

1 **CHAPTER 854. DIVISION FOR BLIND SERVICES**

2
3 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS**
4 **REGISTER. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**
5 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.**

6
7 **ON OCTOBER 17, 2017**, THE TEXAS WORKFORCE COMMISSION ADOPTED THE
8 BELOW RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

9
10 Estimated date of publication in the *Texas Register*: **November 3, 2017**
11 The rules will take effect: **November 6, 2017**

12
13 The Texas Workforce Commission (TWC) adopts the repeal of the following sections of Chapter
14 854, relating to the Division for Blind Services, *without changes*, as published in the August 25,
15 2017, issue of the *Texas Register* (42 TexReg 4252):

16
17 Subchapter B. Vocational Rehabilitation Program, §§854.20 - 854.28, 854.40 - 854.53,
18 854.60 - 854.62, 854.70, 854.80, 854.90 - 854.94

19
20 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**
21 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

22
23 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

24 The purpose of the adopted Chapter 854 rule change is to comply with Texas Labor Code
25 §352.101, which requires TWC to integrate the two Vocational Rehabilitation (VR) programs--
26 VR for individuals with visual impairments (Blind Services) and VR for individuals with other
27 disabilities (Rehabilitation Services)--into one program. Section 352.101(b)(5) specifically
28 requires TWC to recommend the adoption of any rules necessary to accomplish this integration
29 by October 1, 2017.

30
31 Currently, VR program rules for Blind Services are located in Chapter 854, Subchapter B, and
32 VR program rules for Rehabilitation Services are located in Chapter 856. These chapters must be
33 consolidated to create a unified rule base for TWC's VR program. Many sections in both
34 chapters contain the same or similar language. However, some significant differences exist
35 between the two chapters, and those differences must be resolved to integrate the two rule sets--
36 and programs--into one.

37
38 TWC proposes repealing Chapter 854, Subchapter B. In a separate, but concurrent, rulemaking
39 proposal, TWC proposes revising Chapter 856 to contain all rules for the integrated VR program.
40 Existing rule provisions that are unique to VR services for individuals with visual impairments in
41 Chapter 854, Subchapter B, would be incorporated into Chapter 856 and expanded to apply to all
42 VR customers or retained to ensure the specialization of blind services, as appropriate. Where
43 there are differences between the two rule chapters, TWC proposes incorporating into Chapter
44 856 the version of the language from either chapter that is most representative of best practices in
45 the VR program.

1
2 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

3
4 **SUBCHAPTER B. VOCATIONAL REHABILITATION PROGRAM**

5 **TWC adopts the repeal of Subchapter B in its entirety:**

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7 **SUBCHAPTER B. DIVISION 1: PROGRAM AND SUBCHAPTER PURPOSE**

8
9 **§854.20. Purpose**

10 Section 854.20 is repealed because similar provisions exist in §856.1. A separate provision
11 stating that the purpose of the VR program is to provide services to individuals with visual
12 impairments is not necessary under the combined VR program, which will provide services to
13 individuals with all types of disabilities.

14
15 **§854.21. Legal Authority**

16 Section 854.21 is repealed because similar provisions exist in §856.2 and a separate section for
17 Blind Services is no longer necessary.

18
19 **§854.22. Definitions**

20 Section 854.22 is repealed because similar provisions exist in §856.3 and a separate section for
21 Blind Services is no longer necessary. Two definitions in §854.22--(2) “Blind (person who is)”
22 and (4) “Visual impairment”--are included in proposed amendments to Chapter 856, a separate,
23 but concurrent, rulemaking proposal to integrate VR program rules.

24
25 **SUBCHAPTER B. DIVISION 2: ELIGIBILITY**

26
27 **§854.23. Application**

28 Section 854.23 is repealed because applicable contents of this section are included in proposed
29 amendments to Chapter 856, a separate, but concurrent, rulemaking proposal to integrate VR
30 program rules.

31
32 **§854.24. Eligibility**

33 Section 854.24 is repealed because similar provisions exist in §856.20 and a separate section for
34 Blind Services is no longer necessary.

35
36 **§854.25. Prohibited Factors**

37 Section 854.25 is repealed because similar provisions exist in §856.21 and a separate section for
38 Blind Services is no longer necessary.

39
40 **§854.26. Eligibility Determination Time Frame**

41 Section 854.26 is repealed because the contents of this section are included in proposed
42 amendments to Chapter 856, a separate, but concurrent, rulemaking proposal to integrate VR
43 program rules.

44
45 **§854.27. Determination of Ineligibility**

1 Section 854.27 is repealed because similar provisions exist in §856.23 and a separate section for
2 Blind Services is no longer necessary.

3
4 **§854.28. Case Closure**

5 Section 854.28 is repealed because similar provisions exist in §856.24 and a separate section for
6 Blind Services is no longer necessary.

7
8 **SUBCHAPTER B. DIVISION 3: PROVISION OF VOCATIONAL REHABILITATION**
9 **SERVICES**

10
11 **§854.40. Provision of Services**

12 Section 854.40 is repealed because similar provisions exist in §856.40 and a separate section for
13 Blind Services is no longer necessary.

14
15 **§854.41. Assessment for Determining Eligibility, Vocational Rehabilitation Needs, and**
16 **Rehabilitation Technology Needs**

17 Section 854.41 is repealed because similar provisions exist in §856.41 and a separate section for
18 Blind Services is no longer necessary.

19
20 **§854.42. Physical and Mental Restoration Services**

21 Section 854.42 is repealed because similar provisions exist in §856.43 and §856.44 and a
22 separate section for Blind Services is no longer necessary.

23
24 **§854.43. Vocational and Other Training Services**

25 Section 854.43 is repealed because applicable contents of this section are included in proposed
26 amendments to Chapter 856, a separate, but concurrent, rulemaking proposal to integrate VR
27 program rules.

28
29 **§854.44. Maintenance**

30 Section 854.44 is repealed because similar provisions exist in §856.46 and a separate section for
31 Blind Services is no longer necessary.

32
33 **§854.45. Transportation**

34 Section 854.45 is repealed because similar provisions exist in §856.47 and a separate section for
35 Blind Services is no longer necessary.

36
37 **§854.46. Services to Family Members**

38 Section 854.46 is repealed because the contents of this section are included in proposed
39 amendments to Chapter 856, a separate, but concurrent, rulemaking proposal to integrate VR
40 program rules.

41
42 **§854.47. Interpreter Services and Note-Taking Services for Consumers Who Are Deaf and**
43 **Tactile Interpreting for Consumers Who Are Deafblind**

44 Section 854.47 is repealed because the contents of this section are included in proposed
45 amendments to Chapter 856, a separate, but concurrent, rulemaking proposal to integrate VR
46 program rules.

1
2 **§854.48. Reader Services and Rehabilitation Teaching Services**

3 Section 854.48 is repealed because the contents of this section are included in proposed
4 amendments to Chapter 856, a separate, but concurrent, rulemaking proposal to integrate VR
5 program rules.

6
7 **§854.49. Employment Assistance**

8 Section 854.49 is repealed because similar provisions exist in §856.49 and a separate section for
9 Blind Services is no longer necessary.

10
11 **§854.50. Post-Employment Services**

12 Section 854.50 is repealed because similar provisions exist in §856.50 and because applicable
13 contents of this section are included in proposed amendments to Chapter 856, a separate, but
14 concurrent, rulemaking proposal to integrate VR program rules.

15
16 **§854.51. Occupational Licenses, Tools, Equipment, and Initial Stocks and Supplies**

17 Section 854.51 is repealed because similar provisions exist in §856.51 and because applicable
18 contents of this section are included in proposed amendments to Chapter 856, a separate, but
19 concurrent, rulemaking proposal to integrate VR program rules.

20
21 **§854.52. Assistive Technology Devices**

22 Section 854.52 is repealed because the contents of this section are included in proposed
23 amendments to Chapter 856, a separate, but concurrent, rulemaking proposal to integrate VR
24 program rules.

25
26 **§854.53. Individualized Plan for Employment (IPE)**

27 Section 854.53 is repealed because similar provisions exist in §856.52 and because applicable
28 contents of this section are included in proposed amendments to Chapter 856, a separate, but
29 concurrent, rulemaking proposal to integrate VR program rules.

30
31 **SUBCHAPTER B. DIVISION 4: CONSUMER PARTICIPATION**

32
33 **§854.60. Purpose of Consumer Participation**

34 Section 854.60 is repealed because the contents of this section are included in proposed
35 amendments to Chapter 856, a separate, but concurrent, rulemaking proposal to integrate VR
36 program rules.

37
38 **§854.61. Scope of Consumer Participation**

39 Section 854.61 is repealed because similar provisions exist in §856.60 and because applicable
40 contents of this section are included in proposed amendments to Chapter 856, a separate, but
41 concurrent, rulemaking proposal to integrate VR program rules.

42
43 **§854.62. Refusal to Disclose Economic Resources**

44 Section 854.62 is repealed because similar provisions exist in §856.60.
45
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1 **SUBCHAPTER B. DIVISION 5: COMPARABLE BENEFITS**

2
3 **§854.70. Comparable Services and Benefits**

4 Section 854.70 is repealed because the contents of this section are included in proposed
5 amendments to Chapter 856, a separate, but concurrent, rulemaking proposal to integrate VR
6 program rules.
7

8 **SUBCHAPTER B. DIVISION 6: METHODS OF ADMINISTRATION OF**
9 **VOCATIONAL REHABILITATION**

10
11 **§854.80. Application of an Order of Selection**

12 Section 854.80 is repealed because similar provisions exist in §856.82 and because applicable
13 contents of this section are included in proposed amendments to Chapter 856, a separate, but
14 concurrent, rulemaking proposal to integrate VR program rules.
15

16 **SUBCHAPTER B. DIVISION 7: CERTIFICATE OF BLINDNESS FOR TUITION**
17 **WAIVER**

18
19 **§854.90. Purpose**

20 Section 854.90 is repealed because the contents of this section are included in proposed
21 amendments to Chapter 856, a separate, but concurrent, rulemaking proposal to integrate VR
22 program rules.
23

24 **§854.91. Legal Authority**

25 Section 854.91 is repealed because the contents of this section are included in proposed
26 amendments to Chapter 856, a separate, but concurrent, rulemaking proposal to integrate VR
27 program rules.
28

29 **§854.92. Definitions**

30 Section 854.92 is repealed because the contents of this section are included in proposed
31 amendments to Chapter 856, a separate, but concurrent, rulemaking proposal to integrate VR
32 program rules.
33

34 **§854.93. Eligibility**

35 Section 854.93 is repealed because the contents of this section are included in proposed
36 amendments to Chapter 856, a separate, but concurrent, rulemaking proposal to integrate VR
37 program rules.
38

39 **§854.94. Certificate of Blindness for Tuition Waiver**

40 Section 854.94 is repealed because the contents of this section are included in proposed
41 amendments to Chapter 856, a separate, but concurrent, rulemaking proposal to integrate VR
42 program rules.
43

44 No comments were received.
45

1 TWC hereby certifies that the adoption has been reviewed by legal counsel and found to be
2 within the TWC's legal authority to adopt.

3
4 The rules are adopted under Texas Labor Code §352.101, which requires TWC to adopt rules as
5 necessary to integrate the vocational rehabilitation programs, and §301.0015 and §302.002(d),
6 which provide TWC with the authority to adopt, amend, or repeal such rules as it deems
7 necessary for the effective administration of TWC services and activities.

8
9 The adopted rules affect Title 4, Texas Labor Code, Chapters 301, 302, and 352.

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11

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8 **§854.21. Legal Authority.**

9 **§854.22. Definitions.**

10
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14 **§854.24. Eligibility.**

15 **§854.25. Prohibited Factors.**

16 **§854.26. Eligibility Determination Time Frame.**

17 **§854.27. Determination of Ineligibility.**

18 **§854.28. Case Closure.**

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25 **Rehabilitation Technology Needs.**

26 **§854.42. Physical and Mental Restoration Services.**

27 **§854.43. Vocational and Other Training Services.**

28 **§854.44. Maintenance.**

29 **§854.45. Transportation.**

30 **§854.46. Services to Family Members.**

31 **§854.47. Interpreter Services and Note-Taking Services for Consumers Who Are Deaf**
32 **and Tactile Interpreting for Consumers Who Are Deafblind.**

33 **§854.48. Reader Services and Rehabilitation Teaching Services.**

34 **§854.49. Employment Assistance.**

35 **§854.50. Post-Employment Services.**

36 **§854.51. Occupational Licenses, Tools, Equipment, and Initial Stocks and Supplies.**

37 **§854.52. Assistive Technology Devices.**

38 **§854.53. Individualized Plan for Employment (IPE).**

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42 **§854.60. Purpose of Consumer Participation.**

43 **§854.61. Scope of Consumer Participation.**

44 **§854.62. Refusal to Disclose Economic Resources.**

1 **SUBCHAPTER B. DIVISION 5: COMPARABLE BENEFITS**

2
3 **§854.70. Comparable Services and Benefits.**

4
5 **SUBCHAPTER B. DIVISION 6: METHODS OF ADMINISTRATION OF VOCATIONAL**
6 **REHABILITATION**

7
8 **§854.80. Application of an Order of Selection.**

9
10 **SUBCHAPTER B. DIVISION 7: CERTIFICATE OF BLINDNESS FOR TUITION WAIVER**

11
12 **§854.90. Purpose.**

13 **§854.91. Legal Authority.**

14 **§854.92. Definitions.**

15 **§854.93. Eligibility.**

16 **§854.94. Certificate of Blindness for Tuition Waiver.**

17