

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

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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.**

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7 **ON JULY 31, 2018, THE TEXAS WORKFORCE COMMISSION ADOPTED THE RULES**
8 **BELOW WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS REGISTER.**

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10 Estimated date of publication in the *Texas Register*: **August 17, 2018**
11 The rules will take effect: **August 21, 2018**

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 May 4,
15 2018, issue of the *Texas Register* (43 TexReg 2729):

- 16
17 Subchapter A. Criss Cole Rehabilitation Center, §§854.1 - 854.7, 854.130 - 854.134
18 Subchapter D. Independent Living Services for Older Individuals Who Are Blind, §§854.110
19 - 854.112, 854.120, 854.130 - 854.134, 854.140 - 854.142, 854.150, 854.151, 854.160,
20 854.170

21
22 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**
23 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND RESPONSES**

24
25 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

26 The purpose of the adopted Chapter 854 Subchapter A, Criss Cole Rehabilitation Center rule
27 change is to comply with Texas Labor Code §352.101. Section 352.101 required TWC to
28 integrate the two Vocational Rehabilitation (VR) programs--VR for individuals with visual
29 impairments (Blind Services) and VR for individuals with other disabilities (Rehabilitation
30 Services)--into a single VR program. Consistent with §352.101, on October 1, 2017, the VR
31 programs for individuals with visual impairments and for individuals with other disabilities were
32 integrated into a single VR program. The rules to support this integration were effective November 6,
33 2017. TWC proposes that a new subchapter in Chapter 856 contain all rules for the Criss Cole
34 Rehabilitation Center (CCRC) program. Therefore, TWC adopts the repeal of Chapter 854,
35 Subchapter A and Subchapter D.

36
37 In August 2016, the Texas Health and Human Services Commission promulgated new rules for the
38 Independent Living Services for Older Individuals Who Are Blind (ILS-OIB) program. As
39 transferred to TWC, these rules, found at Subchapter D of current TWC Chapter 854 rules, supported
40 plans for this program to be outsourced. However, as TWC provides ILS-OIB services as in-house
41 services, the rules must be revised to reflect this service-delivery model.

42
43 Currently, program rules for ILS-OIB are located in Chapter 854, Subchapter D. In a separate but
44 concurrent rulemaking, TWC proposes adopting new Chapter 853, to contain all rules for the
45 ILS-OIB program.

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

2 (Note: Minor editorial changes are made that do not change the meaning of the rules and,
3 therefore, are not discussed in the Explanation of Individual Provisions.)

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5 **SUBCHAPTER A. CRISS COLE REHABILITATION CENTER**

6 **TWC adopts the repeal of Subchapter A, Criss Cole Rehabilitation Center, in its entirety:**

7
8 **§854.1. Purpose**

9 Section 854.1 is repealed. This section is no longer needed in this chapter.

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11 **§854.2. Legal Authority**

12 Section 854.2 is repealed. This section is no longer needed in this chapter.

13
14 **§854.3. Definitions**

15 Section 854.3 is repealed. The information in this section is being incorporated into new Chapter
16 856, Subchapter G, in a separate but concurrent rulemaking proposal that groups common rules
17 that address TWC's VR program.

18
19 **§854.4. Eligibility**

20 Section 854.4 is repealed. The information in this section is being incorporated into new Chapter
21 856, Subchapter G, in a separate but concurrent rulemaking proposal that groups common rules
22 that address TWC's VR program.

23
24 **§854.5. Services**

25 Section 854.5 is repealed. The information in this section is being incorporated into new Chapter
26 856, Subchapter G, in a separate but concurrent rulemaking proposal that groups common rules
27 that address TWC's VR program.

28
29 **§854.6. Consumer Participation and Comparable Services and Benefits**

30 Section 854.6 is repealed. The information in this section is being incorporated into new Chapter
31 856, Subchapter G, in a separate but concurrent rulemaking proposal that groups common rules
32 that address TWC's VR program.

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34 **§854.7. Payment of Shift Differentials**

35 Section 854.7 is repealed. The information in this section is being incorporated into new Chapter
36 856, Subchapter G, in a separate but concurrent rulemaking proposal that groups common rules
37 that address TWC's VR program.

38
39 **SUBCHAPTER D. INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS**
40 **WHO ARE BLIND**

41 **TWC adopts the repeal of Subchapter D, Independent Living Services for Older**
42 **Individuals Who Are Blind, in its entirety:**

43
44 **SUBCHAPTER D. DIVISION 1: GENERAL RULES**

45
46 **§854.110. Purpose**

1 Section 854.110 is repealed. This section is no longer needed in this chapter.

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3 **§854.111. Legal Authority**

4 Section 854.111 is repealed. This section is no longer needed in this chapter.

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6 **§854.112. Definitions**

7 Section 854.112 is repealed. The information in this section is being incorporated into new
8 Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB
9 program rules into a new chapter.

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11 **SUBCHAPTER D. DIVISION 2: ALLOCATION OF FUNDS**

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13 **§854.120. Allocation of Funds**

14 Section 854.120 is repealed. The information in this section is being incorporated into new
15 Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB
16 program rules into a new chapter.

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18 **SUBCHAPTER D. DIVISION 3: INDEPENDENT LIVING SERVICES FOR OLDER**
19 **INDIVIDUALS WHO ARE BLIND**

20

21 **§854.130. Purpose**

22 Section 854.130 is repealed. This section is no longer needed in this chapter.

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24 **§854.131. Eligibility**

25 Section 854.131 is repealed. The information in this section is being incorporated into new
26 Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB
27 program rules into a new chapter.

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29 **§854.132. Independent Living Plan**

30 Section 854.132 is repealed. The information in this section has been incorporated into new
31 Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB
32 program rules into a new chapter.

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34 **§854.133. Waiting List**

35 Section 854.133 is repealed. This section is no longer needed in this chapter.

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37 **§854.134. Scope of Services**

38 Section 854.134 is repealed. The information in this section is being incorporated into new
39 Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB
40 program rules into a new chapter.

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42 **SUBCHAPTER D. DIVISION 4: CONSUMER PARTICIPATION**

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44 **§854.140. Consumer Participation System**

1 Section 854.140 is repealed. The information in this section is being incorporated into new
2 Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB
3 program rules into a new chapter.

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5 **§854.141. Fee Schedule Amount**

6 Section 854.141 is repealed. This section is no longer needed in this chapter.

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8 **§854.142. Insurance Payments**

9 Section 854.142 is repealed. The information in this section is being incorporated into new
10 Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB
11 program rules into a new chapter.

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13 **SUBCHAPTER D. DIVISION 5: CONSUMER RIGHTS**

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15 **§854.150. Rights of Consumers**

16 Section 854.150 is repealed. The information in this section is being incorporated into new
17 Chapter 853 in a separate but concurrent rulemaking proposal that consolidates TWC's ILS-OIB
18 program rules into a new chapter.

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20 **§854.151. Complaint Process**

21 Section 854.151 is repealed. This section is no longer needed in this chapter.

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23 **SUBCHAPTER D. DIVISION 6: TECHNICAL ASSISTANCE AND TRAINING**

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25 **§854.160. Administering Agency's Role in Providing Technical Assistance**

26 Section 854.160 is repealed. This section is no longer needed in this chapter.

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28 **SUBCHAPTER D. DIVISION 7: REFERRALS**

29 **§854.170. Expectations of Administering Agency's Employees**

30 Section 854.170 is repealed. This section is no longer needed in this chapter.

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32 No comments were received.

33
34 TWC hereby certifies that the adoption has been reviewed by legal counsel and found to be
35 within TWC's legal authority to adopt.

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37 The repeal is adopted under Texas Labor Code §301.0015 and §302.002(d), which provide TWC
38 with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective
39 administration of TWC services and activities.

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41 The adopted rules affect Title 4, Texas Labor Code, particularly Chapters 81, 301, and 302.

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