

**Education and Workforce Development Cabinet  
Department of Workforce Investment  
Office of Vocational Rehabilitation  
(Amendment)**

**781 KAR 1:050. Carl D. Perkins Vocational Training Center ~~{Carl D. Perkins Comprehensive Rehabilitation Center}.~~**

RELATES TO: KRS 151B.190, 34 C.F.R. 361.42, 29 U.S.C. §701 et seq., ~~706(8)(A)~~

STATUTORY AUTHORITY: KRS 151B.185, 151B.195

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.195 directs the Executive Director, Office of Vocational Rehabilitation to promulgate administrative regulations governing the services and administration of the Office of Vocational Rehabilitation. This administrative regulation establishes the criteria for admission to and discharge from the Carl D. Perkins Vocational Training Center~~{Carl D. Perkins Comprehensive Rehabilitation Center}~~.

**Section 1. Definitions.**

- (1) "Applicant" means an individual who has signed a letter or document requesting vocational rehabilitation services and for whom the following minimum information has been furnished: name and address, disability, age and sex, date of referral, and source of referral.
- (2) "Director" means Division Director of the Carl D. Perkins Vocational Training Center (CDPVTC)~~{Carl D. Perkins Comprehensive Rehabilitation Center}~~.
- (3) "Discharge" means an individual shall:
  - (a) Not have a further CDPVTCT~~CDPCRC~~ service provided; and
  - (b) Be transported to the home area.
- (4) "Eligible individual" means an individual who has been determined by an appropriate office staff member to meet the basic conditions of eligibility for vocational rehabilitation services as defined in 34 C.F.R. Part 361.

**Section 2. Admissions Policy.**

- (1) An individual admitted to CDPVTC~~CDPCRC~~ shall:
  - (a) Be an applicant of the Office of Vocational Rehabilitation for whom an assessment is needed prior to making an eligibility or ineligibility decision;
  - (b) Be an eligible individual of the Office of Vocational Rehabilitation who requires services of the type provided by CDPVTC~~CDPCRC~~, in order to benefit in terms of a/an competitive integrated employment outcome~~, or~~  
~~{(c)} [Have made arrangements to reimburse CDPCRC for the cost of services provided.]~~
- (2) A prospect for admission shall provide the following:
  - (a) A consent for CDPVTC~~CDPCRC~~ to provide emergency medical care signed by:
    1. The individual; or
    2. If the individual is a minor or a person for whom the court has determined some form of guardianship or conservatorship is necessary, the individual's parent or guardian, as appropriate, subject to the limitations of KRS Chapter 387;
  - (b) An agreement assuming responsibility for living arrangements upon the individual's discharge from CDPVTC~~CDPCRC~~ by:
    1. The individual; or
    2. If the individual is a minor or a person for whom the court has determined some form of guardianship or conservatorship is necessary, the individual's parent or guardian, as appropriate, subject to the limitations of KRS Chapter 387; and

(c) A description of each limitation that the individual has in performing an activity of daily living.

(3) An individual shall not be admitted to a CDPVTC~~[CDPCRC]~~ program if there is evidence that a medical or behavioral condition represents a direct threat to the health or safety of self or others. The determination of whether a condition exists shall be made by a written opinion from a CDPVTC~~[CDPCRC]~~ professional with expertise concerning the identified condition, based upon documentation submitted at referral, and other information the professional shall gather as needed.

(4) When it is determined that the documentation submitted indicates the possibility that the individual's medical or behavioral condition represents a direct threat to self or others, the CDPVTC~~[CDPCRC]~~ admissions counselor shall select a CDPVTC~~[CDPCRC]~~ professional with expertise concerning the identified condition, and shall submit the documentation to that professional for an opinion.

(5) When the admissions counselor has requested an opinion from a CDPVTC~~[CDPCRC]~~ professional, the decision of the professional shall determine whether the individual shall be admitted to CDPVTC~~[CDPCRC]~~ during that referral. If the individual is referred at a later time, a new opinion shall be submitted.

(6) The admissions counselor or the admissions committee, as appropriate, shall, at the time that the individual is accepted for CDPVTC~~[CDPCRC]~~ services for evaluation or treatment and training, establish a list of recommended services for the individual and make a referral to the appropriate service area.

(7) When a decision is made to accept an individual for admission, the individual shall be notified in writing of the decision, and the date of admission, and a copy of that notification shall be sent to the referral sources, as appropriate.

(8) The individual shall agree to and abide by the terms of the signed Individualized Plan for Employment and the Individualized Behavior Management Plan, as appropriate.

(9) When a decision is made not to admit an applicant or eligible individual to CDPVTC~~[CDPCRC]~~ the referral source shall be notified in writing of the decision with justification for that decision. The applicant or eligible individual shall be notified in writing of the decision with justification and informed of the availability of the Client Assistance Program and the right to appeal.

(10) An applicant or eligible individual may appeal the admissions decision pursuant to 781 KAR 1:010.

Section 3. Retention Policy. The decision to provide further services after an individual has completed a CDPVTC~~[CDPCRC]~~ program shall be based upon the following:

(1)

(a) A further program shall be requested by the referral source; or

(b) A CDPVTC~~[CDPCRC]~~ professional shall believe that the individual requires an additional service; and

(2) The program requested for the individual shall be available~~[-; and]~~

~~[(3)] [If applicable, the individual shall have made arrangements to reimburse CDPCRC for the cost of services provided].~~

Section 4. Discharge Policy.

(1) An individual shall be voluntarily discharged from the CDPVTC~~[CDPCRC]~~ if:

(a) The individual has completed a program of services, and is not qualified for another CDPVTC~~[CDPCRC]~~ program;

(b) The individual does not desire further services from CDPVTC~~[CDPCRC]~~;

(c) The individual's medical condition requires treatment away from the CDPVTC~~[CDPCRC]~~ for an extended period of time; or

(d) The individual wishes to leave CDPVTC~~[CDPCRC]~~~~[and cannot be convinced to stay]].~~

- (2) An individual shall be involuntarily discharged from CDPVTC~~[CDPERC]~~ if:
- (a) The individual fails to make progress in the program of services and efforts to resolve the problem have been unsuccessful;
  - (b) The individual is no longer qualified for the program and no other needed program is available;
  - (c) The individual's behavioral condition deteriorates to the point of direct threat to the safety of others;
  - (d) An individual shall be discharged from CDPVTC~~[CDPERC]~~ without prior notice if necessary to prevent harm to a person or property, or to prevent serious disruption of a CDPVTC~~[CDPERC]~~ program.

Section 5. Due Process.

- (1) The individual, or the parent or guardian if under eighteen (18) years of age or a person for whom the court has determined some form of guardianship or conservatorship is necessary, the referring counselor, or representative if applicable, shall be notified in writing or other appropriate format of the intent to discharge involuntarily with justification;
- (2) The individual shall be given an opportunity to present facts and views in rebuttal to the director or a designee;
- (3) The director or designee shall notify the individual, in writing or other appropriate format, with justification, of the involuntary discharge decision or of intent to rescind the intent to discharge.
- (4) At the time an applicant or eligible individual is informed of the involuntary discharge decision, the individual shall be also informed of the availability of the Client Assistance Program and the right to appeal.
- (5) An applicant or eligible individual may appeal the discharge decision pursuant to 781 KAR 1:010.

*CORA MCNABB, Executive Director*

APPROVED BY AGENCY: August 11, 2021

FILED WITH LRC: August 11, 2021 at 1:45 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 26, 2021, at 1:00 p.m. Eastern Time, at the Mayo-Underwood Building Hearing Room, 500 Mero Street, 1st Floor, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing of their intent to attend at least five workdays prior to the hearing. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on October 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Susie Edwards, Vocational Rehabilitation Administrator, Office of Vocational Rehabilitation, 500 Mero Street, 4th Floor, Frankfort, Kentucky 40601-1957, phone 502-782-3456, fax 502-564-6745, email [SusieM.Edwards@ky.gov](mailto:SusieM.Edwards@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:**Susie Edwards

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation establishes guidelines for administration of Kentucky's obligation under the Rehabilitation Act as amended by the Workforce Innovation and Opportunity Act (WIOA) to provide vocational rehabilitation services to Kentuckians. 29 U.S.C.S §§ 3301-3305.

**(b) The necessity of this administrative regulation:**

This administrative regulation was necessary to implement provisions of the Rehabilitation Act as amended by WIOA. 29 U.S.C.S §§ 3301-3305. (c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides information necessary for specific guidance and operation of the state's provision of services within its authority to implement the federal Rehabilitation Act as amended by WIOA. 29 U.S.C.S §§ 3301-3305.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

No answer provided.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This regulation provides specific administrative guidance for the implementation of the state's provision of services at the comprehensive vocational center to disabled individuals.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

The proposed amendments to the regulation are made to update admission requirements for applicant or eligible consumers and better reflects the vocational aspect of services. The amendment also reflects the new name for the center.

**(b) The necessity of the amendment to this administrative regulation:**

Changes to the regulations were needed to change the admission policy to reflect that private payment for services was no longer utilized and that services were for applicants and eligible consumers of the Office of Vocational Rehabilitation. The name change also places the emphasis of services on the expectation that the goal of these comprehensive services is to assist the individuals with disabilities to reach a competitive integrated employment outcome. The changes made to the regulation were needed to more clearly define the requirements for acceptance and discharge of services for individuals with a disability. (c) How the amendment conforms to the content of the authorizing statute: This amendment conforms to the authorizing statute by specifying guidance for the requirements of providing comprehensive vocational services to applicants or eligible consumers of the Office of Vocational Rehabilitation.

**(c) How the amendment conforms to the content of the authorizing statutes:**

No answer provided.

**(d) How the amendment will assist in the effective administration of the statutes:**

This amendment provides more specific guidance to individuals with disabilities on what is required to obtain vocational rehabilitation services at the comprehensive vocational center.

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

Any disabled individual seeking vocational rehabilitation services at the vocational rehabilitation center.

**(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:**

The staff and applicants or eligible individuals will not have any additional requirements as a result of this amendment. The amendments only provide more specific guidance to clear up any ambiguities and to ensure that resources are used effectively.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

There are no new costs to the individuals, staff or businesses affected.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

Both staff and disabled individuals will have a better understanding of the requirements for receiving services at the comprehensive vocational center.

**(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

No additional costs are expected.

**(b) On a continuing basis:**

The proposed amendment does not result in additional costs.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:**

Federal Rehabilitation Funds received by the Department of Vocational Rehabilitation.

**(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

There is no increase in fees or funding necessary to implement this amendment to the existing regulation. (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

**(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees:**

No answer provided.

**(9) TIERING: Is tiering applied?**

Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all consumers.

## **FISCAL NOTE ON STATE OR LOCAL GOVERNMENT**

**(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?**

The Office for Vocational Rehabilitation, Department for Workforce Investment, Education and Workforce Development Cabinet.

**(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KRS Chapter 13A, KRS 151B.180 to 151B.210, 29 U.S.C. §701 et seq., 29 U.S.C. §§ 705, 723, 34 C.F.R. 361.5, 34 C.F.R. 361.48.

**(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.**

None.

**(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?**

None.

**(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?**

None.

**(c) How much will it cost to administer this program for the first year?**

None.

**(d) How much will it cost to administer this program for subsequent years?**

None.

**Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.**

**Revenues (+/-):**

**Expenditures (+/-):**

**Other Explanation:**