10A NCAC 63F .0101 is proposed for readoption with substantive changes as follows:

chapter 63 - services for the blind

SUBCHAPTER 63F - VOCATIONAL REHABILITATION

SECTION .0100 ‑ SERVICES

10A ncac 63F .0101 eligibility for and authorization of SERVICES

(a) An Individualized Plan for Employment shall be developed to provide services to applicants to the vocational rehabilitation program who meet the following criteria:

(1) the applicant for services has a physical or mental impairment;

(2) that the physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant; and

(3) that the applicant requires vocational rehabilitation services in order to prepare for, secure, retain, advance in or regain employment.

(b) It is presumed that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services unless it can be demonstrated through clear and convincing evidence that the applicant is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of the disability.

(c) Applicants who have been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act are presumed eligible for vocational rehabilitation services; however, the applicant must intend to achieve an employment outcome.

(d) Authorization of Services:

(1) The Division shall issue a written authorization for services prior to or simultaneously with the provision of the service. A copy of the authorization shall be retained in the case file.

(2) The Division shall authorize services that are required for a consumer to participate in an assessment to determine eligibility for services. The Division shall also authorize services required for a consumer to complete the goals identified on his or her Individualized Plan for Employment (IPE).

(3) Authorizations are issued based on availability of funds.

~~(c) Oral authorizations may be issued on occasions for services when it is a matter of urgency. Such authorizations may be made by a rehabilitation counselor or a rehabilitation supervisor. On such occasions, a record of such oral authorizations shall be made and retained in the consumer's case file. In all such cases confirming authorizations shall be written.~~

History Note: Authority G.S. 134B-157; 34 C.F.R. 361.1; 34 C.F.R. 361.3; 34 C.F.R. 361.42(a); 34 C.F.R. 361.45;

Eff. February 1, 1976;

Amended Eff. November 8, 1976; June 25, 1976;

Readopted Eff. November 16, 1977;

Amended Eff. August 1, ~~2002.~~ 2002;

Readopted Eff.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.