

CHAPTER 854. DIVISION FOR BLIND SERVICES

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

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

Estimated date of publication in the *Texas Register*: **November 3, 2017**

The rules will take effect: **November 6, 2017**

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

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

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

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

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

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

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

SUBCHAPTER B. VOCATIONAL REHABILITATION PROGRAM

TWC adopts the repeal of Subchapter B in its entirety:

SUBCHAPTER B. DIVISION 1: PROGRAM AND SUBCHAPTER PURPOSE

§854.20. Purpose

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

§854.21. Legal Authority

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

§854.22. Definitions

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

SUBCHAPTER B. DIVISION 2: ELIGIBILITY

§854.23. Application

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

§854.24. Eligibility

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

§854.25. Prohibited Factors

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

§854.26. Eligibility Determination Time Frame

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

§854.27. Determination of Ineligibility

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

§854.28. Case Closure

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

SUBCHAPTER B. DIVISION 3: PROVISION OF VOCATIONAL REHABILITATION SERVICES

§854.40. Provision of Services

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

§854.41. Assessment for Determining Eligibility, Vocational Rehabilitation Needs, and Rehabilitation Technology Needs

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

§854.42. Physical and Mental Restoration Services

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

§854.43. Vocational and Other Training Services

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

§854.44. Maintenance

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

§854.45. Transportation

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

§854.46. Services to Family Members

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

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

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

§854.48. Reader Services and Rehabilitation Teaching Services

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

§854.49. Employment Assistance

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

§854.50. Post-Employment Services

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

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

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

§854.52. Assistive Technology Devices

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

§854.53. Individualized Plan for Employment (IPE)

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

SUBCHAPTER B. DIVISION 4: CONSUMER PARTICIPATION

§854.60. Purpose of Consumer Participation

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

§854.61. Scope of Consumer Participation

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

§854.62. Refusal to Disclose Economic Resources

Section 854.62 is repealed because similar provisions exist in §856.60.

SUBCHAPTER B. DIVISION 5: COMPARABLE BENEFITS

§854.70. Comparable Services and Benefits

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

SUBCHAPTER B. DIVISION 6: METHODS OF ADMINISTRATION OF VOCATIONAL REHABILITATION

§854.80. Application of an Order of Selection

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

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

§854.90. Purpose

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

§854.91. Legal Authority

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

§854.92. Definitions

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

§854.93. Eligibility

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

§854.94. Certificate of Blindness for Tuition Waiver

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

No comments were received.

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

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

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

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SUBCHAPTER B. VOCATIONAL REHABILITATION PROGRAM

SUBCHAPTER B. DIVISION 1: PROGRAM AND SUBCHAPTER PURPOSE

- §854.20. Purpose.**
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- §854.22. Definitions.**

SUBCHAPTER B. DIVISION 2: ELIGIBILITY

- §854.23. Application.**
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- §854.25. Prohibited Factors.**
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SUBCHAPTER B. DIVISION 3: PROVISION OF VOCATIONAL REHABILITATION SERVICES

- §854.40. Provision of Services.**
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- §854.42. Physical and Mental Restoration Services.**
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- §854.46. Services to Family Members.**
- §854.47. Interpreter Services and Note-Taking Services for Consumers Who Are Deaf and Tactile Interpreting for Consumers Who Are Deafblind.**
- §854.48. Reader Services and Rehabilitation Teaching Services.**
- §854.49. Employment Assistance.**
- §854.50. Post-Employment Services.**
- §854.51. Occupational Licenses, Tools, Equipment, and Initial Stocks and Supplies.**
- §854.52. Assistive Technology Devices.**
- §854.53. Individualized Plan for Employment (IPE).**

SUBCHAPTER B. DIVISION 4: CONSUMER PARTICIPATION

- §854.60. Purpose of Consumer Participation.**
- §854.61. Scope of Consumer Participation.**
- §854.62. Refusal to Disclose Economic Resources.**

SUBCHAPTER B. DIVISION 5: COMPARABLE BENEFITS

§854.70. Comparable Services and Benefits.

SUBCHAPTER B. DIVISION 6: METHODS OF ADMINISTRATION OF VOCATIONAL REHABILITATION

§854.80. Application of an Order of Selection.

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

§854.90. Purpose.

§854.91. Legal Authority.

§854.92. Definitions.

§854.93. Eligibility.

§854.94. Certificate of Blindness for Tuition Waiver.