



ADMINISTRATIVE RULES OF MONTANA

37.30.102 VOCATIONAL REHABILITATION POLICY: INCORPORATION BY REFERENCE OF FEDERAL AND STATE AUTHORITY

- (1) The department, except as otherwise provided in this chapter, adopts and incorporates by reference, for purposes of administering the program of vocational rehabilitation services, the federal regulations specified in (2) as presented in the July 1, 2010 edition of the Code of Federal Regulations (CFR). These federal regulations, adopted by the United States Department of Education, govern the administration and delivery by the states of various aspects of vocational rehabilitation services.
- (2) The following federal regulations govern the administration and delivery of vocational rehabilitation services as specified:
 - (a) For purposes of generally administering the program:
 - (i) 34 CFR 361.5 - "Applicable definitions".
 - (b) For purposes of administering eligibility determinations and order of selection:
 - (i) 34 CFR 361.36 - "Ability to serve all eligible individuals; order of selection".
 - (ii) 34 CFR 361.41 - "Processing referrals and applications".
 - (iii) 34 CFR 361.42 - "Assessment for determining eligibility and priority for services".
 - (iv) 34 CFR 361.43 - "Procedures for ineligibility determination".
 - (v) 34 CFR 361.44 - "Closure without eligibility determination".
 - (c) For purposes of administering program information and the provision of referrals:
 - (i) 34 CFR 361.37 - "Information and referral services".
 - (d) For purposes of administering confidential personal information:
 - (i) 34 CFR 361.38 - "Protection, use and release of personal information".
 - (e) For purposes of implementing individualized planning for service delivery and record of services:
 - (i) 34 CFR 361.45 - "Development of the individualized plan for employment".
 - (ii) 34 CFR 361.46 - "Content of the individualized plan for employment".
 - (iii) 34 CFR 361.47 - "Record of services".
 - (f) For purposes of the administration of service delivery:

- (i) 34 CFR 361.48 - "Scope of vocational rehabilitation services for individuals with disabilities".
- (g) For purposes of the implementation of informed choice for the benefit of consumers:
 - (i) 34 CFR 361.52 - "Opportunity to make informed choice".
- (h) For purposes of prior and verbal authorization:
 - (i) 34 CFR 361.50(e) - "Written policies governing the provision of services for individuals with disabilities".
 - (i) For purposes of assuring the prior use of comparable services and benefits by consumers:
 - (i) 34 CFR 361.53 - "Comparable services and benefits".
- (j) For purposes of administering closure of consumers from the program and monitoring employment outcomes for consumers:
 - (i) 34 CFR 361.55 - "Annual review of individuals in extended employment of other employment under special certificate provisions of the Fair Labor Standards Act".
 - (ii) 34 CFR 361.56 - "Requirements for closing the record of services of a consumer who has achieved an employment outcome".
 - (iii) 34 CFR 363.11 - "What information and assurances must be included in the state plan supplement".
 - (iv) 34 CFR 363.54 - "What requirements must a state meet before it provides for the transition of a consumer to extended services".
- (k) For purposes of providing consumers with due process:
 - (i) 34 CFR 361.57 - "Review of counselor or counselor coordinator decisions".
- (3) The department, except as otherwise provided in this chapter, adopts and incorporates by reference, for purposes of administering the program of vocational rehabilitation services, the policies specified in (4), as presented in the Montana Vocational Rehabilitation Policy Manual. Copies of the policies may be obtained through the Department of Public Health and Human Services, Disability, Employment, and Transitions Division, 111 N. Last Chance Gulch, Suite 4C, P.O. Box 4210, Helena, MT 59604-4210.
- (4) The following Montana vocational rehabilitation policies govern the administration and delivery of vocational rehabilitation services as specified:
 - (a) For purposes of selecting appropriate goods: Montana Vocational Rehabilitation Policy B - "Rates Of Payment" dated December 27, 2002.
 - (b) For purposes of staff and consumer safety: Montana Vocational Rehabilitation Policy C1 - "Personal Safety" dated May 9, 2011.
 - (c) For purposes of conciliation in consumer due process: Montana Vocational Rehabilitation Policy E - "Counselor Determinations" dated December 27, 2002.
 - (d) For purposes of self-employment service provision: Montana Vocational Rehabilitation Policy M1 - "Self-employment" dated December 27, 2002.

- (e) For purposes of defining "emancipated adult" for financial eligibility determinations: Montana Vocational Rehabilitation Policy ZGD08 - "Definitions" dated December 27, 2002.
- (f) For purposes of defining "individual with a most significant disability" for federal reporting and order of selection: Montana Vocational Rehabilitation Policy ZGD16 - "Definitions" dated December 27, 2002.
- (g) For purposes of developing the IPE: Montana Vocational Rehabilitation Policy W - "Core Requirements of IPE" dated October 1, 2006.
- (h) For purposes of emergency response to IPE change requests: Montana Vocational Rehabilitation Policy X - "On-going IPE Services" dated December 27, 2002.

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

Implementing statute(s): 53-7-102, 53-7-103, 53-7-105, 53-7-106, 53-7-108, 53-7-203, 53-7-205, 53-7-302, 53-7-303, 53-7-306, 53-7-310, 53-7-314, MCA

History: NEW, 2002 MAR p. 3628, Eff. 12/27/02; AMD, 2005 MAR p. 2257, Eff. 11/11/05; AMD, 2007 MAR p. 474, Eff. 4/13/07; AMD, 2013 MAR p. 789, Eff. 5/10/13.