



ADMINISTRATIVE RULES OF MONTANA



37.30.101 DEFINITIONS

- (1) "Applicant" means a person who has made formal application to the department to receive vocational rehabilitation or other services administered by the Montana Vocational Rehabilitation program inclusive of the Blind and Low Vision Services program of the department.
- (2) "Blindness" means a visual disability as defined at 53-7-301 , MCA.
- (3) "Consumer" means a person who has been determined by the department in accordance with these rules and state and federal statutes and federal regulations pertaining to vocational rehabilitation services, and other applicable laws, to be eligible to receive vocational services administered by the Montana Vocational Rehabilitation program and who is receiving services in accordance with an individualized plan for employment (IPE).
- (4) "Department" means the Department of Public Health and Human Services.
- (5) "Dependent" means any relative to a person by blood or marriage or anyone living in the same household with whom a person has a close interpersonal relationship and for whom a person provides a majority of their financial support.
- (6) "Disability" means an existing physical or mental impairment including blindness which significantly limits, or, if not corrected, may significantly limit a person's activities or ability to function in a normal manner.
- (7) "Extended employment" means a supervised work program as defined at 53-7-202 , MCA.
- (8) "Financial resource" means financial assets, inclusive of stocks, bonds, certificates of deposit, and similar type assets, that can be readily converted to cash, available to the person at the time of the eligibility determination and during the course of the person's receipt of services under an IPE. Financial assets do not include resources as provided for in ARM 37.30.411.
- (9) "Income" means income as defined in ARM 37.2.702.
- (10) "Independent living plan" means the written individualized independent living plan (IILP) prepared by the department for persons receiving independent living rehabilitation services. This plan specifies the independent living goals and needs of the person and the services the department may provide to the person in order to assist the person attaining an improved quality of life.
- (11) "Individualized plan for employment (IPE)" means the plan signed by the person and the qualified Montana vocational rehabilitation counselor which specifies the vocational rehabilitation goals and needs of the consumer and the services the department may provide to the consumer in order to assist the vocational rehabilitation of the consumer.

- (12) "Montana Vocational Rehabilitation program (MVR)" means the program of federal and state authorized vocational rehabilitation services for persons with disabilities provided through the department's Disability, Employment, and Transitions Division, inclusive of the Blind and Low Vision Services program and those federal programs authorized at 29 USC 701, et seq.
- (13) "Occupational license" means a license as defined at 53-7-101 and 53-7-301, MCA.
- (14) "Orthotic device" means a device that activates or supplements a weakened limb or neuromuscular function.
- (15) "Person with a most significant disability" means a person with a disability:
- (a) who has a severe physical or mental impairment that seriously limits three or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
 - (b) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
 - (c) who has:
 - (i) one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability; or
 - (ii) a combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.
- (16) "Person with a significant disability" means a person with a disability:
- (a) who has a severe physical or mental impairment that seriously limits at least one functional capacity (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
 - (b) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
 - (c) who has:
 - (i) one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability; or
 - (ii) a combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

- (17) "Programs of higher education" are programs of formal education that lead to an advanced academic degree such as an A.A., A.S., B.A., B.S., M.A., or Ph.D. Programs of higher education do not include career, vocational, or other specialized programs that do not lead to an academic degree.
- (18) "Prosthetic appliance" means an artificial device as defined at 53-7-101 and 53-7-301 , MCA.
- (19) "Rehabilitation facility" or "rehabilitation program" means a facility or program operated primarily for the provision of vocational rehabilitation services to persons with disabilities.
- (20) "Serious limitation" or "seriously limits" means a reduction in capacity due to severe physical or mental impairment to the degree that the person requires vocational rehabilitation services or accommodations not typically made for other persons in order to prepare for, secure, retain or regain employment.
- (21) "Sheltered employment" means a program of services as defined at 53-7-202, MCA.
- (22) "Support services" means support services as defined at 53-7-202, MCA.
- (23) "Vocational rehabilitation services" means vocational rehabilitation services provided in 34 CFR 361.48. Vocational rehabilitation services for the purposes of subchapters 1 through 7 do not include vocational rehabilitation extended employment services, independent living rehabilitation services, and visual medical services as defined in this chapter.

Authorizing statute(s): 53-7-102, 53-7-203, 53-7-206, 53-7-302, 53-7-315, 53-19-112, MCA

Implementing statute(s): 53-7-101, 53-7-103, 53-7-105, 53-7-106, 53-7-107, 53-7-108, 53-7-109, 53-7-201, 53-7-202, 53-7-203, 53-7-204, 53-7-205, 53-7-206, 53-7-301, 53-7-302, 53-7-303, 53-7-306, 53-7-310, 53-7-314, 53-7-315, 53-19-101, 53-19-102, 53-19-103, 53-19-104, 53-19-105, 53-19-106, 53-19-110, 53-19-112, MCA

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