation a source will become available; and

(C) the weekly work goal.

(7) if it appears they will be necessary, a statement of needed post-employment services.

1 | **612:10-7-87. Actions requiring supervisor's approval [AMENDED]**

2  
3 Actions requiring supervisory approval include:

- 4 (1) All actions of a newly employed counselor/teacher.
- 5
- 6
- 7 | (2) All IPE's or amendments when the total of the planned DVR and ~~DVSD~~DVRBVI
- 8 expenditures for the entire case exceed \$25,000.
- 9
- 10 (3) All case closures in which an IPE was developed and services initiated.
- 11
- 12 (4) Transfer of cases from one counselor/teacher caseload to another outside the
- 13 sending supervisor's unit (signed by the supervisor of the sending counselor or
- 14 teacher).
- 15
- 16 (5) All IPE's which include purchase of physical or mental restoration services,
- 17 prescription drugs or prescribed medical supplies lasting more than three months.
- 18
- 19 (6) Small Business plans with a cost to the agency in excess of \$10,000.00.
- 20
- 21 (7) Vehicle or home modifications over the DCAM authority order limit and housing
- 22 modifications involving structural modifications.
- 23
- 24 (8) Vehicle repairs that exceed \$1,000.00 for the life of a case.
- 25
- 26 (9) Dental services with a projected cost over \$5,000.00.

1 **612:10-7-98. General guidelines for physical and mental restoration services**  
2 **[AMENDED]**  
3

4 (a) To the extent that assistance is not readily available from a source other than DVR or  
5 ~~DVSDVRBVI~~, diagnosis and treatment of physical and mental impairments may be  
6 provided to assist the individual with a disability in preparing for, securing, retaining or  
7 regaining employment. Physical or mental restoration services are provided only when the  
8 condition is stable, or slowly progressive. A slowly progressive condition is one in which the  
9 client's functional capacity is not expected to diminish so rapidly as to prevent successful  
10 completion of vocational rehabilitation services, and/or employment for a reasonable period  
11 of time. The individual is liable for services he or she arranged which were not planned and  
12 initiated under the auspices of DVR and ~~DVSDVRBVI~~. DVR and ~~DVSDVRBVI~~ will not pay  
13 for hospitalization or treatment occurring prior to initiation of an Individualized Plan for  
14 Employment (IPE). DVR and ~~DVSDVRBVI~~ will not pay for emergency hospitalization or  
15 treatment needed at the time of referral. However, diagnostic examinations or information  
16 may be paid from DVR and ~~DVSDVRBVI~~ funds for use in eligibility determination, priority  
17 group placement, or determination of vocational rehabilitation needs. Physical and/or  
18 mental restoration services will be purchased only from licensed or board certified health  
19 professionals unless otherwise specified in DRS policy. Payment will be made in  
20 accordance with the established fee schedule of the Department.  
21

22 (b) Temporary conditions with sudden onset do not fall within the definition of impairment  
23 for eligibility purposes. Emergency treatment of remediable conditions will not be  
24 purchased by DVR and ~~DVSDVRBVI~~ except under intercurrent illness policy. When the  
25 staff is in doubt as to the effect of such a condition upon the outcome of the IPE objectives,  
26 a medical consultation may be requested.  
27

28 (c) DVR and ~~DVSDVRBVI~~ do not provide long-term or ongoing physical or psychological  
29 treatment. DVR and ~~DVSDVRBVI~~ funds cannot be used to initiate treatment that is  
30 reasonably anticipated to last more than three months unless supervisory approval has  
31 been obtained for a three month extension. Additional three month extensions may be  
32 approved if the client maintains reasonable progress toward achieving the vocational goal.  
33 Persons needing long-term or ongoing treatment are to be referred to other medical  
34 assistance sources if available.  
35

36 (d) Payment from DVR and ~~DVSDVRBVI~~ funds may be planned and authorized only after  
37 applicable third party pay sources provide verification of the expense they will cover, and  
38 not cover, associated with the physical or mental restoration services in question. When  
39 DVR and ~~DVSDVRBVI~~ funds are used to supplement a third party pay source, planned

40 services and the authorization will be limited to those expenses that fall within the scope of  
41 the program and that do not exceed the difference between what the third party pay source  
42 will pay and the Department's established payment schedule.

43  
44 (e) Individuals with chronic disabilities that can be removed with little or no residual  
45 limitations will not be eligible for purchase of services other than those related to the  
46 required treatment.

47  
48 (f) Physical and mental restoration services may include but are not limited to:

49  
50 (1) Braces and orthotic devices.

51  
52 (2) Chiropractic services. A chiropractor providing treatment must be duly licensed to  
53 practice his profession in Oklahoma, have a current provider/vendor agreement with  
54 DRS, and following evaluation of the client's needs, must provide a treatment plan with  
55 goals, time frames and the estimated number of treatments required to meet the goals.  
56 Treatment may not be extended beyond three months unless progress toward treatment  
57 goals can be determined.

58  
59 (3) Dental services. Dental services may be provided to treat or correct dental  
60 conditions that constitute an impediment to employment or participation in the  
61 rehabilitation process, produce health problems or aggravate an existing disability.  
62 Dental services with a projected cost over \$5,000.00 require review by the DRS dental  
63 consultant and supervisory approval.

64  
65 (4) Dialysis and treatment for end-stage-renal-disease. DVR and ~~DVSD~~DVRBVI may  
66 assist with the cost of Medicare deductible, co-insurance, and services not covered by  
67 Medicare if documentation states other resources are not available and the client is  
68 actively participating in an IPE with treatment as part of the plan. Requests for kidney  
69 transplants must be approved by the medical consultant.

70  
71 (5) Prescription drugs and prescribed medical supplies. Prescription drugs and/or  
72 prescribed medical supplies may be purchased when required for proper diagnosis, for  
73 post-operative treatment, or to stabilize a documented disability. The need for the drugs  
74 and/or medical supplies must be documented in a physician's report. Payment will be  
75 made for generic type drugs unless the physician specifically requests a brand name  
76 drug.

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78 (6) Hearing aids and audiological services.

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(7) Hospitalization when recommended by a physician and the client is to receive medical treatment or surgery. Hospitalization may also be authorized for diagnostic services upon recommendation of a physician.

(8) Treatment for intercurrent illness. Intercurrent illness is an illness or injury which occurs during the course of an individual's vocational rehabilitation and, if not treated, will complicate or significantly delay achievement of the client's employment outcome. DVR and ~~DVSDVRBVI~~ will purchase treatment for intercurrent illness or injuries if the client is not covered by health insurance or eligible for comparable services and benefits, or when the provision of services through comparable services and benefits would significantly interrupt or delay treatment for an individual at extreme medical risk, jeopardize a job placement or impair the individual's progress in achieving the planned employment outcome.

(9) Laboratory work and x-rays if required by the physician to complete his examination or in conjunction with diagnosis or treatment.

(10) Low vision services.

(11) Medical examinations, when necessary to determine eligibility, achieve a goal in the IPE or when related to an intercurrent illness.

(12) Nursing services can be provided for a client who is convalescing from physical restoration services if recommended by the doctor of treatment. Either Registered Nurses or Licensed Practical Nurses may be used to provide this service when a current medical vendor agreement is on file with the Department. Volunteers may be used if less technical care is needed and if approved by the client's physician.

(13) Physical and occupational therapy may be provided on either an in-hospital or outpatient basis if recommended by the attending physician.

(14) Post-operative care of cataract patients.

(15) Prosthetic eyes, glasses and other optical aids.

(A) Glasses and other visual aids and services may be prescribed or provided by either an ophthalmologist or an optometrist. Other optical aids recommended by optical aid clinics are purchased upon the recommendation of the specialist(s) in

118 one or more such clinics. Prosthetic eyes are provided, upon the recommendation  
119 of an ophthalmologist.

120  
121 (B) Lenses and frames for glasses purchased by DRS will be authorized at fee  
122 schedule prices. The vendor may add a service charge not to exceed the  
123 established fee. An additional code and fee may be added for tinting if it has been  
124 prescribed by the physician or optometrist that performed the eye examination with  
125 written medical/vocational justification.

126  
127 (C) The fee that has been established for frames will only cover the cost of plain  
128 sturdy frames. Clients do not have the option of selecting more expensive frames  
129 and paying the difference between the vendor's price and the amount authorized. If  
130 the vendor accepts payment from the client or a representative of the client and  
131 also files a claim with the Department for the same services, a violation of the  
132 Provider Agreement has occurred and the vendor would be subject to sanctions.

133  
134 (D) If a client selects special frames and has sufficient resources to purchase  
135 them, the frames should not be included on the authorization and the client would  
136 be responsible for the entire cost of the frames.

137  
138 (16) Prosthetic limbs.

139  
140 (A) Prosthetic limbs may be provided if the prosthesis is recommended by a  
141 physician. The client who has successfully worn a prosthesis will not be required to  
142 see an orthopedist or physiatrist, or attend an amputee clinic unless some other  
143 disorder is apparent.

144  
145 (B) An individual who has never worn a prosthesis must be seen by a physician  
146 before the prosthesis is provided. The client must agree to training in its use. Gait  
147 training is considered Personal Adjustment Training and does not require client  
148 participation in cost. However, physical therapists providing the training are  
149 recognized as medical vendors and require authorizations completed on a Medical  
150 Service Authorization.

151  
152 (C) Persons with multiple amputations must have the special examination and  
153 training.

154  
155 (D) The counselor may authorize for a prescribed standard prosthesis without  
156 further review. The choice of prosthesis must be closely related to its intended use

157 in a work setting, or in relation to reasonable independent living goals. Non-  
158 standard prostheses (i.e., myoelectric) will not be purchased with DRS funds  
159 unless medically justified and/or required for a specific employment, or  
160 independent living, outcome. When a prosthesis other than a standard prosthesis  
161 is prescribed the counselor will request a consultation from the appropriate medical  
162 consultant. Justification for the non-standard prosthesis must be documented in  
163 the case record.

164  
165 (17) Psychiatric and psychological treatment.

166  
167 (A) Psychotherapy may be provided for emotional conditions which may be  
168 expected to respond within a reasonable period of time. Psychotherapy can be  
169 provided only by the sources in (1) - (5) of this Subsection.

170  
171 (i) Psychiatrists certified by the American Board of Psychiatry and Neurology  
172 or completed the required training and are "Board Qualified", or who have  
173 spent a major portion of their time in a particular specialty for at least two  
174 years and are recognized as specialists in the local community (same criteria  
175 as applied to other medical specialists).

176  
177 (ii) Licensed Doctors of Medicine or Doctors of Osteopathy who have  
178 received specific training for and are experienced in performing mental health  
179 therapeutic, diagnostic, or counseling functions.

180  
181 (iii) Psychologists with a doctorate in clinical or counseling psychology who  
182 hold a valid license to practice psychology.

183  
184 (iv) Psychologists with a doctorate in clinical or counseling psychology who  
185 are employed by governmental agencies exempt from the licensing law.

186  
187 (v) Other licensed clinicians or those employed by governmental agencies  
188 who have received administrative approval to provide this treatment service.

189  
190 (B) Upon receipt of a written report from the therapist, the supervisor may approve  
191 additional three-month periods of therapy. Clients needing long-term or ongoing  
192 psychiatric or psychological treatment will be referred to the appropriate community  
193 mental health center.  
194

195 (C) Personal Adjustment Counseling may be provided for those persons with  
 196 emotional conditions who may benefit from counseling to bring about a more  
 197 adequate social adjustment, alleviate superficial anxiety, and to create more  
 198 effective interpersonal relationships. Personal Adjustment Counseling may be  
 199 provided by: those individuals listed in (17) (A) of this Subsection.  
 200

201 (18) Speech therapy/training as recommended in a speech evaluation. Speech  
 202 therapy, although provided by recognized speech therapists, is considered Personal  
 203 Adjustment training and is not based on financial status. The providers of speech  
 204 therapy are classified as medical vendors.  
 205

206 (19) Surgery and medical treatment.  
 207

208 (A) Surgery and complex or unusual medical treatment may be provided when  
 209 recommended by a specialist. Medical consultant approval will be obtained prior to  
 210 planning and authorizing a diagnostic procedure which could lead to immediate  
 211 surgical treatment. The medical consultant will give conditional approval for the  
 212 possible surgery if deemed necessary. Normal post-operative care is an integral  
 213 part of the surgery; therefore, no post-operative charges are to be paid above the  
 214 approved surgical fee.  
 215

216 (B) Specified outpatient surgical services are approved for payment when  
 217 provided in qualified outpatient surgical facilities. Qualified facilities include  
 218 Medicare certified free standing ambulatory surgical centers, Medicare certified  
 219 hospitals offering outpatient surgical services, and hospitals which have an  
 220 agreement with DRS.  
 221

222 (C) The counselor will advise the client he/she may be liable for any balance due  
 223 when payment by private insurance exceeds the Department allowable rate.  
 224

225 (20) Weight loss treatment. A weight loss plan or treatment are included as a service in  
 226 the IPE for individuals who are eligible on the basis of obesity. A licensed dietician or a  
 227 physician skilled in weight reduction must monitor any treatment program authorized by  
 228 the agency. Surgery for weight loss is not provided unless medically recommended as  
 229 treatment for morbid obesity, a second confirming medical opinion is obtained, and the  
 230 surgery is approved by the DRS medical consultant and supervisory approval is  
 231 obtained. Before approving DRS provision of surgery for treatment of morbid obesity,  
 232 the supervisor shall consider the individual's past experience with standard weight loss

233 | protocols, and medical and behavioral factors that may impact the individual's ability to  
234 | obtain long-term benefit from the surgery.

235 |  
236 | (21) Wheelchairs and other durable medical equipment when prescribed by a physician  
237 | or recommended by an occupational therapist, physical therapist, assistive technology  
238 | specialist or person with equivalent qualifications. Power mobility devices may be  
239 | purchased for individuals when necessary to assist the client in achieving IPE goals.

240 |  
241 | (A) The client, and/or client's authorized representative, will participate in choosing  
242 | from which vendor the wheelchair or durable medical equipment will be purchased.  
243 | Wheelchairs and other durable medical equipment will be authorized at the agency  
244 | approved fee.

245 |  
246 | (B) The client, or client's family or authorized representative as appropriate, is  
247 | responsible for maintaining wheelchairs or other durable medical equipment in  
248 | good working order. DVR and ~~DVSDVRBVI~~ will pay for repairs to wheelchairs or  
249 | other durable medical equipment during the life of the case unless there is clear  
250 | evidence the equipment has been damaged due to client abuse or neglect. An  
251 | agency-purchased wheelchair will be returned to the agency if the client becomes  
252 | unable to use it.

253 |  
254 | (C) Wheelchair rental may be authorized for a period not to exceed six months  
255 | when necessary to assist the client with mobility. An exception can be made if it is  
256 | documented that rental is more cost effective than purchase.

1 | **612:10-7-130.Maintenance [AMENDED]**

2  
3 (a) **General guidelines.** Maintenance is a supportive service provided to assist with the  
4 out-of-ordinary or extra expenses to the individual resulting from and needed to support  
5 the individual's participation in diagnostic, evaluative, or other substantial services in the  
6 IPE. Maintenance, including payments, may not exceed the cost of documented  
7 expenses to the individual resulting from service provision. Authorizations for  
8 maintenance will not be issued to pay the cost, or part of the cost, for any other service  
9 or expense.

10  
11 (b) **Provision of maintenance.** To receive maintenance, an individual must be either  
12 | an eligible DVR or ~~DVSDVRBVI~~ client or an applicant for vocational rehabilitation  
13 services undergoing diagnostic evaluation and testing. For an accepted client,  
14 maintenance must be a supportive service related to outcomes listed in the  
15 Individualized Plan for Employment. The costs of the maintenance may not exceed the  
16 amount of increased expenses that the IPE causes for the individual or his/her family.  
17 The provision of maintenance as a supportive service is not synonymous with general  
18 assistance payments. It is not intended to pay for those living costs that exist  
19 | irrespective of the individual's status as a DVR and ~~DVSDVRBVI~~ client. Maintenance  
20 payments must be carefully tied to the achievement of specific VR outcomes which  
21 must be stated and documented in the case record and the IPE to justify such  
22 payments. Maintenance cannot substitute for or supplement income assistance  
23 payments.

24  
25 (1) **Maintenance for diagnostic and evaluation services.**

26 Maintenance payments for individuals receiving diagnostic or evaluation services  
27 may be authorized for overnight care, short-term lodging and/or meals.

28  
29 (2) **Maintenance for physical restoration services.**

30 Maintenance for physical restoration services is paid to the client until he/she is  
31 able to work. The client must be in his/her own home and the covered period of  
32 convalescence is to be 60 days or less. For convalescent periods in excess of 60  
33 days, the counselor will refer the client to other sources for assistance (public  
34 assistance, SSI). In no instance will medical maintenance be paid while the client is  
35 hospitalized.

36  
37 (3) **Maintenance for training.**

38 Maintenance can be authorized for full time vocational school students or college  
39 students. Maintenance can be authorized for a client granted an exception to the  
40 full-time attendance requirement under 612:10-7-150(a).  
41

42 (4) **Maintenance for job search services.**

43 Maintenance for job search services requires an IPE with major services directed  
44 toward the goal of employment.

45 (5) **Maintenance for job relocation.**

46 Maintenance may be paid to a client for assistance in relocating to a new job site.  
47 Maintenance services for this purpose must be identified on the IPE.  
48

49  
50 (c) **Clothing expenses.** Clothing and/or uniforms can be purchased when needed to  
51 begin training or enter employment. Everyday clothing needs of the client are  
52 considered as part of the basic living requirements. Any clothing purchased for the client  
53 must be:

54  
55 (1) required by the training facility;

56  
57 (2) necessary to participate in job search or begin employment; or

58  
59 (3) necessary to begin a training program that requires clothing standards beyond  
60 the client's means.

61  
62 (d) **Day care expenses.** Day care expenses will be paid for from DVR and  
63 DVSDVRBVI funds only when necessary to participate in the IPE, and it is fully  
64 documented that no other resources are available for this service, including family  
65 members and friends.

1 | **612:10-7-142. General guidelines for training services [AMENDED]**

2  
3 | (a) **Types of training.** Training provided by DVR and ~~DVSD~~DVRBVI may include:

4  
5 (1) **Vocational.** Vocational training provides the knowledge and skills necessary for  
6 performing the tasks involved in an occupation. Such knowledge and skills may be  
7 acquired through training from an institution, on-the-job, by tutors or through a  
8 combination of these methods. Vocational training may be provided for any occupation.

9  
10 (2) **Prevocational.** Prevocational training includes any form of academic or basic  
11 training provided for the preparatory skills needed for entrance into a vocational  
12 training program or employment. Prevocational training is initiated to enhance  
13 occupational knowledge or skills or to remove an educational deficiency interfering with  
14 employment.

15  
16 (3) **Personal or work adjustment.** Personal or work adjustment training includes any  
17 training given for one or a combination of the reasons given in (A) - (D) of this  
18 paragraph.

19  
20 (A) To assist the individual in developing personal habits, attitudes, and skills  
21 enabling the individual to function effectively in spite of disability.

22  
23 (B) To develop or increase work tolerance prior to engaging in prevocational or  
24 vocational training or in employment.

25  
26 (C) To develop work habits and to orient the individual to the world of work.

27  
28 (D) To provide skills or techniques enabling the individual to compensate for a  
29 disability such as the loss of a body part or the loss of a sensory function.

30  
31 (b) Training may be provided for clients who:

32  
33 (1) are mentally, physically and/or emotionally capable of pursuing a course of training  
34 to completion;

35  
36 (2) require training to achieve an employment outcome or other goals established in  
37 the Individual Plan for Employment (IPE); and

38  
39 (3) are determined to have a reasonable opportunity for obtaining employment in the  
40 chosen vocation.

42 (c) Decisions related to training are based on the individual needs and informed choices of  
43 the client as identified in the IPE.

44  
45 | (d) DVR and ~~DVSDVRBVI~~ will only pay tuition and fees for courses which count toward  
46 requirements consistent with the vocational goal of the IPE. Training of DVR and  
47 | ~~DVSDVRBVI~~ clients is provided by colleges, universities, private business and trade  
48 schools, state supported vocational schools, employers in the form of on-the-job training,  
49 sheltered workshops, and other approved training facilities with valid contracts.

50  
51 (e) Federal regulations require a search for comparable services and benefits with the  
52 results documented before payment can be made for training in the following institutions:  
53 colleges, universities, community/junior colleges, public or private vocational/technical  
54 schools, or hospital schools of nursing. PELL grants and other available Federal/State  
55 student aid (excluding merit awards) must be applied to tuition, fees and all other  
56 educational expenses as a first dollar source prior to consideration of the expenditure of  
57 DRS funds.

58  
59 | (f) Training costs will not be authorized beyond the first DVR and ~~DVSDVRBVI~~ sponsored  
60 enrollment until proof of the availability of comparable benefits is received by the counselor.

61  
62 (g) Once training has begun, the client is expected to progress toward the vocational  
63 objective at a steady rate. This requires the client to attend training on a regular basis, and  
64 maintain a full-time load unless an exception is granted by the counselor due to severity of  
65 disability, scheduling problems or other valid reasons. Training progress reports or other  
66 methods of reporting (i.e., grade reports, transcripts) are utilized to document training  
67 progress. Sporadic attendance and reduced training loads causing a delay in the  
68 completion of training must be reviewed by the counselor. The client is responsible for  
69 advising the counselor of problems encountered during the training program.

70  
71 (h) All types of institutional, technical, personal adjustment or employment training are  
72 purchased by an authorization issued by the counselor.

1 | **612:10-7-149. College and university training [AMENDED]**

2  
3 (a) Training for rehabilitation clients is provided in those colleges and universities which  
4 are accredited by the appropriate accrediting agency, whose credits will be given full  
5 recognition by other accredited colleges and universities, and which are under contract.  
6 Private and denominational colleges and universities may be used for the training of  
7 DRS clients, provided they are accredited and under contract.

8  
9 (b) Clients approved for college or university training must exhibit the ability to do  
10 college work. The counselor will have evidence in the case folder ~~file~~ indicating the  
11 client's ability to do college work before a program is developed calling for training at the  
12 college or university level.

13  
14 (c) For DVR and ~~DVSDVRBVI~~ clients pursuing a college or university degree, the  
15 Department will sponsor only the number of semester hours or remaining hours  
16 required for a specific degree. Exceptions may be approved by the counselor.

17  
18 (d) Previously completed credit hours which are applicable to the degree requirements  
19 will be incorporated in the development of the IPE. When a client changes majors, DVR  
20 and ~~DVSDVRBVI~~ funding will be limited to the number of credit hours needed for the  
21 new major minus the number of DVR and ~~DVSDVRBVI~~ funded credit hours lost due to  
22 the change in majors, unless the change in majors results from circumstances beyond  
23 the client's control.

1 | **612:10-7-150. Continued eligibility for college or university training [AMENDED]**  
2 |

3 | (a) **Requirements for continued eligibility.** DVR or ~~DVSDVRBVI~~ clients in college or  
4 | university training will be expected to attend classes regularly and make continuous  
5 | progress toward graduation. To continue assistance with college or university training, the  
6 | client must maintain a cumulative 2.0 grade-point average (GPA), based on a four point  
7 | (4.0) scale. The client must carry the minimum number of semester hours determined to be  
8 | full time at the school attended. Exceptions may be granted by the counselor, based on  
9 | severity of disability, scheduling problems, or other valid reasons. When a client fails to  
10 | meet the requirements for continued sponsorship the guidelines in (1) - (5) of this  
11 | Subsection are to be followed:

12 |  
13 | (1) Payment of training services based on client's financial status will not be provided if  
14 | the client's grades fall below 1.5 cumulative GPA.

15 |  
16 | (2) Training services may be paid for a client having a cumulative GPA between 1.5  
17 | and 1.9 for the first semester that grades fall below 2.0 cumulative GPA. Subsequent  
18 | enrollments can only be paid if the student's cumulative GPA shows progress.

19 |  
20 | (3) A client failing to meet the grade point requirement may continue to receive  
21 | services not based on financial status.

22 |  
23 | (4) A client failing to meet grade point requirements may be approved by the counselor  
24 | if there are extenuating circumstances beyond the client's control.

25 |  
26 | (5) A client failing to meet grade point requirements will be contacted as soon as  
27 | appropriate to complete a program review to determine if a change in services,  
28 | vocational goal, or objectives is needed. A client failing to meet chosen goals will not  
29 | have his/her case closed until the counselor has provided counseling and guidance  
30 | and determined that a change in the IPE is inappropriate. The counselor should  
31 | investigate the need for further vocational and/or educational evaluation to explore  
32 | alternative employment goals.

33 |  
34 | (b) **Withdrawals and failures.** Clients who withdraw or fail courses paid by DVR and  
35 | ~~DVSDVRBVI~~ will be required to pay for a like number of hours during the following  
36 | enrollment period subject to the guidelines in (a) of this Section.

1 | **612:10-7-152. Payment of tuition and fees at colleges and universities [AMENDED]**

2 |

3 | (a) **Public institutions of higher learning.** Tuition and fees for DVR and ~~DVSDVRBVI~~  
 4 | clients attending public colleges and universities will be paid at the rate set for resident  
 5 | students by the Oklahoma Regents for Higher Education and within limits prescribed by the  
 6 | Legislature. DVR and ~~DVSDVRBVI~~ will pay those fees charged to all students and special  
 7 | fees associated with required courses in the student's major field of study. After the  
 8 | completion of the first semester, a grade report, proof of enrollment, and an itemized  
 9 | invoice are required documentation to support the authorization for tuition and fees. It is  
 10 | the responsibility of the client to provide this support documentation. The client may  
 11 | provide this documentation electronically or as a printed document in the standard format  
 12 | used by the school.

13 |

14 | (b) **Private institutions of higher learning.** Tuition and fees for students in attendance at  
 15 | accredited private or denominational schools will be paid at the same rate as that paid at  
 16 | state-supported colleges or universities of equal rank. After the completion of the first  
 17 | semester, a grade report, proof of enrollment, and an itemized invoice are required  
 18 | documentation to support the authorization for tuition and fees. It is the responsibility of the  
 19 | client to provide this support documentation. The client may provide this documentation  
 20 | electronically or as a printed document in the standard format used by the school.

21 |

22 | (c) **Federal/State student aid.** Pell Grant and all other Federal/State aid (excluding merit  
 23 | awards) must be applied to tuition, fees and all other educational expenses as a first dollar  
 24 | source prior to the consideration of the expenditure of DRS funds regardless of whether the  
 25 | student is attending a public or private institution of higher education.

26 |

27 | (d) **Cost documentation.** Each client is responsible for providing the counselor a copy of  
 28 | the college or university's current semester costs before the designated "Drop and Add"  
 29 | date.

612:10-7-158

**Vocational Rehabilitation and ~~Visual Services~~  
Vocational Rehabilitation for the Blind &  
Visually Impaired  
Training for individuals in custody of the  
Department of Corrections**

1 | **612:10-7-158. Training for individuals in custody of the Department of Corrections**  
2 | **[AMENDED]**  
3 |

4 | DVR and ~~DVSDVRBVI~~ funds are not used to defray the cost of training for individuals  
5 | in the custody of the Department of Corrections. This does not apply to individuals who  
6 | meet the criteria set forth within a joint memorandum of understanding between DRS and  
7 | the Department of Corrections.

612:10-7-158

**Vocational Rehabilitation and ~~Visual Services~~  
Vocational Rehabilitation for the Blind &  
Visually Impaired  
Training for individuals in custody of the  
Department of Corrections**

1 | **612:10-7-161. Public and private vocational schools [AMENDED]**

2  
3 (a) Client training may be purchased from public or private vocational schools that have a  
4 valid purchasing agreement with DRS, after use of available comparable benefits such as  
5 PELL grants and other federal/state student aid (excluding merit awards).

6  
7 (b) Privately-owned vocational schools must be accredited or licensed through the  
8 appropriate state board, if applicable, before a purchasing agreement with DRS can be  
9 finalized. Tuition at privately owned vocational schools will be paid at rates approved by  
10 the Oklahoma Commission for Rehabilitation Services sitting as the Rates and Standards  
11 Committee. The authorized rate will remain constant during the contract period.

12  
13 (c) Continued eligibility of a client in training at a vocational school will be based on the  
14 client's performance in respect to grades, progress and attendance. The minimum  
15 standards used by the training facility for satisfactory progress in respect to grades and  
16 attendance will be utilized by DVR and ~~DVSDVRBVI~~ staff in determining the progress of the  
17 client.

18  
19 | (1) ~~DVR and DVSDVRBVI~~ sponsored clients attending vocational technical schools  
20 who withdraw or fail course work will be required to pay for like credit or clock hours  
21 during the following enrollment period.

22  
23 | (2) A client who fails to meet agency sponsorship guidelines for training at vocational  
24 technical schools may continue to receive services not requiring client participation in  
25 cost of services.

26  
27 | (3) A client failing to meet agency sponsorship guidelines may be approved by the  
28 counselor if there are extenuating circumstances.

29  
30 | (4) A client failing to meet agency sponsorship guidelines will be contacted as soon as  
31 appropriate to complete a program review to determine if a change in services,  
32 vocational goal or objective is needed. A client failing to meet chosen goals will not  
33 have her/his case closed until the counselor has provided counseling and guidance  
34 and has determined that a change in the IPE is inappropriate. The counselor should  
35 investigate the need for further vocational and/or educational evaluation to explore  
36 alternative employment goals.

1 | **612:10-7-162. Textbooks, supplies, training tools and equipment [AMENDED]**  
2

3 (a) For clients attending training, an allowance may be provided to cover the actual cost of  
4 required books, supplies, training tools and equipment, after available comparable benefits  
5 have been applied. When an allowance is provided, the client will be required to furnish  
6 documentation of the costs of required books, supplies, tools or equipment. The counselor  
7 will work with the client in obtaining and utilizing comparable benefits including the PELL  
8 grant and planning for the use of other resources to help meet this expense. The textbook  
9 allowance will be adjusted the following semester for clients who fail or withdraw from  
10 | courses paid by DVR or ~~DVSDVRBVI~~. Only textbooks for the current semester's  
11 enrollment will be provided.  
12

13 (b) Training tools and equipment costing more than \$500 will be purchased directly from  
14 the vendor in accordance with DRS policy.  
15

16 (c) The client, or client's family or authorized representative as appropriate, is responsible  
17 | for maintaining supplies and training tools in good working order. DVR and ~~DVSDVRBVI~~  
18 will pay for repairs to supplies and training tools purchased with DVR and ~~DVSDVRBVI~~  
19 funds during the life of the case unless there is clear evidence the supplies or training tools  
20 have been damaged due to client abuse or neglect.  
21

22 (d) Gun "kits", but not operable firearms, used as training tools may be purchased for  
23 students in gun-smithing school only.  
24

25 (e) The Department retains title to any tools costing \$500 or more purchased for training  
26 purposes until title is released by an authorized agent of the Department. The counselor  
27 will complete the Receipt for Equipment and Title Agreement, and obtain necessary  
28 signatures, before releasing such tools to the client. Any tools purchased for training  
29 purposes remain with the client while he/she is in training and after the completion of the  
30 training if they can be used in the client's chosen vocation. If the client drops out of  
31 training, DRS at its discretion may take steps to repossess the tools to transfer to another  
32 client.  
33

34 (f) Case recording must reflect the disposition of tools and materials provided the client  
35 before the case is closed.  
36

37 (g) Computers and related high tech equipment necessary for the client to participate in a  
38 training program or required by the training entity may be purchased as a client service in

612:10-7-162

**Vocational Rehabilitation and ~~Visual Services~~  
Vocational Rehabilitation for the Blind &  
Visually Impaired  
Textbooks, supplies, training tools  
and equipment**

39 accordance with agency policy. The cost of computers and related equipment will not be  
40 included in an allowance for textbooks and supplies.

612:10-7-162

**Vocational Rehabilitation and ~~Visual Services~~  
Vocational Rehabilitation for the Blind &  
Visually Impaired  
Textbooks, supplies, training tools  
and equipment**

612:10-7-183

**Vocational Rehabilitation and ~~Visual Services~~  
Vocational Rehabilitation for the Blind &  
Visually Impaired  
Ongoing support services**

1 | **612:10-7-183. Ongoing support services [AMENDED]**

2

3       The individual will be provided needed and appropriate ongoing support services such  
4 as job site training, transportation, service to family members, or any service necessary to  
5 achieve and maintain the supported employment placement throughout the term of  
6 | employment. DVR and ~~DVSD~~DVSRBVI sponsored support services are provided from the  
7 time of placement until the individual is stabilized on the job (completion of "Stabilization  
8 Milestone") by the service provider.

612:10-7-183

**Vocational Rehabilitation and ~~Visual Services~~  
Vocational Rehabilitation for the Blind &  
Visually Impaired  
Ongoing support services**

1 | **612:10-7-184. Extended services [AMENDED]**

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3

4

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9

10

Extended services are a continuation of ongoing support services provided to individuals in Supported Employment at completion of stabilization, during the "Successful Rehabilitation" Milestone and beyond case closure. Such services consist of the provision of specific services, including natural supports, needed to maintain the supported employment placement. Extended services are paid from funding sources other than DVR and ~~DVSDVRBVI~~ and are specifically identified in the IPE. An individual may not be found ineligible for supported employment services because the resource for providing extended services cannot be identified.

1 | **612:10-7-199. Reader/recording services [AMENDED]**

2  
3 (a) Reader services may be purchased for individuals who are blind, visually impaired or  
4 have difficulty reading standard print books/materials due to any other disability. Reader  
5 services are exempt from client participation in cost of service. Hours of reader service  
6 purchased shall be based upon the client's needs with respect to reading of textbooks,  
7 training materials or other printed materials used in the rehabilitation process.

8  
9 (b) Payment for reader services will be based on the Federal Minimum Wage, unless the  
10 counselor justifies use of a higher basis for readers of specialty subjects (e.g., law, science,  
11 technology, professions). Reader services may not be paid in advance. Payment is  
12 authorized directly to the client in the same manner as maintenance or transportation and  
13 may be included on the same authorization with either or both of these other services.

14  
15 (c) Individuals who have difficulty reading or using standard print materials will be referred  
16 to existing resources for recorded, large print, Braille and digital books and materials. Any  
17 required fee or materials cost for a recorded/digital textbook service may be paid through  
18 | DVR and ~~DVSD~~DVRBVI funds and is not based on financial status determination.

1 | **612:10-7-201. Rehabilitation teaching services [AMENDED]**

2

3

4

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11

Rehabilitation teachers provide counseling and instruction to aid clients in adjusting to blindness. All clients who are legally blind or have a rapidly progressive eye condition are to be referred to a rehabilitation teacher. Exceptions are allowed in instances where rehabilitation teaching services have been provided and the client appears to be functioning independently, or when physical restoration services are planned which will likely restore the client's functioning to a level which would remove the need for rehabilitation teaching. Rehabilitation teachers employed by the Division of ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired may serve clients who are legally blind jointly with the DRS counselor.

612:10-7-203

**Vocational Rehabilitation and ~~Visual Services~~  
Vocational Rehabilitation for the Blind &  
Visually Impaired  
Orientation and Mobility (O & M)**

1 | **612:10-7-203. Orientation and Mobility (O & M) [AMENDED]**

2

3 | DVR and ~~DVSDVRBVI~~ clients who are legally blind can receive direct instruction from  
4 O & M specialists employed by the Department. O & M specialists assist these clients to  
5 adjust to their surroundings.

612:10-7-203

**Vocational Rehabilitation and ~~Visual Services~~  
Vocational Rehabilitation for the Blind &  
Visually Impaired  
Orientation and Mobility (O & M)**

1 | **612:10-7-205. Services to persons who are deaf-blind [AMENDED]**

2  
3 (a) **Overview of services.** Because of the overwhelming impact upon the individual with a  
4 combination disability of deafness and blindness, a multiple disciplinary approach is  
5 needed to adequately serve these individuals. Unique problems in mobility and  
6 communication can cause severe social, recreational, academic deprivation and long term  
7 prevocational training may be necessary. Persons who are deaf-blind are capable of  
8 competitive employment and the counselor will carefully evaluate expected employment  
9 outcomes.

10  
11 (b) **Deaf-Blindness Specialist.** To promote and coordinate appropriate services for  
12 persons with dual losses of vision and hearing, the Division of ~~Visual Services~~ Vocational  
13 Rehabilitation for the Blind & Visually Impaired employs a Deaf-Blindness Specialist. This  
14 specialist works with counselors, rehabilitation teachers and others who provide services  
15 directly to clients who are deaf-blind. A major role served by this specialist is coordinating  
16 services and ensuring dialogue among schools, programs, agencies and organizations  
17 serving the deaf and blind.

1 | **612:10-7-206. Assistive technology services for individuals with visual impairments**  
2 | **[AMENDED]**  
3 |

4 | The need for assistive technology devices and services is to be addressed in the client's  
5 | Individualized Plan for Employment. Counselors and rehabilitation teachers may refer  
6 | clients with visual disabilities to the Division of ~~Visual Services~~ Vocational Rehabilitation for  
7 | the Blind & Visually Impaired assistive technology laboratory for blindness and low vision  
8 | which may provide or procure:  
9 |

- 10 | (1) assistive technology evaluations;
- 11 |
- 12 | (2) recommendation of assistive technology devices and services to meet individual  
13 | needs;
- 14 |
- 15 | (3) training in use of technology and devices, referral to training sources and  
16 | information on training options;
- 17 |
- 18 | (4) information on technologies and devices to meet specific individual needs;
- 19 |
- 20 | (5) technical assistance for installation and operation of select applications and  
21 | devices; and
- 22 |
- 23 | (6) demonstration and loan of adaptive aids, devices, electronic and computer  
24 | technologies and other assistive technology products.

**612:10-7-216. Tools, occupational equipment, initial stocks and supplies**  
**[AMENDED]**

(a) Tools, occupational equipment and supplies will be provided to eligible clients to the extent necessary to achieve their vocational goal providing the client has adequate resources available for the proper maintenance and upkeep of such tools and equipment. The client, or client's family or authorized representative as appropriate, is responsible for maintaining tools, occupational equipment, initial stocks, and supplies in good working order. DVR and ~~VSD-DVRBVI~~ will not pay for repairs to tools, occupational equipment, initial stocks and supplies purchased with DVR and ~~DVSDVRBVI~~ funds once title has been released to the client. DVR and ~~DVSDVRBVI~~ will not pay for repairs before title is released when there is clear evidence that the damage resulted from abuse or neglect.

(b) The client will retain possession and control of articles while engaging in the job or occupation for which articles were provided, or when title is released to client. Occupational tools, occupational equipment, and initial stocks and supplies are defined as follows:

(1) Occupational tools are considered to be those minimum tools required for a designated trade, necessary to the employment of the individual, and not furnished by the employer. DRS will NOT purchase operable firearms even if required for employment. Counselor will assist consumer in finding resources to help in this purchase if necessary.

(2) Occupational equipment is equipment required to meet the minimum needs of an individual in starting and conducting a business of his or her own.

(3) Initial stocks and supplies are those materials and merchandise necessary for the client to become operational in a business.

(c) Purchase of occupational tools, equipment and initial stocks and supplies will be made in accordance with 612:10-1-7. If the client is required to participate in cost of services, the payment will be made to the nonmedical vendor. When the equipment is received and/or installed, the appropriate rehabilitation professional completes the Receipt for Equipment and Title Agreement. If the purchase total is \$5,000 or more, the rehabilitation professional then signs the vendor's invoice and routes it to DRS state office.

(d) Used tools or equipment may be purchased when it is evident considerable savings may be affected. Used equipment or tools are to be appraised piece-by-piece by at least

612:10-7-216

**Vocational Rehabilitation and ~~Visual Services~~  
Vocational Rehabilitation for the Blind &  
Visually Impaired  
Tools, occupational equipment, initial stocks  
and supplies**

39 three shop owners or managers in the same type of work, and who are not acquainted with  
40 the vendor.

41

42 (e) If the counselor, after a thorough check of the tools or equipment, finds they are not  
43 being used for the purpose for which they were purchased, the counselor is to repossess  
44 the tools or equipment by executing the Release or Receipt of Equipment form.

612:10-7-216

**Vocational Rehabilitation and ~~Visual Services~~  
Vocational Rehabilitation for the Blind &  
Visually Impaired  
Tools, occupational equipment, initial stocks  
and supplies**

1 | **612:10-7-245. Definitions [AMENDED]**

2  
3 The following words and terms, when used in this Part, shall have the following  
4 meaning, unless the context clearly indicates otherwise:

5  
6 **"FLSA"** means the Fair Labor Standards Act which sets forth labor standards and  
7 protections as enforced by the U.S. Department of Labor.

8  
9 **"IDEA"** means the Individuals with Disabilities Education Act, P.L. 101-476 which  
10 ensures the rights and protections of children with disabilities and their parents being  
11 served by public education agencies through special education services and on an  
12 individualized education program (IEP).

13  
14 **"IEP"** means Individualized Education Program. This is an educational document  
15 developed on an annual basis that documents the educational and transition goals  
16 students are working toward each year in grades PK-12.

17  
18 **"LEA"** means Local Educational Agency, or local school district.

19  
20 **"SDE"** means State Department of Education.

21  
22 **"SECTION 504 Plan"** is a plan designed as a protection for students with disabilities  
23 who may not be considered eligible for special education under the IDEA in compliance  
24 with Section 504 of the Rehabilitation Act of 1973 as amended.

25  
26 **"Teacher coordinator"** means a teacher employed by a school who is released as  
27 part of her work day and responsible for working with DVR/DVSDVSRBVI counselors  
28 and students eligible for the Transition from School to Work Program.

29  
30 **"Work Adjustment Training (WAT)"** is provided on a work site, in a school, or in  
31 an approved Community Rehabilitation Program having valid contracts with DRS. WAT  
32 may also include (but is not limited to) activities aimed toward work tolerance,  
33 development of personal habits, attitudes, and work habits necessary to orient the  
34 individual to the world of work. High school students eligible for this service must be at  
35 least 16 years of age and may not participate for more than 18 months unless  
36 determined necessary by the counselor and client.

37  
38 **"School Work Study (SWS)"** allows students with disabilities to work on the school  
39 campus. The students are supervised or closely monitored by school personnel, and the  
40 school pays the students a stipend with DRS making reimbursement to the school for

41 that payment. The stipend is not a wage/salary. The school maintains liability for the  
42 students while working on campus.

43  
44 **“Trial Work/Extended Evaluation”** has the meaning given these terms in DRS  
45 policy and federal law/rules.

46  
47 **“Work Site Learning (WSL)”** allows students with disabilities to work in the  
48 community. The students are supervised or closely monitored by school personnel, and  
49 the school pays the students a stipend with DRS making reimbursement to the school  
50 for that payment. The stipend is not a wage/salary. The school maintains liability for the  
51 students while working off campus.

52  
53 **“Employer Work Study (EWS)”** allows students with disabilities employment  
54 experience in part-time jobs in the community with the employers paying the  
55 wages/salary(ies). In this instance, the students are employees of the community  
56 employers, and DRS does not reimburse the employers for the wages/salary(ies).

1 | **612:10-9-17. Application Status [AMENDED]**

2  
3 (a) A case is placed in Application Status when the individual submits an application with  
4 | DVR or ~~DVS~~DVRBVI in accordance with agency policy.

5  
6 (b) A decision of eligibility or ineligibility must be made within 60 days of the completed  
7 application unless unforeseen and exceptional circumstances beyond the control of the  
8 Department indicate the need for an extension as documented on the Need for Extension  
9 of Time to Determine Eligibility form. The consumer must agree an extension of time is  
10 warranted after full consultation.

11  
12 (c) The rehabilitation teacher will conduct an initial interview and document it in a narrative  
13 summary. The consumer and/or representative will be given an explanation of consumer  
14 rights and responsibilities and information about the Client Assistance Program and  
15 mediation procedures in a medium which is understandable to the individual and in their  
16 preferred medium. The teacher will document this in the case record. The consumer will be  
17 offered the opportunity to register to vote at time of application and/or time of address  
18 change.

612:10-11-7

**Vocational Rehabilitation and ~~Visual Services~~  
Vocational Rehabilitation for the Blind &  
Visually Impaired  
Administrative review**

1 | **612:10-11-7. Administrative review [AMENDED]**

2

3 Any individual who is an applicant or client of OB services must be advised of his/her  
4 right to request a timely review or a re-determination of any action taken by DRS staff.

5 | The review will be conducted by the Administrator for ~~Visual Services~~ Vocational  
6 | Rehabilitation for the Blind & Visually Impaired or his/her designee, who shall respond to  
7 the applicant or client in writing with the findings and conclusions of the review.

612:10-11-7

**Vocational Rehabilitation and ~~Visual Services~~  
Vocational Rehabilitation for the Blind &  
Visually Impaired  
Administrative review**

**612:15-1-3. Library functions and legal basis [AMENDED]**

(a) The Oklahoma Library for the Blind and Physically Handicapped (OLBPH), operated by the Division of ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired within the Department of Rehabilitation Services, is the regional library for Oklahoma as part of the national network of libraries of the Library of Congress National Library Service (NLS) for the Blind and Physically Handicapped.

(b) On March 3, 1931, the Pratt-Smoot bill authorized the Library of Congress to arrange with other libraries to serve as local or regional centers to circulate books to blind or visually-impaired users. By the end of fiscal 1966, Congress passed Public Law 89-522 extending the service to library users who could not read standard print because of physical disability, which can include certain reading disabilities. State law (7 O.S. Section 8 and 74 O.S. 166.4(B)(3)(b) and 166.5) establish that the Section of Services to the Blind (~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired) of the Commission for Rehabilitation Services has the authority and duty to provide special library services to blind and visually impaired citizens.

(c) Functions of the Library include but are not limited to:

- (1) Loan of books and periodicals in accessible formats for eligible adults and children with visual, physical or learning disabilities that prevent effective use of standard print materials;
- (2) Production of recorded and Braille materials on request and on a limited basis, subject to availability of resources. Fees may be established to cover the cost of production. Services provided by OLBPH as part of the National Library Service will be given priority over requests for production of reading materials in alternate formats;
- (3) Acquisition, housing and circulation of Braille textbooks and other accessible instructional materials for students with print disabilities in grades pre-K through 12;
- (4) Improving access to print information for Oklahomans with print disabilities by providing, through contract or directly, services that supply audio or electronic access to newspapers, books, works by Oklahoma authors, educational programming, local and state activities, and information on resources.
- (5) Recruitment and training of volunteers to support library functions.

1 | **612:15-5-2. Suspension procedures [AMENDED]**  
2

3 In the event any of the rules in this Chapter are violated repeatedly, the borrower's  
4 service may be suspended for a period of time after being given a written warning and an  
5 opportunity to reply. If after reinstatement of services, abuse continues, service may be  
6 suspended again. In the event of suspension, these steps will be taken:  
7

8 (1) The library will first discuss the problem noted with the patron by telephone or in  
9 person, then will send a warning letter summarizing the discussion, the problem and,  
10 provide an opportunity for the patron to reply.  
11

12 (2) If service abuse reoccurs, a second written communication is sent to the patron  
13 citing the earlier warning letter, listing incidents of abuse, giving the patron an  
14 opportunity to reply by a certain date, and suspending the service for a stated period  
15 up to six months. A specific date for resumption of service is included. Service will be  
16 suspended only after a review by and upon the concurrence of both the administrative  
17 librarian and the Director of ~~Visual Services~~ Vocational Rehabilitation for the Blind &  
18 Visually Impaired.  
19

20 (3) When the service is resumed, a letter will be sent to the borrower notifying him/her  
21 of the resumption of the service and reminding the patron that further reoccurrences  
22 will result in another suspension of service as it relates to the documented abuse.

1 | **612:20-3-5. Departmental resources [AMENDED]**  
2

3 (a) **In-service training.** State Office staff are available as resource persons through the  
4 Staff Development Unit. They are charged by the director with the responsibility of  
5 assisting the superintendents with the development of a meaningful, ongoing in-service  
6 training program patterned to serve the individual needs of each school and embodying the  
7 Department's school goals.

8  
9 | (b) **Rehabilitative and ~~Visual Services Unit~~ Vocational Rehabilitation for the Blind and**  
10 **Visually Impaired Division.** Coordination of efforts to make a smooth transition from  
11 secondary school to employment or further training will be facilitated by VR counselors  
12 trained to work with the blind and deaf. The Department of Rehabilitation Services will  
13 encourage and support efforts to enhance communication and cooperation between school  
14 and rehabilitation personnel.

**612:25-2-5. Definitions [AMENDED]**

The following words or terms, when used in this Manual, shall have the following meaning unless the context clearly indicates otherwise:

**"Act"** means the Randolph-Sheppard Vending Facility Act (Public Law 74-732), as Amended by Public Law 83-565 and Pub Law 93-516, 20 U.S.C., Ch. 6A, Sec. 107.

**"Active participation"** means a process of good faith negotiations involving the Elected Committee of Licensed Managers and the State Licensing Agency. The Committee must be given the opportunity to have meaningful input into the decision-making process in the formulation of program policies which govern the duties, supervision, transfer, promotion and financial participation of licensed managers. The SLA is charged with the ultimate responsibility for the administration and operation of all aspects of the Business Enterprise Program.

**"Annual Evaluation"** means an evaluation conducted on a yearly basis of a manager. This evaluation will be performed at the end of each calendar year.

**"BEP"** means the Business Enterprise Program of the State Licensing Agency which provides self-employment opportunities for qualified persons who are blind.

**"BEP Operations Coordinator"** means the person who has responsibility for the operation of the Business Enterprise Program in the State.

**"Blind person"** means a person who, after examination by a physician skilled in the diseases of the eye or by an optometrist, whichever the person shall select, has been determined to have (1) not more than 20/200 central visual acuity in the better eye with correcting lenses, or (2) an equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

**"Board" or "Commission"** means the governing body for the State Licensing Agency.

**"Business Consultant (BC)"** means an individual who provides consultative and management services to those business enterprises and licensed managers of the State to which the consultant is assigned.

**"Business Enterprise"** means an approved business administered by the State Licensing Agency. See definition of "Vending Facility."

**"Business Enterprise Program (BEP)"** means the Business Enterprise Program services available to establish business enterprises for persons who are blind.

47        **"Cafeteria facility"** means a food dispensing business enterprise capable of  
48 providing a broad variety of prepared foods and beverages (including hot meals)  
49 primarily through the use of a line where customers serve themselves from displayed  
50 selections. A cafeteria may be fully automatic or provide limited waiter or waitress  
51 service. Table and/or booth seating facilities are always provided.

52  
53        **"Client or Consumer"** means any person who has made application for the State  
54 Licensing Agency's services and has been determined by the State Licensing Agency to  
55 be eligible for services.

56  
57        **"Commissioner"** means the Commissioner of the Rehabilitation Services  
58 Administration (RSA) who exercises approval authority for the Federal government  
59 under the Randolph-Sheppard Act.

60  
61        **"Committee"** means the Elected Committee of Licensed Managers.

62  
63        **"Contract"** means a written agreement between the State Licensing Agency and  
64 officials in control of Federal or other property to establish a business enterprise.

65  
66        **"Contract labor"** means a person or company that performs duties or services not a  
67 part of the regular duties of the business enterprise.

68  
69        **"Counselor"** means Division of Vocational Rehabilitation or Division of Visual  
70 ~~Services~~ Vocational Rehabilitation for the Blind & Visually Impaired counselors assigned  
71 to the State Licensing Agency's program of vocational rehabilitation.

72  
73        **"Director"** or **"Executive Director"** means the chief administrator of the State  
74 Licensing Agency.

75  
76        **"Displaced licensed manager"** means a licensed manager who has been  
77 displaced from his or her business enterprise through no fault of his or her own.

78  
79        **"Dry/Wet facility"** means any business enterprises providing manual dispensing of  
80 prepackaged articles, refreshments, and services.

81  
82        **"Elected Committee of Licensed Managers (ECM)"** means the committee elected  
83 biennially by licensed managers in accordance with 34 CFR 395.14.

84  
85        **"Emergency"** means an unforeseen circumstance that calls for immediate action.  
86 When a piece of equipment is out of order it is not normally considered an emergency  
87 unless it will harm/destroy lives, other equipment or property.

88  
89        **"Employee"** means an individual who receives compensation for services rendered  
90 to a licensed manager.

91

92        **"Equipment, expendable"** means items having a relatively small cost per item and  
93 having a relatively short life expectancy.

94  
95        **"Equipment, non-expendable"** means all necessary equipment which requires a  
96 relatively high capital outlay and has a normal life expectancy of several years.

97  
98        **"Federal property"** means any building, land or other real property owned, leased,  
99 or occupied by any department, agency, or instrumentality of the United States  
100 (including the Department of Defense and the United States Postal Service), or any  
101 other instrumentality wholly owned by the United States.

102  
103        **"Federal regulations"** means the regulations issued pursuant to the Randolph-  
104 Sheppard Act.

105  
106        **"Grantor"** means a Federal, State, County, Parish, city government, private  
107 corporation, company, partnership or individual, who grants a permit or enters into an  
108 agreement with the State Licensing Agency to operate a business enterprise on its/their  
109 property.

110  
111        **"Grantor's agreement"** means a written document between a Grantor and the  
112 State Licensing Agency which sets forth the terms, conditions and responsibilities of all  
113 parties to the agreement for the operation of a business enterprise on private and/or  
114 public property.

115  
116        **"Gross receipts"** means all revenue from a business enterprise, including sales tax.

117  
118        **"Inactive Licensee"** means a licensed individual who is not currently working in the  
119 Business Enterprise Program.

120  
121        **"Initial stock and supplies"** means those resalable items or supplies necessary for  
122 the opening and operation of a specific type of business enterprise.

123  
124        **"Interim manager"** means a licensed manager appointed to manage a business  
125 enterprise on a temporary basis.

126  
127        **"License"** means a written instrument issued by the State Licensing Agency to a  
128 person who is blind, authorizing such person to manage a business enterprise.

129  
130        **"Licensed employee"** means a licensed individual who is currently working for a  
131 licensed manager.

132  
133        **"Licensed Manager (LM)"** means a licensed individual who has signed an  
134 agreement with the State Licensing Agency to manage a Randolph-Sheppard business  
135 enterprise under the supervision of the State Licensing Agency.

136  
137        **"Licensee"** means a person who is blind and holds a valid BEP license.

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**"Licensing agency"** means the State Licensing Agency (SLA), which has been designated by the Commissioner, pursuant to the Act, to issue licenses to persons who are blind for the management of business enterprises.

**"Management services"** means inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve business enterprises operated by licensed managers.

**"Manager's agreement"** means an agreement between a licensed manager and the State Licensing Agency, establishing basic terms and conditions for management of a business enterprise.

"Mail" is a method of distributing information that includes, but is not limited to, the U.S. Postal System, email, fax, or Federal Express.

**"Net earnings" or "Net profits"** means gross profit after deducting operating expenses and set-aside collected.

**"Net proceeds"** means the amount remaining from the sale of articles or services of business enterprises and any vending machine income or other income accruing to licensed managers after deducting the cost of such sales and other authorized expenses excluding set-aside charges required to be paid by the licensed managers.

**"Net sales"** means the sum total of sales, excluding sales tax.

**"Nominee"** means a nonprofit agency or organization designated by the State Licensing Agency through a written agreement to act as its agent in the provision of services to licensed managers under the State's Business Enterprise Program.

**"Other income"** means money received by a licensed manager from sources other than over the counter and machine sales.

**"Other property"** means property which is not Federal property and on which business enterprises are established or operated by the use of any funds derived in whole or in part, directly or indirectly, from the operation of vending facilities on any Federal property.

**"Performance Evaluation"** means an evaluation conducted to determine if a manager is eligible to apply for a facility or to be awarded a permanent BEP license.

**"Permanent BEP License"** means a license issued on a permanent basis to a BEP manager who has successfully completed all probationary requirements.

183 "Permit" means the official approval given a State Licensing Agency by a  
184 department, agency, or instrumentality in control of the maintenance, operation and  
185 protection of Federal property or person in control of other property where the State  
186 Licensing Agency is authorized to establish a business enterprise.

187  
188 "Probationary BEP License" means a license issued to an individual on their first  
189 day as manager of an Oklahoma BEP facility.

190  
191 "Probationary Licensee" means a person who has received a certificate of  
192 completion of the Business Enterprise Program training and has not completed their six  
193 (6) month probationary period.

194  
195 "Purveyor" means an approved source of supply for food, beverages, supplies, or  
196 services.

197  
198 "Randolph-Sheppard Act" means Public Law 74-732 as amended by Public Law  
199 83-565, Public Law 93-516, and Public Law 95-602, 20 U.S.C. Chapter 6A, Section 107.

200  
201 "Retained vending machine income" means vending machine income disbursed  
202 by a property managing department, agency or instrumentality of the United States, or  
203 received from vending machines on State or other property in excess of the amounts  
204 eligible to accrue to licensed managers.

205  
206 "Routine preventive maintenance" means the regular care, upkeep, and cleaning  
207 of equipment used in a business enterprise.

208  
209 "Rules and regulations" means the instrument written by the State Licensing  
210 Agency and approved by the Secretary of Education setting forth the conduct and  
211 operation of the Business Enterprise Program. A copy of the document granting  
212 approval of the rules and regulations from RSA, will be mailed to each licensed  
213 manager.

214  
215 "Saleable stock/merchandise" means products comprising the merchandise  
216 available for sale to the public and determined by the SLA to be from an approved  
217 source in the original container, in date, consistent with the needs of the customers for a  
218 particular business enterprise.

219  
220 "Satellite business enterprise" means a business enterprise assigned to a ~~without~~  
221 ~~a permanently assigned licensed manager on a temporary basis which is being~~  
222 ~~managed by a licensed manager who is also managing his/her regularly assigned~~  
223 ~~business enterprise.~~

224  
225 "Satisfactory site" means an area determined by the BEP Operations Coordinator  
226 to have sufficient space, electrical and plumbing outlets, and other such  
227 accommodations as prescribed by the Act, for the location and operation of a business  
228 enterprise in accordance with applicable health laws and building codes.

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"**Secretary**" means the United States Secretary of Education.

"**Set-aside funds**" means funds which accrue to a State Licensing Agency from an assessment against the net proceeds of each business enterprise in the State's business enterprise Program and any income from vending machines on Federal property which accrues to the SLA.

"**Snack bar business enterprise**" means a business enterprise engaged in selling limited lines of refreshment and prepared food items necessary for a light meal service.

"**State Licensing Agency (SLA)**" means the State agency that issues licenses to persons who are blind for the operation of business enterprises on public and/or private property.

"**State property**" means lands, buildings, and/or equipment owned, leased, or otherwise controlled by the State.

"**Statewide average manager earnings**" means the average annual manager earnings (after set-aside) as calculated each year for the RSA-15 Report.

"**Trainee**" means a qualified client of the Division of ~~Visual Services~~Vocational Rehabilitation for the Blind & Visually Impaired, who when referred to the Business Enterprise Program, is placed in training to prepare for licensing under the rules and regulations of the State Licensing Agency.

"**Training program**" means the program of study and/or on-the-job training provided to prospective and/or experienced licensed managers.

"**Vending facility**" means automatic vending machines, cafeterias, snack bars, cart service, shelters, counters, and such other appropriate auxiliary equipment which may be operated by licensed managers and which is necessary for the sale of newspapers, periodicals, confections, tobacco products, foods, beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws and including the vending or exchange of chances for any lottery authorized by State Law and conducted by an agency of a State within such State. [CFR 34, Part 395.1(X)]

"**Vending machine**" means any machine, operated using currency or other medium of exchange, which dispenses articles or services, except any machine operated by the United States Postal Service for the sale of postage stamps or other postal products and services. Machines providing services of a recreational nature and telephones shall not be considered to be vending machines.

"**Vending machine facility**" means an automated business enterprise which dispenses a variety of food and refreshment items and services from vending machines.

275 Included in this category would be interstate highway locations and vending machine  
276 routes.

277

278 **"Vocational Rehabilitation Services"** means those services as defined in the  
279 Rehabilitation Act. [29 USC 701 et seq.]

280

281 **"Volunteer"** means an individual who works in a business enterprise and receives  
282 no compensation.

1 | **612:25-4-1. Organization of the State Licensing Agency [AMENDED]**  
2

3 (a) **Governing board.** The Oklahoma Department of Rehabilitation Services (DRS) is the  
4 designated State Licensing Agency (SLA) for administration of Oklahoma's vending facility  
5 program for the blind under the Randolph-Sheppard Act. The governing board of the SLA  
6 is the Oklahoma Commission for Rehabilitation Services. The Director of DRS reports  
7 directly to the Commission.  
8

9 (b) **Business Enterprise Program administration.** The Business Enterprise Program  
10 (BEP) is located in the Division of ~~Visual Services~~ Vocational Rehabilitation for the Blind &  
11 Visually Impaired, a division of DRS, and is administered by the Business Enterprise  
12 Program Operations Coordinator who reports to the ~~Visual Services~~ Vocational  
13 Rehabilitation for the Blind & Visually Impaired Division Administrator.  
14

15 (c) **BEP staff.** The SLA, with consultation from the Elected Committee of Licensed  
16 Managers, determines staffing requirements for administration of the BEP and provision of  
17 services to achieve the mission, goals and objectives of the Program.  
18

19 (d) **Licensed managers.** The individual enterprises established by the Business  
20 Enterprise Program are managed by licensed managers. Licensed managers are subject to  
21 the policies and procedures of the Business Enterprise Program, but are not employees of  
22 the program, the SLA, or the State of Oklahoma. They do, however, have a contractual  
23 relationship with the SLA and are required to manage the business enterprise in  
24 accordance with established rules and regulations.

1 | **612:25-4-14. Training for new or potential licensed managers [AMENDED]**  
2

3 (a) **Overview of Licensed Manager Training.** The Business Enterprise Program (BEP)  
4 provides individuals who are blind with training that leads to potential employment as a  
5 Licensed Manager of a vending facility or related business in the Business Enterprise  
6 Program. The training program includes but is not limited to training in laws and regulations  
7 affecting the Business Enterprise Program, state and federal tax reporting, food service  
8 operations, sanitation, inventory control, money management, staffing of personnel, safety  
9 procedures, business management principles and techniques, and preparation of reports  
10 required by the State Licensing Agency. The licensed manager training program will be  
11 based on a curriculum developed and periodically reviewed through consultation with  
12 appropriate business representatives, trainers, BEP experts, and the Elected Committee of  
13 Licensed Managers. Additional training required by the licensed manager trainee to adjust  
14 to blindness, learn assistive technology skills or improve the trainee's opportunity to  
15 succeed as a licensed manager may be arranged through coordination with the DRS  
16 | Division of ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired and  
17 DRS Division of Vocational Rehabilitation.

18  
19 (b) **Application process.** Applications for BEP training shall include the following  
20 information which shall be obtained from the individual's counselor:

- 21  
22 (1) current eye examination, documenting blindness;  
23  
24 (2) documentation for United States citizenship;  
25  
26 | (3) documentation the client is at least 18 years of age; and  
27  
28 | (4) completion of any rehabilitation training prerequisites established by the BEP in  
29 | consultation with the ECM to better optimize the successful employment outcome; ;  
30

31 (c) **Acceptance for training.** Applicant qualifications will be reviewed by BEP staff who  
32 | will report any training-related recommendations to the individual's ~~DVSD~~DVSRBVI/DVR  
33 counselor and BEP operations coordinator. An individual's application must be approved  
34 by the BEP operations coordinator prior to acceptance into the training program.

35  
36 (d) **Notice regarding criminal background record.** Before entering training, BEP  
37 applicants will be informed that a criminal background investigation will be performed and  
38 may prevent their being licensed to manage some BEP facilities.

39  
40 (e) **Duration of training.** To be eligible for licensure as a BEP facility manager an  
41 individual must complete the full BEP manager training program, unless the BEP  
42 | operations coordinator, in consultation with the Chair of the Elected Committee of Licensed  
43 | Managers, determines an exception is justifiable.

44

45 (f) **Completion of training.** Each trainee who completes the BEP manager training  
46 program is issued a certificate certifying that the trainee has met all the training criteria to  
47 be a licensed manager in the Business Enterprise Program. Upon assuming management  
48 of their first facility, a certified graduate shall be issued a temporary license and begin a six  
49 (6) month probationary period. During this period, the probationary manager will receive  
50 benefits afforded all other managers, along with accruing seniority. Upon completion of  
51 their probationary period, the BEP Operations Coordinator, in consultation with the ECM  
52 Chair, will review their progress and if determined appropriate will issue their permanent  
53 BEP Manager License.

54

55 (g) **Failure to complete training.** If it appears that a trainee will not be able to successfully  
56 complete training, the BEP operations coordinator, in consultation with the ECM Chair, will  
57 review the individual's training record before making a decision to terminate training. The  
58 BEP operations coordinator will notify the trainee and their ~~DVSDVRBVI~~ or DVR counselor  
59 of any BEP decision to terminate training.

60

61 (h) **Post-training interview.** Upon completion of a new manager's probationary period,  
62 they will be interviewed by a representative of the Elected Committee of Licensed  
63 Managers, normally the chairperson, to evaluate the effectiveness of the training program.  
64 The interviewer formulates recommendations and comments regarding the training  
65 program ~~to and provide~~ provides them to the BEP Operations Coordinator.

66

67 (i) **Acceptance of out-of-state licenses.** The BEP Operations Coordinator will evaluate  
68 the skills and knowledge of BEP applicants who were licensed managers in other states.  
69 Training will be provided to correct any noted deficiencies and acquaint the applicant with  
70 Oklahoma's program. After qualifications are met, the applicant is issued a training  
71 completion certificate.

72

73 (j) **Seniority.** Seniority in the Oklahoma Business Enterprise Program will only accrue  
74 when managing an Oklahoma BEP facility.

1 | **612:25-4-27. Initial inventory and supplies [AMENDED]**  
2

3 (a) **Initial inventory.** A licensed manager may acquire initial merchandise for resale by  
4 purchasing it with his/her own funds, utilizing self-employment assistance that may be  
5 available from DRS or other public and private sources, or use of a merchandise loan  
6 provided by the State Licensing Agency (SLA).  
7

8 (b) **Merchandise loan.** When necessary to enable a licensed manager to acquire initial  
9 merchandise inventory, the SLA may extend a merchandise loan subject to the following  
10 terms:

11  
12 (1) The amount of the loan will be determined by the SLA in consultation with the  
13 licensed manager and based on an assessment of merchandise necessary to initiate  
14 sales.  
15

16 (2) The total amount of the loan will not exceed the average of the prior year's  
17 inventories without approval from the BEP operations coordinator.  
18

19 (3) All merchandise purchased and placed on a merchandise loan must have prior  
20 approval by the SLA. The SLA will not make multiple purchases from any purveyor.  
21

22 (4) The incoming licensed manager, BEP business consultant and BEP operations  
23 coordinator will determine what may be purchased from the existing stock of the  
24 outgoing facility manager. Only salable merchandise may be purchased. The BEP  
25 business consultant and operations coordinator will also assist the out-going manager in  
26 selling any remaining salable merchandise and its interim storage.  
27

28 (5) A merchandise loan must be repaid to the SLA by a licensed manager in monthly  
29 installments equaling two percent (2%) of monthly gross sales. A licensed manager  
30 shall not allow the facility inventory level to fall below that of the balance of the  
31 merchandise loan. Managers receiving loans will sign a merchandise security  
32 agreement that will be retained on file by DRS and released to the manager when loan  
33 repayment is complete along with a letter from the BEP Operations Coordinator officially  
34 notifying the licensed manager of their full repayment of the loan.  
35

36 (6) When a merchandise loan is secured by stock, a licensed manager may not permit  
37 the ownership of the stock to vest in any person or organization other than the SLA.  
38

39 (7) When a licensed manager leaves a business enterprise, any remaining  
40 merchandise loan balance (and other unmet obligations to the SLA) will be subtracted  
41 from the ending inventory-in to determine ~~in to determine~~ determine the manager's equity in the ending  
42 stock.  
43

44 (c) **Failure of licensed manager to repay loan.**  
45

46 (1) If a licensed manager's merchandise loan payment is not received in the BEP office  
47 within five days after the due date, the licensed manager will be placed on probation  
48 and is not eligible to make application into the selection process.

49  
50 (2) If a licensed manager's merchandise loan payment remains delinquent through the  
51 succeeding month and is not received in the BEP office within five days after the  
52 succeeding month's due date, the BEP operations coordinator will recommend  
53 suspension or termination of the operator's agreement by the SLA director unless an  
54 alternate repayment schedule has been approved by the SLA. The SLA will initiate  
55 action to collect a remaining merchandise loan balance when a loan payment is two  
56 months overdue.

57  
58 (3) When a licensed manager leaves the program for any reason, the merchandise  
59 loan is due in full unless arrangements are made with the SLA to divide the balance into  
60 twelve (12) equal payments that will be due on the first day of each month.

61  
62 (d) **Second merchandise loan.**

63  
64 (1) Under documented extreme circumstances, a licensed manager who has paid off  
65 his/her previous merchandise loan may receive a second merchandise loan for the  
66 same facility when it has been determined that the loan is necessary to allow the  
67 licensed manager to remain in his/her facility.

68  
69 (2) If a licensed manager requires a second merchandise loan while the first loan is still  
70 outstanding, other than for the expansion of his/her facility, he/she will be placed on  
71 probation until one of the loans is paid in full.

72  
73 (3) Second merchandise loans for the purpose of facility expansion will be limited to  
74 50% of the cost of additional salable merchandise needed.

75  
76 ~~(e) If a licensed manager wishes to provide his or her own merchandise and will not~~  
77 ~~require a merchandise loan, he or she must sign a statement to that effect. It is the~~  
78 ~~incoming manager's choice to procure any merchandise from the out-going manager. If~~  
79 ~~this condition occurs, the outgoing manager must be given a one-week notice prior to the~~  
80 ~~facility turnover to the new manager.~~

**PART 9. ASSIGNMENT AND TRANSFER OF LICENSED MANAGERS**

**612:25-4-52. SLA responsibility for assignment and transfer of licensed managers**  
**[REVOKED]**

~~The SLA will carry out assignment and transfer of licensed managers through business enterprise vacancy announcements, eligibility verification, and establishing and convening a Selection Committee.~~

1  
2 | **612:25-4-53. Assignment, ~~promotion~~ and transfer ~~policy~~ [AMENDED]**  
3

4 (a) **Assignment.** The State Licensing Agency (SLA) administers a competitive selection  
5 process to accomplish the assignment of primary facilities to qualified individuals to  
6 ~~manage Business Enterprise Program (BEP) vending facilities.~~ The selection process  
7 established by the SLA provides that the Elected Committee of ~~Blind~~ Licensed Managers  
8 (ECM) is an active participant in the selection of facility managers.  
9

10 ~~(b) **Promotion.** It is the SLA's policy to provide promotion opportunities for licensees~~  
11 ~~through use of the established competitive selection process.~~  
12

13 ~~(c)~~ **Transfer.** The SLA, in consultation with the ECM, may transfer a licensed manager to  
14 a different location of similar complexity and income potential when it appears to be in the  
15 best interest of the licensed manager and/or the BEP. The SLA notifies the licensed  
16 manager and the ECM Chair, in writing, by registered or certified mail of athe transfer and  
17 the grounds for the transfer.

1 | **612:25-4-54. Business enterprise vacancy announcement [AMENDED]**  
2

3 (a) The procedure for announcing business enterprise openings is a mail out to all licensed  
4 managers, licensed employees, and licensees ~~on the mailing list.~~

5  
6 (b) The announcement period will be at least ten working days.

7  
8 (c) If available, the information in (1) through (9~~10~~) of this Subsection will be contained on  
9 each announcement.

10  
11 (1) type of business enterprise;

12  
13 (2) estimated number of employees in the building and/or traffic flow unless security  
14 considerations prohibit release of such information;

15  
16 (3) location of the business enterprise;

17  
18 (4) classification;

19 (5) average gross sales as reported on monthly report for the previous 12 months;

20  
21 (6) for a new business enterprise, estimates of monthly gross sales based upon  
22 potential patronage, with disclaimer this estimate is not a guarantee of sales;

23  
24 (7) application due date;

25  
26 (8) name and telephone number of the BEP business consultant; ~~and~~

27  
28 (9) name and telephone number of the current manager; and

29  
30 (10) a copy of an OTC Form A 100.

31  
32 (d) The following statement will be placed on all announcements. "All applicants are to be  
33 advised that any records provided with you application, including Business Plans, may be  
34 subject to the Oklahoma Open Records Act."

**612:25-4-55. Qualifications [AMENDED]**

(a) In order to apply for manager placement in a Classification "A" or "B" facility in the Business Enterprise Program (BEP), an individual must hold a permanent license issued by the State Licensing Agency (SLA). In addition, the SLA requires experience in the program before an individual will be considered eligible to apply for "A" ~~and~~or "B" classification business enterprises. Certified graduates of the BEP Training Program are only eligible to apply for Classification "C" ~~and~~or "D" facilities. A location new to the BEP program is to be classified "C" for the initial 90 days of operation. The BEP Operations Coordinator, in consultation with the ECM Chairperson, will determine the need for any experience requirements.

(b) Applicants who qualify for the next lower classification will be considered for interview when no qualified applicants apply for a classification "A" or "B" facility announcement when it is deemed appropriate to do so by the BEP Operations Coordinator in consultation with the ECM Chairperson.

(c) Experience requirements for each classification are:

(1) Classification A. Applicants will be restricted to individuals who have a minimum of three (3) years total experience in an Oklahoma ~~b~~Business eEnterprise including a minimum of one (1) year of management experience.

(2) Classification B. Applicants will be restricted to individuals who have a minimum of two (2) years total experience in an Oklahoma ~~b~~Business eEnterprise, including a minimum of six (6) months of management experience, ~~or two (2) years additional employment in a business enterprise may be substituted for the management experience.~~

(3) Classification C. No experience required, except on new locations as deemed appropriate by the BEP Operations Coordinator in consultation with the ECM Chairperson.

(4) Classification D. No experience required.

(d) The BEP Operations Coordinator, in consultation with the ECM Chairperson, may require additional BEP experience on applications for any facility. Verified BEP experience from another state may be considered.

~~(e) A displaced licensed manager will have "15" points added in the selection process a for the first comparable business enterprise announced; including type, gross sales, and geographical location,; for one year from the date of displacement.~~

~~(f)~~ Applicants will not be eligible to apply for a business enterprise facility if any of the following conditions exist:

- 47 (1) The licensed manager is on probation or the SLA has initiated  
48 suspension/termination proceedings against the licensed manager.  
49
- 50 (2) The applicant is not current with their merchandise loan payments.  
51
- 52 (3) The applicant is not current with his/her set-aside owed to the SLA.  
53
- 54 (4) ~~The applicant~~ Applicants who have a permanent license have has not scored at  
55 least an 80 on ~~the~~ their performance evaluation.  
56
- 57 (5) Conditions 1-4 will not apply to new BEP training graduates.  
58
- 59 (gf) Applicants must be eligible to obtain an Oklahoma Tax Permit. Along with each  
60 application, the applicant is to provide a signed OTC Form A 100 to determine their  
61 standing in relation to Sales Tax and Employee Withholding. The OTC Form A 100 will be  
62 used on a one-time basis for a tax inquiry in relation to that announcement application only.

1    **612:25-4-57. Applicant Selection Committee [AMENDED]**  
2

3       **Selection Committee.** The Selection Committee shall be established and convened  
4 | by the SLA. The Selection Committee will consider applicants for assignment and transfer.  
5 The Selection Committee shall make recommendation(s) to the BEP Operations  
6 Coordinator or designee.  
7

8       (1) The BEP selection committee is chaired by the BEP Operations Coordinator or  
9       designee. Members include two members of the SLA staff, the area member of the  
10       ECM or alternate and the chairperson of the ECM or alternate (vice-chair or secretary  
11       or another member of the ECM, in order). If no member of the ECM can serve in either  
12 |       capacity, the BEP Operations Coordinator shall poll from the ECM chairs outside of the  
13       State of Oklahoma to complete the committee. No person can serve on the selection  
14 |       committee who has a conflict-~~or~~ of interest or is related to an applicant.

**612:25-4-58. Annual and Performance Evaluations [AMENDED]**

(a) The BEP will conduct an annual evaluation of each licensed manager at the end of each calendar year. Performance evaluations will be conducted when a manager applies for a facility or when a probationary period ends. All evaluations will be based on data collected from the manager's primary assigned facility and will consist of the previous twelve (12) working months information. The Licensed Manager will be advised of the results of any evaluation in writing. The manager will be evaluated in the following areas:

## (1) Tasks/responsibilities

- (A) Timely submission and accuracy of all required monthly reports and payments.
- (B) Accurately calculated gross profit percentage reported on monthly reports.
- (C) Accurately calculated net profit percentage reported on monthly reports.
- (D) Maintenance of an acceptable level of merchandise inventory.
- (E) Attendance at Agency and other certified training.
- (F) Attendance at Quarterly ECM Meetings.

## (2) Work Habits

- (A) Provides preventive maintenance and appropriate cleaning/sanitation.
- (B) Merchandise displayed, rotated and stocked sufficiently.
- (C) Maintains required insurances.
- (D) Maintains agreed upon hours of operation.
- (E) Maintains professional relationships with customers and grantors.

(b) When a Licensed Manager applies for a facility a performance evaluation will be conducted to determine their eligibility to apply. To be eligible the manager must score at least 80 of the available 100 points. Any score above 80 will accrue to the benefit of the licensed manager in that selection process by adding it to their total score. If there is a second interview conducted, these points will not be added to the total points of the second interview.

1 | **612:25-4-59. Interview, Selection Process and Scoring [AMENDED]**

2  
3 (a) All eligible applicants will be referred by the SLA to the Selection Committee for a  
4 personal interview.

5  
6 (b) All personal information made available to the Selection committee and all information  
7 discussed in the course of a selection is held confidential. Information will not be released  
8 to any other individual, agency, or organization by Selection Committee members, unless  
9 | they are advised in writing by the SLA's legal counsel to release information.

10  
11 (c) An applicant not present at the appointed time for their interview will have his/her name  
12 | removed from consideration for this location unless ~~due to~~ reasonable extenuating  
13 circumstances make them unable to appear and a majority vote of the selection committee  
14 agrees to allow a change of the interview time.

15  
16 (d) Following every interview, each Selection Committee member will complete a score  
17 sheet on the applicant. Members of the Selection committee must complete their own  
18 score sheets before assisting another member. After each interview, the scores from all  
19 score sheets on the applicant will be totaled. Selection Committee members may not  
20 change their scores for an applicant after scores for the applicant have been tabulated.  
21 The total scores for all applicants will then be ranked.

22  
23 (e) Any candidate not scoring a minimum of 50 percent of the available points, not  
24 | including seniority, performance evaluation, or displaced manager points, will be deemed  
25 not qualified to manage the facility being considered.

26  
27 | (f) The score of the Chairperson of the Selection Committee's score will not be added into  
28 the ranking unless it is a tie.

29  
30 (g) Any agreement made to the Selection Committee by a selected candidate will be  
31 transferred to an addendum in the manager's agreement by the BEP Operations  
32 Coordinator.

33  
34 | (h) After all applicants' scores from the initial interview have been tabulated, ~~any applicant~~  
35 ~~whose total score is within 5 points of the applicant receiving the highest score will be~~  
36 ~~awarded a second interview~~ will be given to the top scorer and any applicant whose total  
37 score is within 5 points of the top score. The SLA will have the responsibility of convening  
38 the same Selection Committee and notifying all eligible applicants of the time and place of  
39 the second interview. The second interview will be governed by the same process rules as  
40 the initial interview described above.

41  
42 (i) To determine the final rankings of the applicants, combine the personal interview points  
43 from the second interview to the combined point total of the first interview.

44  
45 (j) The scoring shall be based on the following factors:  
46

- 47 (1) Personal interview;  
48  
49 (2) Business Plan;  
50  
51 (3) Performance evaluation points accrued over 80;  
52  
53 (4) Seniority; and  
54  
55 (5) Displaced manager points, if applicable. A displaced licensed manager will have 15  
56 points added in the selection process for the first comparable business enterprise  
57 announced, including type and gross sales, for one year from the date of displacement.  
58
- 59 (k) Once a selection is made, all individual applicants who received a personal interview  
60 will be immediately notified of their result. This notification will be in writing with an attempt  
61 to be contacted by phone.

1  
2 | **612:25-4-60. Ninety day replacement [AMENDED]**  
3

4       If the licensed manager defaults on the Manager's Agreement for any reason (i.e.  
5 resignation, removal by the SLA or death) during the first 90 days from the date of  
6 selection, the BEP Operations Coordinator will, following such default and completion of  
7 any resulting due process action, offer the business enterprise to the applicant who ranked  
8 second of the two candidates submitted by the Selection Committee during in the previous  
9 selection process. If the second person decides to remove his/her name from  
10 consideration, it will be offered to the next applicant with the highest accumulated points. In  
11 the event of a tie, or there are scores within five (5) points of the now highest ranking score,  
12 the procedures identified in 612: 25-4-59 will be followed ~~the BEP Operations Coordinator~~  
13 ~~and Chairperson of the Elected Committee of Licensed Managers will review the~~  
14 ~~applications and make the final selection.~~ This procedure will be exercised until a qualified  
15 licensed manager accepts the business enterprise. If all the applicants have removed their  
16 names from consideration, a determination will be made by the BEP Operations  
17 Coordinator, in consultation with the ECM Chairperson, to combine, remove, re-announce,  
18 or satellite the business enterprise.

1 | **612:25-4-61. Satellite/remote business enterprise locations [AMENDED]**  
2

3 | (a) A business enterprise or vending machine facility will be assigned to a licensed  
4 | manager on a temporary basis when: ~~the regular selection process does not produce a~~  
5 | ~~permanent licensed manager, when a licensed manager has been removed by the SLA, or~~  
6 | ~~when a business enterprise is vacated on short notice by a licensed manager and the time~~  
7 | ~~element to follow the regular selection process will cause the grantor to terminate the~~  
8 | ~~permit/contract with the SLA.~~

9 |  
10 | (1) the regular selection process does not produce a permanent licensed manager,

11 |  
12 | (2) a licensed manager has been removed by the SLA, or

13 |  
14 | (3) when a business enterprise is vacated on short notice by a licensed manager.  
15

16 | (b) The BEP Operations Coordinator, in consultation with the Chairperson of the Elected  
17 | Committee of Licensed Managers, may assign a licensed manager to a satellite/remote  
18 | business enterprise ~~on a temporary basis~~. The length of the agreement for a temporary  
19 | assignment will be until the regular selection process can generate a permanent licensed  
20 | manager to manage the vacant business enterprise, but not less than 180 days, unless a  
21 | shorter period is agreed upon by the satellite manager. ~~At the SLA's discretion, in~~  
22 | ~~consultation with the ECM Chair, in~~ In order to achieve an equitable distribution of satellite  
23 | business enterprises, a licensee that currently operates a location and a satellite location  
24 | will not be eligible for an additional satellite unless there are no other applicants  
25 | qualified licensed managers interested. Licensed Managers who only qualify for lower facility  
26 | classifications than the satellite under consideration may be assigned when it is deemed  
27 | appropriate by the BEP Operations Coordinator, in consultation with the ECM Chairperson.  
28

29 | (c) ~~After the temporary assignment of a licensed manager by the BEP Operations~~  
30 | ~~Coordinator, a temporary agreement will be issued for a maximum of one year, at which~~  
31 | ~~time the satellite business enterprise will be advertised and a permanent licensed manager~~  
32 | ~~selected through the normal selection process. At the end of one year, if a permanent~~  
33 | ~~licensed manager is not produced through the selection process, the temporary location will~~  
34 | ~~be reassessed by the BEP Operations Coordinator, in consultation with the ECM~~  
35 | ~~Chairperson, for possible may be closed closure, added permanently to another business~~  
36 | ~~enterprise through the selection process in part or in whole, or again be placed on a~~  
37 | ~~temporary agreement for a period of no less than 90 days to a maximum of one year.~~  
38 | Satellite locations will be reviewed by the SLA, in consultation with the ECM, every 180  
39 | days for possible advertisement of permanent assignment, adding in whole or in part to  
40 | another business enterprise facility, continue the satellite assignment, or closure. The  
41 | satellite manager will be kept informed when this will occur and the result of the review.  
42

43 | (d) ~~The temporary agreement for a satellite business enterprise may be canceled only for~~  
44 | ~~cause shown.~~

45 |  
46 | (ed) The licensed manager may resign the satellite agreement with 30 days written notice.

47

48 | (~~fe~~) The satellite business enterprise will be managed as a separate business location for  
49 | all purposes except for insurance and the tax permit. It is the licensed manager's  
50 | responsibility to notify the Oklahoma Tax Commission and his or her insurance carrier of  
51 | the addition and when the satellite manager agreement has ended.

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8  
9**612:25-4-62. Vending machine income [AMENDED]**

~~(a)~~ Collection, distribution and use of income from vending machines on Federal property shall be governed by applicable Federal rules. Income from non-Federal property will follow the same rules.

~~(b)~~ ~~Unassigned income from non-Federal property is used to develop and enhance the BEP. Use will be determined with consultation of the ECM.~~

1 | **612:25-4-72. Audits [AMENDED]**

2

3 |       The SLA reserves the right to develop audit procedures with active participation of the  
4 | ECM. The SLA reserves the right to conduct audits, including the use of third party  
5 | auditors. The licensed manager will be given a 30 calendar day written notice.

1 | **612:25-4-73. Due process [AMENDED]**  
2

3 (a) **Due process overview.** The SLA provides procedures for fair hearings of licensed  
4 managers' grievances. These procedures provide each licensed manager the opportunity  
5 to seek remediation of dissatisfaction with any SLA action arising from the operation of the  
6 BEP.  
7

8 (b) **Informal administrative review.** It is the policy of the SLA to resolve complaints in an  
9 expeditious and facilitative manner. These resolutions shall be accomplished through the  
10 informal administrative review process whenever possible. A licensed manager has the  
11 right to request a full evidentiary hearing at any time within established due process time  
12 lines. These timelines are identified late in this policy.  
13

14 (1) Informal administrative reviews are conducted by the SLA staff person closest to  
15 the problem who was not involved in the action resulting in the complaint, and who can  
16 resolve the complaint in the most expeditious manner.  
17

18 (2) The informal administrative review is to be completed within 30 calendar days of  
19 receipt of the complaint to the appropriate SLA staff person.  
20

21 (3) The results of the informal administrative review are to be reported in writing within  
22 15 calendar days to the BEP Operations Coordinator, with a copy going to the licensed  
23 manager affected.  
24

25 (c) **Full evidentiary hearings.** Licensed managers have the right to a full evidentiary  
26 hearing to resolve dissatisfaction with any SLA action arising from the operation or  
27 administration of the Business Enterprise Program.  
28

29 (1) If the complaint cannot be resolved with an informal administrative review, or in the  
30 absence of an informal administrative review, the licensed manager may request a full  
31 evidentiary hearing. The request for a full evidentiary hearing must be made to the BEP  
32 Operations Coordinator in writing within 30 calendar days from the date the licensed  
33 manager receives the notification of adverse action, or the written report of the informal  
34 administrative review. The request for a full evidentiary hearing is to be sent by certified  
35 mail. Upon receipt, the BEP Operations Coordinator will immediately forward the  
36 request to the ~~Visual Services~~Vocational Rehabilitation for the Blind & Visually  
37 Impaired Division Administrator ~~and the DRS Hearings Coordinator~~. The Licensed  
38 Manager submitting the request for full evidentiary hearing will be notified of the date it  
39 was forwarded.  
40

41 (2) The licensed manager may be represented in the evidentiary hearing by legal  
42 counsel, or other representation of the licensed manager's choice, and at the licensed  
43 manager's expense.  
44

45 (3) Reasonable accommodations will be arranged by the SLA upon the request of the  
46 licensed manager.

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(4) The hearing will be scheduled by the SLA for a time and place convenient and accessible to the licensed manager and the SLA staff involved in the hearing. The licensed manager will be notified of the place and time of the hearing and the right to be represented by legal or other counsel in writing.

(5) The hearing will be conducted by an impartial and qualified official with no involvement or vested interest in the SLA, action at issue, or with the operation of the affected business enterprise. The presiding officer will conduct the hearing in accordance with State and/or Federal laws and rules governing the conduct of such proceedings. In any case, the hearing will be conducted in a manner that avoids delay, maintains order, and provides for a full recording and reporting of the proceedings so that a full and true disclosure of the facts and issues occurs.

(6) The hearing officer's determination will be based upon the facts as presented by both parties and upon applicable law and the existing rules of the SLA. The hearing officer does not have the power to rule upon the legality or construction of the rules themselves. The officer's decision will determine the relevant issues and facts to be ruled upon.

(7) The hearing officer shall make a written report of the evidence presented, the laws and rules used in determining a resolution, and the resolution itself. This report shall be issued to the BEP Operations Coordinator and the licensed manager, or his/her authorized representative within 15 calendar days of the conclusion of the full evidentiary hearing.

(8) The hearing officer's report shall be issued to the Director of the SLA within 15 calendar days of the conclusion of the full evidentiary hearing. The SLA Director issues his or her final written decision to the BEP Operations Coordinator and the licensed manager within 30 calendar days of the date on which he or she receives the hearing officer's report.

(9) If the licensed manager is dissatisfied with the decision, she or he may request that the Secretary (USDE) convene an arbitration panel.

## SUBCHAPTER 4. THE STATE LICENSING AGENCY

## PART 1. ORGANIZATION AND GENERAL OPERATION STANDARDS

**Section**

- 612:25-4-1. Organization of the State Licensing Agency  
 612:25-4-2. SLA staff responsibilities **[REVOKED]**  
 612:25-4-3. Guidelines for communication **[REVOKED]**  
 612:25-4-4. Management services provided by the State Licensing Agency

## PART 3. BUSINESS ENTERPRISE PROGRAM TRAINING

- 612:25-4-14. Training for new or potential licensed managers  
 612:25-4-15. Training for present licensed managers  
 612:25-4-16. Training for Business Enterprise Program staff

PART 5. STATE LICENSING AGENCY RESPONSIBILITY FOR BUSINESS  
ENTERPRISE OPERATIONS

- 612:25-4-25. Management of BEP equipment and fixtures  
 612:25-4-26. Maintenance and replacement of business enterprise equipment  
 612:25-4-27. Initial inventory and supplies  
 612:25-4-28. Method of payment for initial stock **[REVOKED]**  
 612:25-4-29. Failure of licensed manager to repay loan **[REVOKED]**  
 612:25-4-30. Second merchandise loan **[REVOKED]**

## PART 7. SUPPORT SERVICES AND WAREHOUSE

- 612:25-4-40. Overview of support services **[REVOKED]**  
 612:25-4-41. Support services personnel **[REVOKED]**  
 612:25-4-42. Warehouse operations **[REVOKED]**

## PART 9. ASSIGNMENT AND TRANSFER OF LICENSED MANAGERS

- 612:25-4-52. SLA responsibility for assignment and transfer of licensed managers  
**[REVOKED]**  
 612:25-4-53. Promotion and transfer policy  
 612:25-4-54. Business enterprise vacancy announcement  
 612:25-4-55. Qualifications  
 612:25-4-56. Applications  
 612:25-4-57. Applicant Selection Committee  
 612:25-4-58. Annual Evaluation  
 612:25-4-59. Interview, Selection Process and Scoring  
 612:25-4-60. Ninety day replacement  
 612:25-4-61. Satellite/remote business enterprise locations  
 612:25-4-62. Vending machine income

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**PART 11. BUSINESS ENTERPRISE PROGRAM AUDITING AND DUE PROCESS**

- 612:25-4-72. Audits
- 612:25-4-73. Due process
- 612:25-4-74. Probation **[REVOKED]**
- 612:25-4-75. Arbitration of complaints after the evidentiary hearing
- 612:25-4-76. Arbitration of SLA complaints against federal agencies

**612:25-6-1. Licensing requirements for managing a business enterprise [AMENDED]**

~~(a) **Definition of license.** A license is a written instrument issued by the SLA to a licensed manager, authorizing such person to operate a business enterprise on Federal or other property.~~

~~(ba) **Issuance and conditions of a license.** A license shall be issued by the SLA in accordance with Federal regulations making the individual eligible to operate a business enterprise. The license will be issued upon successful completion of the SLA training program. The license shall be prominently displayed in the licensed manager's business enterprise. Licensed Managers whose facility consists of only vending machines, must carry their BEP license with them. The license remains effective for an indefinite length of time, unless terminated, suspended, or revoked by the SLA in accordance with State and Federal regulations. A license issued to a qualified individual is non-transferable.~~

~~Requirements for the issuance of a BEP license are that the individual:~~

~~(1) must be blind as verified by documentation;~~

~~(2) must be a U.S. citizen. Applicable documentation must be submitted with application;~~

~~(3) be at least 18 years of age or older;~~

~~(4) have successfully completed the BEP manager training program or been granted a modification of this requirement by the BEP operations coordinator.~~

~~(eb) **Termination of agreement or removal from a business enterprise.** The SLA may terminate a manager's agreement and/or immediately remove the licensed manager from operation of a business enterprise for cause shown. Termination of a manager's agreement or removal from operation of a business enterprise does not necessarily mean that the manager's license will be suspended or terminated. The licensed manager has the right to a full evidentiary hearing when dissatisfied with any State Licensing Agency action in accordance with BEP, State, and Federal regulations.~~

~~(dc) **Reinstatement of license.** Reinstatement of a BEP license for an individual can be accomplished by formally requesting the SLA reinstate the BEP License within a two year period.~~

~~(ed) **Termination of license.** A license automatically expires when the licensed manager is no longer a U.S. citizen, no longer meets the definition of legal blindness, surrenders his or her license, resigns, retires, or dies. A license may be terminated or suspended by the SLA, after affording the licensed manager an opportunity for a full evidentiary hearing in accordance with State and Federal regulations.~~

1 | **612:25-6-2.1 Probation [AMENDED]**  
2

3 (a) **Scope.** A licensed manager who is not meeting all of the requirements or  
4 qualifications set forth in the BEP rules and regulations, or a licensed manager who is  
5 not managing the business enterprise in a proper manner, may be placed on probation.  
6 Intensive review/consultation will be provided during the probationary period. The period  
7 of the probation will be used to focus on specific problem areas and attempts will be  
8 made to improve the licensed manager's performance. This is the first step in the formal  
9 disciplinary ladder process. If proper results are not achieved, suspension or revocation  
10 termination of the BEP License may be necessary.

11  
12 (b) **Initiation of probation procedure.** The BEP Operations Coordinator will place  
13 licensed managers on probation through a probation letter. The business consultant will  
14 deliver, read and explain the letter of probation to the licensed manager. The business  
15 consultant and licensed manager will then sign the probation letter. The original is given  
16 to the licensed manager, one copy returned to the BEP Operations Coordinator, and  
17 one copy mailed to the Chairperson of the Elected Committee of Licensed Managers.

18  
19 (c) **Probationary letter.** The probationary letter will specify the cause(s) for placing the  
20 manager on probation and rules that have been violated. It will clearly state the terms of  
21 the probation, including the length of the probationary period, the remedial action  
22 required and the consequences of failure to take remedial action. A statement will be  
23 included which indicates it has been read and understood by the licensed manager,  
24 followed by a space for the licensed manager's and business consultant's signature,  
25 and the date. This acknowledgement does not imply that the licensed manager agrees  
26 with the charges issues identified, but rather, that he/she understands the terms of  
27 his/her probation. Refusal to sign does not invalidate the letter.

28  
29 (d) **Probationary periods.** Probationary periods are usually 30 to 90 days, at the  
30 discretion of the BEP Operations Coordinator, but may be longer or shorter as  
31 circumstances warrant. The exact period of probation will be specified in the  
32 probationary letter.

33  
34 (e) **Consequences.** The Licensed Manager or the business consultant may submit a  
35 request to the BEP Operations Coordinator that the licensed manager be taken off  
36 probation whenever the licensed manager's performance improves to a satisfactory  
37 level. If remedial action does not result in improved performance within the time  
38 specified, the BEP Operations Coordinator may recommend that:

39  
40 (1) the SLA Director transfer the licensed manager to a more suitable business  
41 enterprise;

42  
43 (2) the probationary period be extended; and/or

44  
45 (3) the SLA Director terminate the Managers Agreement and suspend/terminate the  
46 licensed manager's BEP license.

1  
2 | **612:25-6-3. Grounds for suspension or termination of a license [AMENDED]**

3  
4 (a) A BEP license may be suspended or terminated for the reasons set forth in (1) through  
5 (13) of this Subsection.

6  
7 (1) Failure to open the assigned business enterprise as stated in the permit/contract  
8 with the grantor agency, without prior proper approval from the SLA (abandonment of  
9 business enterprise).

10  
11 (2) Defrauding any agency of the government (including the SLA) or any purveyor or  
12 failure to pay monies due including taxes, fees, or assessments to any governmental  
13 entity or purveyor.

14  
15 (3) Failure to file required ~~financial and other records~~ monthly reports with the SLA or  
16 ~~preserve them for a specified time,~~ and failure to comply/cooperate with audits  
17 conducted by the SLA or other State or Federal agencies.

18  
19 (4) Failure to maintain the required insurance coverage.

20  
21 (5) The business enterprise is not being operated in accordance with the rules and  
22 regulations, terms and conditions of the permit with the grantor agency, or the terms  
23 and conditions of the business enterprise manager's agreement.

24  
25 (6) Intentional abuse, neglect, unauthorized use or removal of the business enterprise  
26 equipment; or failure to properly maintain the equipment in a clean and operating  
27 manner within the scope of the licensed manager's level of maintenance authorization.

28  
29 (7) Substance abuse (alcoholic beverages, illegal drugs, etc.) while operating the  
30 business enterprise; or other substance abuse that interferes with the operation of a  
31 business enterprise.

32  
33 (8) Operation of a business enterprise in such a way that the SLA's interest in  
34 retaining the contract for the location is obviously endangered.

35  
36 (9) Failure to comply with all Federal and State laws prohibiting discrimination and  
37 failure to provide services without regard to race, gender, color, national origin,  
38 religion, age, political affiliation, or disability.

39  
40 (10) Determination by the SLA that the licensed manager no longer has the  
41 necessary skills and abilities for effectively managing a business enterprise.

42  
43 (11) Use of the business enterprise to conduct unlawful activities.  
44

45 (12) Failure to personally operate and manage the business enterprise in accordance  
46 with the manager's agreement. Management means the personal supervision of the  
47 day-to-day operation of the assigned BEP facility by the assigned manager.  
48

49 (13) Does not actively work as a licensed manager or licensed employee in the  
50 Business Enterprise Program for 2 years.  
51

52 (b) When the BEP Operations Coordinator determines that a BEP license should be  
53 suspended or terminated, the BEP Operations Coordinator shall make a written  
54 recommendation to the Division Administrator. The Division Administrator shall then  
55 recommend to the SLA Director for action. The licensed manager shall be notified in  
56 writing if action is to be taken. The BEP license may only be suspended or terminated after  
57 affording the licensed manager an opportunity for a full evidentiary hearing in accordance  
58 with BEP Rule 612:25-4-73. The licensed manager may be immediately removed from the  
59 operation pursuant to BEP Rule 612:25-6-1(c) pending the outcome of the evidentiary  
60 hearing.

**612:25-6-15. Setting aside of funds [AMENDED]**

(a) Set-aside charges paid by the licensed manager will be placed in a revolving account maintained by the SLA. Set-aside charges will be re-evaluated yearly by the SLA and the Elected Committee of Licensed Managers. Adjustments will be made accordingly in the appropriate classification, with allowances for reasonable charges for improving services, fluctuation of costs, and for program expansion.

(b) Funds will be set aside only for the purpose of:

- (1) maintenance and replacement of equipment;
- (2) the purchase of new equipment;
- (3) management services;
- (4) assuring a fair minimum of return to licensed managers; or
- (5) the establishment and maintenance of retirement or pension funds and health insurance contributions.

(c) The licensed manager's set-aside charges will be on a sliding scale of 0% to not more than 12% of the net proceeds of the business enterprise during any one month. The sliding scale will be in four classifications: Class A, B, C, and D (based on prior year's performance).

- (1) Class A - 12% of net proceeds, \$60,000 and above.
- (2) Class B - 10% of net proceeds, \$25,000 to \$59,999.
- (3) Class C - 6% of net proceeds, \$10,000 to \$24,999.
- (4) Class D - 0% of net proceeds, \$9,999 and below.

(d) A licensed manager will submit his/her set-aside payment to the BEP office on or before the 25th of the current calendar month. If the 25<sup>th</sup> falls on a weekend, the payment is due in the BEP office no later than the close of business on the last business day prior to the 25<sup>th</sup>. Set-aside payments may be mailed to the BEP office. To be considered on time, they must be postmarked by the 21st of the month for regular mail or the 22 for overnight mail. If these dates fall on a day where the post office is closed, they must be postmarked the day before. If the set-aside payment is late the SLA shall notify the manager by phone on the next business day following the due date. If the set-aside payment is not received in the BEP office within five calendar days after the due date, the licensed manager will be placed on probation and assessed a \$50 late charge. If the licensed manager's overdue set aside payment is not received in the BEP office within five calendar days after the due date in the

47 succeeding month (i.e. is over one month and five calendar days late), the manager is  
48 assessed another \$50 late fee. If the first and second payments are not received by the  
49 time the third report is due, the licensed manager's agreement will be cancelled and the  
50 BEP licenses will be suspended, unless an alternate payment schedule has been approved  
51 in advance by the SLA. Failure to pay monthly set-aside in a timely manner three or more  
52 times within any twelve month period will result in formal disciplinary action.

53  
54 (e) If a business enterprise should show a marked change in net proceeds, a request for  
55 reclassification may be made by the licensed manager or the SLA after 90 days. Each  
56 licensed manager will be notified of changes in set-aside charges, and the new percentage  
57 of net proceeds will be effective at the beginning of the first business month following the  
58 mailing of notice to the licensed manager. The licensed manager will start paying the  
59 higher or lower percentage of set-aside with the second report due following notification.

60  
61 (f) All new business enterprises will be placed in class C for 90 days, at which time the  
62 SLA will review the business enterprise for reclassification and notify the licensed manager  
63 of changes in set-aside charges and the new percentage of net proceeds shall be effective  
64 at the beginning of the first business month following the mailing of notice to the licensed  
65 manager.

1  
2 | **612:25-6-18. Establishing new licensed managers in business enterprises**  
3 |                   **[AMENDED]**  
4 |

5 Business Enterprise Program (BEP) staff will provide consultation and assistance to  
6 accomplish installation of licensed managers in business enterprises. Steps in the  
7 installation process will include the following:  
8

9       (1) BEP staff will orient the new licensed manager to the business enterprise as  
10 needed.

11  
12       (2) An inventory of the outgoing manager's merchandise that will be transferred to the  
13 incoming manager will be performed by the outgoing and incoming licensed managers  
14 | with assistance from the BEP. The outgoing licensed manager or designee, incoming  
15 licensed manager or designee, and a representative from the BEP must be present  
16 when merchandise is counted. The completed merchandise inventory is signed by both  
17 outgoing and incoming licensed managers, accepting the count of merchandise. All  
18 items not being transferred to the incoming manager must be removed from the facility  
19 prior to the incoming manager taking responsibility for the facility.  
20

21       (3) The BEP will assist the incoming licensed manager in procuring initial merchandise  
22 for sale and will arrange for the licensed manager to obtain a merchandise loan as  
23 necessary and in accordance with agency policy.  
24

25       (4) An equipment inventory is completed and the incoming licensed manager signs the  
26 inventory sheet and assumes responsibility for the equipment.  
27

28       (5) The BEP will assist the incoming licensed manager in filling out any insurance or  
29 retirement enrollment or change forms as necessary.  
30

31       (6) The BEP will verify that workers compensation and liability insurance on the  
32 business enterprise are in effect. The business enterprise will not be opened by the  
33 new licensed manager until this is verified.  
34

35       (7) The BEP will provide the incoming licensed manager with a copy of the  
36 permit/contract in effect for the business enterprise.  
37

38       (8) The BEP will provide the incoming licensed manager with a supply of the forms  
39 required by the SLA relative to the business enterprise operation.  
40

41       (9) The incoming licensed manager must read and sign a licensed manager's  
42 agreement before assuming the operation of any business enterprise. If needed, BEP  
43 staff will read the agreement to the manager and/or provide the agreement in the  
44 accessible format required by the manager.

1 | **612:25-6-21. Business expenses [AMENDED]**  
2

3 Business expenses calculated as a flat-rate percentage of gross sales may be deducted  
4 from gross sales on the licensed manager's monthly report to the SLA. The percentage of  
5 gross sales which may be reported as a business expense deduction shall be set by the  
6 ~~Business Enterprise Program~~SLA in consultation with the Elected Committee of Licensed  
7 Managers and shall be determined using available historical data and industry standards.  
8 The percentage rate will be reviewed annually to ensure it continues to reflect average  
9 monthly expenditures attributable to standard business expenses.

1 | **612:25-6-22. Monthly reports [AMENDED]**  
2

3 (a) **Content and when due.** Licensed managers must submit monthly business  
4 enterprise financial reports to the SLA. Reports will contain data on gross sales,  
5 merchandise purchases, payroll expense, business expense and other information  
6 determined necessary to reflect business financial status and calculate licensed  
7 manager set-aside, retirement and/or merchandise loan payments. The monthly reports  
8 shall be for one of the two following time periods: 1) the sixteenth (16<sup>th</sup>) day of the  
9 previous calendar month to the fifteenth (15<sup>th</sup>) day of the current calendar month; or 2)  
10 the twenty-first (21<sup>st</sup>) day of the previous calendar month to the twentieth (20<sup>th</sup>) day of  
11 the current calendar month. The licensed manager may choose either period, but must  
12 notify the business consultant which option is chosen by September 30<sup>th</sup> of each year.  
13 The licensed manager shall use the same option throughout the federal fiscal year.  
14 Monthly reports are due in the BEP office on or before the 25<sup>th</sup> of the current calendar  
15 month. If the 25<sup>th</sup> falls on a weekend, the monthly report is due in the BEP office no later  
16 than the close of business on the last business day prior to the 25<sup>th</sup>. Monthly reports  
17 may be mailed to the BEP office. To be considered on time, they must be postmarked  
18 by the 21<sup>st</sup> of the month for regular mail or the 22<sup>nd</sup> for overnight mail. If these dates fall  
19 on a day where the post office is closed, they must be postmarked the day before. The  
20 BEP shall notify the manager by phone on the first business day following the 25<sup>th</sup> if the  
21 report is not received. The BEP will review each monthly report for mathematical errors,  
22 correct loan payment, correct set-aside payment, approved business expenses, and  
23 other factors that will affect the accuracy of the report. The business consultant will sign  
24 the report indicating that the report is correct, correct payments are attached (if  
25 required), and all items in question have been discussed with the licensed manager.

26  
27 (b) **Failure to file in a timely manner.** If the monthly report is not received in the BEP  
28 office within five calendar days after the due date, the licensed manager will be placed  
29 on probation. If the 1<sup>st</sup> and second reports are not received by the time the 3<sup>rd</sup> report is  
30 due, the licensed manager's agreement will be canceled and the BEP licenses will be  
31 suspended. Failure to file monthly reports in a timely manner three or more times within  
32 any twelve month period will result in formal disciplinary action.

33  
34 (c) **Fee for reports.** The Agency maintains records for its use and may charge a  
35 reasonable fee to supply copies of records to individuals. The agency will supply copies  
36 of lost reports or other documents at 25 cents per page.

**DRS:3-3-16. Leave when an office is temporarily closed due to unsafe working conditions or services are temporarily reduced due to hazardous weather (paid administrative leave) [AMENDED]**

(a) If agency offices are closed because of an imminent peril threatening the public health, safety, or welfare of state employees or the public, or when state services are temporarily reduced due to hazardous weather conditions, the Appointing Authority shall place employees who are scheduled to work in the affected work areas on paid administrative leave or, if applicable, shall assign them to work in another location. During their normal duty hours, employees on paid administrative leave due to unsafe working conditions are on stand-by or on-call status. Appointing Authorities may call employees to return to their normal duties or respond to the demands of the situation as necessary. [74:840-2.20A(A)]

(b) Paid administrative leave means leave granted to affected employees if offices of agencies are closed because of an imminent peril threatening the public health, safety, or welfare of state employees or the public or when state services are temporarily reduced due to hazardous weather. Examples of reasons for temporarily closing an office due to unsafe working conditions are: leaks of toxic fumes in buildings; life threatening damage to building structures; or emergency operations which would be disrupted by the presence of the usual work force; or any other condition which poses a significant threat to the safety of the work force.

(c) Paid administrative leave shall be afforded to affected employees only when a state office is temporarily closed or services are temporarily reduced in accordance with Merit Rule 530:10-15-71. Upon its reopening, normal Merit Rules governing leave and agency procedures shall apply. The granting of administrative leave applies only to employees scheduled to work during the time period of the closure or reduced services. It does not apply to employees who are absent during the closure or reduction on any previously approved leave. Temporary employees shall not be granted administrative leave under this policy when state services are temporarily reduced due to hazardous weather conditions. However, paid administrative leave shall be granted to temporary employees when agency offices are closed because of an imminent peril threatening the public health, safety, or welfare of state employees or the public.

(d) When the Governor or his designee, the Commissioner of the Oklahoma Department of Public Safety, issues an official announcement which authorizes agencies, or parts of agencies, to maintain only essential services due to hazardous weather conditions, DRS will implement the provisions of Merit Rule 530:10-15-71, Leave when an office is temporarily closed due to unsafe working conditions or services are temporarily reduced due to hazardous weather (paid administrative leave). If the decision is made to authorize state agencies to maintain only essential services, the Commissioner of the Oklahoma

**Management Services Division  
Leave when an office is temporarily closed due to unsafe  
working conditions or services are temporarily reduced  
due to hazardous weather (paid administrative leave)**

42 Department of Public Safety will announce the curtailment of state government operations  
43 by notifying the media. Such information will also be posted on the website:  
44 [www.youoklahoma.com](http://www.youoklahoma.com). Because of Oklahoma's unpredictable weather conditions, the  
45 Commissioner of the Oklahoma Department of Public Safety has conditionally limited his  
46 authority to the Oklahoma City metropolitan area, which includes the following seven  
47 counties: Canadian, Cleveland, Lincoln, Logan, McClain, Oklahoma, and Pottawatomie.  
48 Decisions regarding agency operations outside these seven counties are hereby given by  
49 the Commissioner of the Oklahoma Department of Public Safety to Appointing Authorities,  
50 to be made on an individual basis as necessary; however, the Commissioner of the  
51 Oklahoma Department of Public Safety reserves the authority to authorize reductions in  
52 services at any location in the state. When the Commissioner of the Oklahoma Department  
53 of Public Safety, issues an official announcement which authorizes agencies, or parts of  
54 agencies, within the seven metropolitan counties to maintain only essential services due to  
55 hazardous weather conditions, the message on the DRS Weather Hotline will be updated  
56 with that information. Agency employees assigned to the offices within these seven  
57 counties, including Disability Determination Division, will be responsible for checking the  
58 DRS Weather Hotline for information regarding offices closures or reduction of services due  
59 to hazardous weather.

60  
61 (e) Essential staff will be designated according to (1) through (5) of this subsection. The  
62 respective Division Administrator or Superintendent will notify those employees who are  
63 responsible for staffing essential functions during hazardous weather conditions.

- 64  
65 (1) Oklahoma School for the Blind - as directed in writing by the Superintendent.
- 66  
67 (2) Oklahoma School for the Deaf - as directed in writing by the Superintendent.
- 68  
69 (3) Disability Determination Division - as directed in writing by the Division  
70 Administrator. The Disability Determination Division staff in the Tulsa Office will not be  
71 considered as essential unless otherwise notified in writing by the Division Administrator  
72 and the decision regarding office closure during hazardous weather in Tulsa will be  
73 based on the decision made by the federal office building.
- 74  
75 (4) Within the State Office, the Director is designated as staffing an essential function,  
76 however, the Director or designee may require additional personnel to report to work if  
77 circumstances require.
- 78  
79 (5) The assigned Programs Manager responsible for the ~~VRA/SVR~~VRBVI field offices  
80 outside of the seven counties within the Oklahoma City metropolitan area has been  
81 designated as the individual with the responsibility for determining whether the office(s)  
82 should be closed and/or services reduced due to hazardous weather. The Programs

**Management Services Division  
Leave when an office is temporarily closed due to unsafe  
working conditions or services are temporarily reduced  
due to hazardous weather (paid administrative leave)**

83 Manager will determine if any staff members within their assigned area are essential to  
84 provide basic minimum services during hazardous weather conditions and will notify  
85 those staff members of the designation. In addition, the Programs Manager will  
86 establish a method to ensure that their staff members are notified of decisions that are  
87 made to authorize offices to reduce services or close during hazardous weather. In  
88 addition, the Programs Manager will ensure that the telephone message for the main  
89 office telephone number is updated so that callers are aware of the office closure. If the  
90 Programs Manager position is vacant, the designated Field Coordinator will assume the  
91 responsibility for this determination and ensure that staff members are notified of the  
92 determination.

93  
94 (f) Employees who are considered responsible for maintaining essential services and who  
95 are required to work when state services are temporarily reduced due to hazardous  
96 weather conditions shall be entitled to accrue administrative leave on a straight-time basis  
97 for all hours worked during such reduction. Such leave must be taken within 180 days of its  
98 accrual or the employee shall be paid for the leave. An extension of the time period for  
99 taking the leave may be approved for up to an additional 180 days, provided the Appointing  
100 Authority submits a written request with sufficient justification to Human Capital  
101 Management.

102  
103 (g) Employees who are responsible for maintaining essential services who do not report to  
104 work during hazardous weather have the following options to request time off and account  
105 for the absence.

106  
107 (1) Charge the absence to accumulated compensatory time;

108  
109 (2) Charge the absence to accumulated annual leave;

110  
111 (3) Make up lost time during the workweek in which the time was lost in a manner  
112 consistent with the FLSA, if the Division Administrator or Superintendent determines  
113 that office hours and schedules permit.

114  
115 (4) More than one option may be exercised to account for the absence, but if the  
116 absence cannot be accounted for by exercising the options in (1) through (3), Leave of  
117 Absence without Pay will be utilized.

**DRS:3-3-20. DRS Criminal Background Check [AMENDED]**

(a) **Purpose:** DRS has determined that conducting criminal background checks through the Oklahoma State Bureau of Investigation (OSBI) as part of the employee selection process will provide a mechanism to enhance safety and security for DRS clients, employees and state property.

(b) **Application:** This section shall apply to all DRS hires except those by the Oklahoma School for the Blind and the Oklahoma School for the Deaf. The schools shall conduct criminal background checks pursuant to O.A.C. 612:20-3-39.

(c) **Authority:** DRS is authorized to conduct criminal background searches on new hires pursuant to 74 O.S. § 166.12 and O.A.C. 612:3-3-20(e)(3).

(d) **Mandate:** Criminal background checks shall be conducted for all new hires to DRS effective January 1, 2012.

(e) **Procedure:** Criminal background checks shall be conducted in the following manner:

(1) **Notice:** All announcements for employment with DRS shall include a notice that the applicant selected shall be required to consent to a criminal background check and that the offer of employment shall be conditioned upon a review of the check's outcome by DRS. A written consent form approved by DRS legal counsel shall be presented to an applicant selected for employment.

(2) **Request for criminal background check:** After an applicant has been selected for employment, the DRS Division making the hire (Hiring Division) shall provide the signed consent form along with the information required by OSBI to the HR Programs Manager for Personnel and Benefits of the DRS Human Resources Unit. Upon receipt of the applicant's signed consent form along with the name and social security number from the Hiring Division, the DRS Human Resources Unit shall request a criminal background check, including a check of the Oklahoma Sex Offender Registry and the Oklahoma Violent Crime Offender Registry of the applicant by OSBI.

(3) **Disqualifying Offenses:** If the report from OSBI indicates that a criminal history exists for the applicant, the HR Programs Manager for Personnel and Benefits of the DRS Human Resources Unit shall determine if the report indicates a disqualifying criminal offense. The criminal offenses which disqualify an applicant from DRS employment are those that fall under the following categories: murder; manslaughter; rape; aggravated assault and battery; and any crime involving physical abuse of a family member.

(4) **Hiring Review Committee:** Upon receipt of an OSBI report which indicates a criminal history but does not indicate the presence of a disqualifying offense, the HR Programs Manager for Personnel and Benefits of the DRS Human Resources Unit shall

46 notify the members of the DRS Hiring Review Committee. The Hiring Review  
47 Committee shall consist of HR Programs Manager for Personnel and Benefits of the  
48 DRS Human Resources Unit and the DRS Division Administrators or designees. If  
49 either the Vocational Rehabilitation or ~~Visual Services~~ Vocational Rehabilitation for the  
50 Blind & Visually Impaired Division is not the Hiring Division, those divisions may be  
51 represented by only one administrator or designee. The notice to the Hiring Review  
52 Committee shall include a copy of the OSBI report.

53  
54 (5) **Review:** Each member of the Hiring Review Committee shall review the applicant's  
55 criminal history and make a recommendation to the representative from the Hiring  
56 Division as to suitability for employment. Factors to be considered in the review shall  
57 include the following:

58 (A) the nature and gravity of the offense(s);

59 (B) the time that has passed since the conviction and/or completion of the sentence;  
60 and

61 (C) the nature of the job sought.  
62  
63

64  
65 The Hiring Review Committee may communicate with the applicant to seek clarification  
66 or further information regarding matters contained in the report. This communication  
67 may consist of a telephone call by the Hiring Division member, a teleconference or an  
68 in-person meeting. If a teleconference or in-person meeting is scheduled, at least three  
69 members of the Hiring Review Committee shall participate. After recommendations  
70 have been received from all members of the Hiring Review Committee, the  
71 Administrator of the Hiring Division shall submit a final recommendation to the DRS  
72 Director regarding the final hiring decision. After the Director has received the Hiring  
73 Division Administrator's recommendation, the Director shall make the final decision.  
74 After the Director's decision to hire or not hire and before the offer of employment is  
75 made, the recommendations and the decision shall be submitted to DRS legal counsel  
76 for review. The purpose of the review by legal counsel shall be to advise the Director as  
77 to the fairness and consistency of the process with regard to other similar applicants.  
78

**DRS:3-3-110. Risk Management Programs Purpose and Scope [AMENDED]**

The purpose of this section is to provide direction and guidance to employees and other affected entities in the application or management of risk management matters according to pertinent laws, rules and or policy. The Risk Management Programs include policies and procedures regarding emergency evacuations, safety and violence free workplace. The DRS Risk Manager is the authorized DRS contact person for all matters pertaining to risk management. This authorization includes the School for the Deaf, the School for the Blind, the Disability Determination, ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired, Vocational Rehabilitation, Executive, and Management Services divisions. All risk management matters shall be referred to the DRS Risk Manager for coordination of tasks and responsibilities, and for communication both within DRS and with other agencies and entities.

**DRS:3-3-112. Disaster Response and Recovery [AMENDED]**

(a) **Procedures.** This section establishes policies and procedures for responding to situations where the severity and extent of an emergency incident exceeds the more common types of emergencies that are addressed in DRS:3-3-111, Emergency Evacuation Plans. This Section of policy is to be utilized in conjunction with DRS:3-3-111. The types of incidents referred to here are those that are most likely to result in significant personal injury or loss of life, significant damage to or loss of property, and or significant interruption or cessation of DRS services. In most cases, the procedures in DRS:3-3-111 will already have been initiated and will progress to the level of emergencies covered in this section.

**(b) Requirements of the Oklahoma Department of Civil Emergency Management .**

The Oklahoma Department of Civil Emergency Management (CEM) requires certain positions to be established for emergency and disaster situations. The required positions are Emergency Managers, Emergency Coordinators and Alternate Emergency Coordinators. The primary function of an Emergency Manager is to provide direction to staff in incidents of severe emergencies. The primary function of an Emergency Coordinator is to implement those directives. Alternate Emergency Coordinators will assume the primary role in the absence of the primary Emergency Coordinator.

(1) **DRS Designation of Required Positions.** For purposes of meeting CEM requirements, DRS positions designated as Emergency Managers include:

(A) the Deputy Director for the State Office;

(B) the Superintendents at the Special Schools; and

(C) the Division Administrators for the Disability Determination, Vocational Rehabilitation and ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired Divisions.

(2) **Emergency Managers.** Also acting in the capacity of Emergency Managers, the following positions have discretionary authority to make necessary immediate decisions during disaster emergencies:

(A) The Programs Managers at Vocational Rehabilitation and ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired office locations and facilities;

(B) the Programs Manager at the Library for the Blind and Physically Handicapped; and

(C) persons designated by the Administrator at the Disability Determination Division and the Superintendents at the Special Schools to make necessary immediate decisions in their absence.

46  
47 (D) However, as soon as the need for immediate decisions ends, these individuals  
48 will report to the Division Administrator or Superintendent what actions have been  
49 taken and will coordinate any remaining decisions with the Division Administrator  
50 or Superintendent.

51  
52 (3) **Emergency Coordinators and Alternate Emergency Coordinators.** Emergency  
53 Coordinators and Alternate Emergency Coordinators under this section will be the  
54 same individuals who have emergency responsibilities under the Emergency  
55 Evacuation Plan established in accordance with DRS:3-3-111. When an Emergency  
56 Coordinator position becomes vacant, the Alternate Emergency Coordinator will  
57 assume the primary responsibilities until a replacement Emergency Coordinator is  
58 named which should occur within 3-5 working days. When an Alternate Emergency  
59 Coordinator position becomes vacant, a replacement Alternate Emergency Coordinator  
60 should be named within 3-5 working days.

61  
62 (4) **CEM requirements.** As required by CEM, all Emergency Coordinators should  
63 maintain on their desk in a readily accessible place, a copy of the *CEM Emergency*  
64 *Standard Operating Procedures for State Departments, Agencies, Offices and*  
65 *Employees* (CEM Plan). Also as required, all DRS Employees should be provided with  
66 a DRS Emergency/Disaster Personal Procedures Card.

67  
68 (5) **Supervisors.** Supervisors are responsible to ensure that employees are trained in  
69 the policies and procedures contained in the CEM Plan upon full implementation of the  
70 CEM Plan and within two (2) weeks of entry on duty for new employees.

71  
72 (c) **DRS Disaster Management Team**

73  
74 (1) DRS staff in executive level positions will serve as members of the DRS Disaster  
75 Management Team. The DRS Disaster Management Team will include the Director,  
76 Deputy Director, Public Information Administrator, appropriate Division Administrators  
77 or Superintendents at the Special Schools, the Human Resources Administrator, the  
78 Human Resources Programs Director, the DRS Risk Manager and the DRS Property  
79 Manager. The Chief Financial Officer and other necessary staff will be included  
80 depending on the nature of the crisis or need.

81  
82 (2) The DRS Disaster Management Team will manage crisis situations that result from  
83 emergency or disaster incidents involving DRS employees, visitors or property. The  
84 DRS Disaster Management Team will make decisions regarding issues including,  
85 communication to the public, employees and clients, return to service, personnel  
86 matters, equipment and property repairs and or replacement, etc.

1 | **DRS:3-9-8. Purchases for Vocational Rehabilitation and ~~Visual Services~~ Vocational**  
2 | **Rehabilitation for the Blind & Visually Impaired Divisions' Clients**  
3 | **[AMENDED]**  
4 |

5 | (a) **Purchases for the acquisition of goods and services.** The purchase of goods and  
6 | services, except as outlined in (b) of this section, are not required to be submitted to the  
7 | Contracts and/or Purchasing Section. These types of purchases are exempt under Title  
8 | 74, Section 85.7, paragraph 12 of the Oklahoma Central Purchasing Act and are processed  
9 | at the VR and ~~VS~~ VRBVI field office level by rehabilitation professionals in accordance with  
10 | procedures covered in OAC 612:10-1-7. If, in the judgment of the responsible rehabilitation  
11 | professional, the best interests of the client and/or the agency would be served by having  
12 | the Contracts and/or Purchasing Section handle the procurement, a DRS requisition form  
13 | may be submitted to the Purchasing or Contracts Section.  
14 |

15 | (b) **Purchases for special equipment for motor vehicles and home modifications.**  
16 | The purchase of special equipment for motor vehicles and home modifications projected to  
17 | cost more than \$5,000.00 are required to be submitted to the Purchasing Section for  
18 | processing. The rehabilitation professional shall also provide the Purchasing Section a  
19 | copy of the evaluation report as required in OAC 612:10-7-220 (b) (F) for vehicle  
20 | modifications and OAC 612:10-7-221 for home modifications.

**DRS:3-9-80. Fleet management AMENDED**

(a) Fleet Manager. The responsibilities of the Materiel Management Section in managing the Agency's vehicle fleet are:

(1) liaison between the Agency and the Division of Capital Assets Management Fleet Management Division;

(2) ensuring compliance with state statutes, Executive orders, and any other regulations regarding vehicles;

(3) maintaining compliance of DRS fleet management policies and procedures;

(4) maintaining an accurate inventory of all vehicles within the Agency;

(5) coordinating the purchase of all vehicles with the DCAM Fleet Management Division and DRS Purchasing Section;

(6) coordinating the disposal of all vehicles with the DCAM Fleet Management Division;

(7) coordinating any/all vehicle requests with the DCAM Motor Pool Division;

(8) monitoring the Agency's vehicle Risk Management Program; and

(9) monitoring Pike Pass use, fuel consumption, and vehicle operating and repair/maintenance records for the Agency's vehicle fleet.

(b) Agency owned vehicles. The Fleet Manager coordinates with the DCAM Fleet Management Division all reports pertaining to DRS vehicles.

(c) Vehicle Operator's License. All employees operating a state owned vehicle or a privately owned vehicle for official state business, shall have a valid vehicle operator's license.

(d) Safety Belts. All persons operating or riding in a vehicle while on state business are required to wear safety belts.

(e) Fuel management. The Division of Capital Assets Management may annually establish statewide contracts for the purchase of vehicle fuel. The Fleet Manager is responsible for compiling the Agency's annual projected cost for regular unleaded gasoline; No. 2 diesel; miscellaneous vehicle maintenance (including accessories, repair, and inspection); bulk purchases (including antifreeze, oil, and fuel card fees); and fuel management reports and summaries. The Fleet Manager shall monitor fuel consumption, and vehicle operating and repair/maintenance cost of the Agency's vehicle fleet. The Fleet Manager is also required

46 to provide the State Motor Pool a monthly report on Agency vehicle fuel consumption and  
47 repair/maintenance costs. The fleet manager also initiates a requisition to purchase the  
48 items listed above from the statewide contract.

49  
50 (f) Pike Pass. Pike passes may be assigned to a division administrator, school  
51 superintendent, or his/her representative for issue to assigned employees on an as needed  
52 basis. Requests for Pike Passes shall be submitted to the MMS Fleet Manager.

53  
54 (g) Transportation of non-State employees in state owned vehicles. When transportation  
55 of individuals who are not employees of the State of Oklahoma is necessary to conduct  
56 state business, those individuals may be transported in state vehicles under the following  
57 circumstances:

- 58  
59 (1) approval must be obtained in advance by one of the following:  
60 (A) Program Managers in the Divisions of Vocational Rehabilitation and ~~Visual~~  
61 ~~Services~~Vocational Rehabilitation for the Blind & Visually Impaired,  
62 (B) Superintendents at the Oklahoma School for the Blind and the Oklahoma  
63 School for the Deaf  
64 (C) the Division Administrator or Deputy Administrator for the Disability  
65 Determination Division  
66 (D) Executive and Unit Administrators for the Executive and Management  
67 Services Divisions.  
68  
69 (2) only state employees or officials are authorized to drive state vehicles.  
70  
71 (3) non-employee passengers are advised that there is no liability coverage for non-  
72 employees.