TITLE 92 NAC - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 72 - VOCATIONAL REHABILITATION SERVICES

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001. General Information

001.01. Laws and Regulations. The Nebraska Vocational Rehabilitation Program operates pursuant to the Rehabilitation Act, found in the United States Code, Title 29, Section 701 et. seq.; federal regulations found in the Code of Federal Regulations, Chapter 34, Part 80 and Parts 360 et. seq.; Revised Nebraska Statutes §79-11,121 et. seq.; and, the Nebraska Vocational Rehabilitation State Plan which is filed and updated annually with the United States Department of Education.

001.02. Administration. The program is administered under the general supervision and direction of the Commissioner of Education. The Director is appointed by the Commissioner, with the approval of the State Board of Education, in accordance with established personnel standards and on the basis of the Director's education, training, experience, and demonstrated ability in the field of vocational rehabilitation. The Director shall, with the approval of the Commissioner, establish and maintain appropriate subordinate administrative units within the program.

001.03. Department Policies. Any policies, manuals, or procedures issued by the Commissioner of Education or approved by the State Board of Education relating to the internal operation of the State Department of Education shall apply to all activities performed by the program.

001.04 Purposes. The purpose of the program is to operate a comprehensive and coordinated program designed to provide individuals with disabilities with vocational rehabilitation services which will increase their productivity and employment opportunities, increase their ability to achieve independent living, and maximize their community inclusion and integration so they may prepare for and engage in gainful employment.

001.05. Services, Goods, and Supports. The program will provide services reasonable and necessary to achieve an employment outcome to eligible individuals with disabilities consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

001.06. Responsibilities. The Program is responsible for all decisions concerning the eligibility for vocational rehabilitation services; the nature and scope of available vocational rehabilitation services; the provision of rehabilitation services; the determination that a recipient has achieved an employment outcome commensurate with his or her unique strengths, resources priorities, concerns, abilities, capabilities, interests and informed choice; and, the allocation and expenditure of program funds. These responsibilities may not be delegated to any other organization or individual.

001.07. Individual Responsibilities. Individuals participating in the program as either an applicant or a recipient have the following responsibilities:

001.07A. To be honest regarding their intent to achieve an employment outcome consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choices;

001.07B. To cooperate, which includes keeping scheduled appointments on time, following medical and other professional advice including advice provided by program staff, and completing all assignments and other tasks on time;

001.07C. To assume primary responsibility for identifying their employment outcomes, planning their vocational rehabilitation services, and carrying out their ~~i~~Individualized ~~p~~Plans for ~~e~~Employment;

001.07D. To help pay for the costs of services received by seeking out, applying for, and using any comparable services and benefits for which they are eligible; and,

001.07E. To keep in regular contact with program staff regarding case progression, including promptly informing program staff of changes in their personal and financial circumstances, and of problems encountered with services or service providers.

001.08 Failure to Comply with Responsibilities. Failure of an applicant or recipient to comply with any of the responsibilities in Section 001.07 may result in the termination of program services.

001.09. Personal Information. Personal information relating to applicants and recipients will be kept confidential according to applicable federal law, state law, and related regulations.

001.10. Exceptions to State Regulations, Scope of Services and Fees. The Director shall designate which program staff has the authority and discretion to make exceptions to any state imposed regulations contained in this Chapter, including regulations on scope of services and fees. Exceptions may be granted if the designated staff determines there is no alternative to addressing the recipient's need for a service or support necessary to complete an assessment for determining eligibility and vocational rehabilitation needs or to achieve the job goal on the recipient's approved Individualized Plan for Employment (IPE).

001.1~~0~~1. Implementation Date. Individual recipient Individualized Plan for Employment (IPE) provisions related to post-secondary training will become effective on July 1 following the effective date of this Chapter. All other provisions of this Chapter become effective on the effective date of this Chapter.

002. Definitions. Terms used in this Chapter not defined below have meaning as defined in the laws and regulations of the Rehabilitation Act.

002.01. Applicant shall mean an individual who has completed, signed, and submitted an application form to participate in the program. If appropriate, the applicant may have a parent, family member, guardian, advocate, or other authorized representative sign the application.

002.02. Comparable services and benefits shall mean services and benefits, including accommodations and auxiliary aids and services, that are:

002.02A. Provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits;

002.02B. Available to the recipient at the time needed to ensure the progress of the recipient toward achiev~~e~~ing the employment outcome in their ~~i~~Individualized ~~p~~Plans for ~~e~~Employment; and,

002.02C. Commensurate to the services that the recipient would otherwise receive from the program. The professional licensing, staff qualifications and experience of other federal, state, or local public agencies will not be factors used to determine whether services or benefits are to be considered commensurate.

002.02D. For the purposes of this definition, comparable services and benefits do not include awards and scholarships based on merit.

002.03. Department shall mean the Nebraska Department of Education.

002.04. Director shall mean the Director of Vocational Rehabilitation.

002.05. Eligibility shall mean an individual with a disability who meets the requirements to participate in the program. Such requirements are that:

002.05A. He or she has a physical or mental impairment;

002.05B. The impairment constitutes or results in a substantial impediment to employment;

002.05C. The individual can benefit in terms of an employment outcome from the provision of program services; and,

002.05D. The individual requires services from the program in order to prepare for, secure, retain, or regain employment.

002.06. Employment outcome shall mean:

002.06A. Entering, advancing in, or retaining full-time or, if appropriate, part-time competitive integrated employment in the integrated labor market;

002.06B. Satisfying the vocational outcome of supported or customized employment; or,

002.06C. Satisfying any other appropriate vocational outcome, including the vocational outcome of self-employment, telecommuting, or business ownership in a manner consistent with the Rehabilitation Act.

002.07. Individualized ~~p~~Plan for ~~e~~Employment, (IPE), shall mean an individualized written plan containing descriptions of a specific employment outcome, the nature and scope of needed services and the entities to provide them, the criteria to evaluate progress toward achievement of an outcome, and the responsibilities of the program and the recipient, including the recipient's participation in paying for the costs of the plan.

002.07A. Before a recipient may begin program services, the plan must be agreed to and signed by the recipient or, if appropriate, a parent, a family member, a guardian, an advocate, or an authorized representative, and approved and signed by an authorized staff member.

002.07B. Before approving a recipient's ~~i~~Individualized ~~p~~Plan for ~~e~~Employment, authorized staff consider:

002.07B1. The availability of employment opportunities in the specific employment outcome in the recipient's local labor market or a labor market to which the recipient has indicated his or her willingness to relocate.

002.07B2. The consistency between employer requirements for educational level, type of preparation and relevant work experience in the specific employment outcome and the recipient's educational level, type of preparation, and work experience.

002.07B3. The consistency between employer wages and benefits in the specific employment outcome and the recipient's needs to meet necessary costs of living, rehabilitation technology, impairment related work expenses, and health care and impairment treatment.

002.07B4. The consistency between the typical work environment in the specific employment outcome and the recipient's work interests, values, and needs.

002.07B5. The consistency between the essential functions typically performed in the specific employment outcome and the recipient's functional abilities.

002.07B6. The recipient's ability to benefit from the specific vocational rehabilitation services included in the plan to the degree necessary to resolve all inconsistencies in Sections 002.07B2 through 002.07B5 of this Chapter.

002.07C. Authorized staff may approve a recipient's ~~i~~Individualized ~~p~~Plan for ~~e~~Employment if, after considering the factors in Section 002.07B of this Chapter, they determine that:

002.07C1. The specific employment outcome will be available to the recipient in the local labor market, or a labor market to which the individual is willing to relocate;

002.07C2. The specific employment outcome available to the recipient will provide the earnings and benefits necessary to meet the criteria for an employment outcome in Section 002.06 of this Chapter;

002.07C3. The plan includes the vocational rehabilitation services necessary to resolve all inconsistencies between employer requirements and occupational characteristics associated with the specific employment outcome and the recipient's unique strengths, resources, priorities, concerns, abilities, capabilities, and interests, and informed choice; and,,

002.07C4. There is a service provider available (including program staff) for each of the necessary vocational rehabilitation services in the recipient's community or a community to which the individual is willing to relocate to receive services.

002.08. Informed choice shall mean the principle by which applicants and recipients, with support services as necessary, are provided a meaningful opportunity to participate in decisions with regard to the selection of an employment outcome, program services (including assessment services), and service providers, through the provision of, or assistance in the acquisition of, information relating to:

002.08A. The availability of employment opportunities;

002.08B. The availability and flexibility to provide potential services (including accessibility, duration, cost, and cost sharing requirements, service provider past performance in achieving results or employment outcomes and the quality of those results or outcomes, and recipient satisfaction);

002.08C. The qualifications of potential service providers;

002.08D. The types of services offered by that provider; and,

002.08E. The degree to which services are provided in integrated settings.

002.09. Mental impairments shall mean impairments produced by any mental or psychological disorder, such as ~~mental retardation~~intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

002.10. Order of selection shall mean the order in which eligible individuals will be served when funding is not sufficient to serve all eligible individuals. Individuals in priority group one will be served first, followed by those in priority group two and lastly those in group three.

002.10A. Priority Group Three: All eligible individuals.

002.10B. Priority Group Two: Any eligible individual who:

002.10B1. Has a severe physical or mental impairment that seriously limits one functional area (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome, and

002.10B2. Requires multiple services over an extended period of time, and

002.10B3. Has one or more physical or mental impairments resulting from amputation, arthritis, autism, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, ~~mental retardation~~ intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord injuries, including paraplegia and quadriplegia, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitations.

Note: Individuals who receive Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) automatically qualify for priority group two and are assessed to determine whether they qualify for priority group one.

002.10C. Priority Group One: Any eligible individual who:

002.10C1. Has a severe physical or mental impairment that seriously limits two or more functional areas (mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome, and

002.10C2. Requires multiple services over an extended period of time, and

002.10C3. Has one or more physical or mental impairments resulting from amputation, arthritis, autism, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, ~~mental retardation~~ intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord injuries, including paraplegia and quadriplegia, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitations.

002.11. Physical impairments shall mean those impairments produced by any physiological disorder or condition, cosmetic disfigurement, or anatomical loss, affecting one or more of the body systems which includes neurological, musculo skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine systems.

002.12. Program shall mean the Nebraska Department of Education's Vocational Rehabilitation Services program.

002.13. Recipient shall mean an applicant who has met the eligibility requirements, is qualified for services pursuant to the order of selection and is currently participating in the program.

002.14. Requires vocational rehabilitation (program) services shall mean the determination that an individually planned and coordinated program of specific services is required for an individual to prepare for, secure, retain, or regain employment. In making this determination, considerations include:

002.14A. The individual's need for specialized services, supports, or accommodations not typically used by the general public; and,

002.14B. The need for planning and coordination of multiple or complex services over a long duration to enable the individual to secure, retain, or regain employment.

002.15. Substantial impediment to employment shall mean that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's abilities and capabilities.

003. Comparable Services and Benefits

003.01. Program services and funds may supplement, but not supplant, those services and benefits available to a recipient and his or her family from any outside agency or entity. If comparable services and benefits are currently available and ready for immediate use, they must be used to meet, in whole or part, the cost of program services.

003.02. If any public entity other than the program is obligated under Federal or State law, or assigned responsibility under State policy, to provide or pay for any services that are also considered to be vocational rehabilitation services, then program funds cannot be used to provide or pay for such services. If the program provides or pays for services that a responsible public entity fails to provide or pay for, the program may claim reimbursement for the services from the public entity that failed to provide or pay for the services.

003.03. Applicants for and recipients of services must apply for and accept any existing comparable service or benefit. Program funds cannot be used to replace comparable services and benefits a recipient is eligible for, but refuses to apply for or accept.

003.04. The requirement to determine the availability of comparable services and benefits does not apply if this would interrupt or delay:

003.04A. The provision of program services to any recipient who is at "extreme medical risk." Extreme medical risk is a probability of substantially increasing functional impairment or death if medical services are not provided expeditiously. The determination of extreme medical risk is based upon medical evidence provided by an appropriate licensed medical professional; or,

003.04B. An immediate job placement.

003.04C. The progress of recipient for more than thirty (30) days toward achieving the employment outcome on the recipient's approved ~~i~~Individualized ~~p~~Plan for ~~e~~Employment.

004. Services, Goods, and Supports Procurement

004.01. Least Cost Alternative. Considering all available alternatives, including those services which can be provided directly by program staff without additional cost to the program, the program will procure the least expensive, comparable services, goods and supports which meet the recipient's needs.

004.02. Informed Choice. Consistent with the principle of informed choice, recipients may choose those services, goods, and supports, service providers, and procurement methods which, in their judgment, best meet their needs. However, in determining the amount of program financial assistance, the program will use the least cost alternative and the recipient must take the responsibility to pay for the excess costs incurred.

004.03. Cost Estimates.

004.03A. For cash advance, one cost estimate must be obtained for services, goods, and supports that are not subject to an established fee or specified amount stipulated in Appendix B costing $1,999.99 or less. The cost estimate must be documented in the case service record. A cost estimate may be obtained by comparison shopping, use of governmental or educational price lists, catalogs, advertisements, internet, or by telephone.

004.03B. Two (2) documented estimates must be obtained for services, goods, and supports that are not subject to an established fee or specified amount stipulated in Appendix B costing between $2,000 and $4,999.99. Cost estimates must be obtained by comparison shopping, use of

governmental or educational price lists, catalogs, or advertisements, internet, or by telephone. A cost estimate from a single provider may be used if a necessary service, good, or support is available only from a single source or distributor. Cost Estimates must be documented by the program in the case service record.

004.03C. Written cost estimates must be obtained from at least three (3) providers for any services, goods, and supports that are not subject to an established fee or specific amount stipulated in Appendix B, costing $5,000 or more. A written cost estimate from a single provider may be used if a needed service, good, or support is available only from a single source or distributor. Written cost estimates must be retained in the case service record.

004.04. In-State Providers. Preference will be given to comparable goods and services that can be procured from Nebraska service providers and businesses, with first preference given to those comparable services which can be provided directly by program staff without additional cost to the program. Use of out-of-state vendors is limited to situations in which an out-of-state vendor is geographically closer to the recipient, the good or service is not available in-state, or the total cost to the program for the good or service is substantially less considering the actual cost of the good or service and the related costs associated with procuring the goods or participating in the service.

004.05. Real Estate. Program funds cannot be used, either directly or indirectly, for the purchase of any land, or for the purchase or erection of any building.

004.06. Standards. Facilities used and providers of vocational rehabilitation services must meet the minimum standards in Appendix A.

004.07. Methods of Procurement. The program offers recipients meaningful choices, subject to Appendix B, from the following three methods to procure vocational rehabilitation services, goods, and supports, including the ability of recipients to obtain vocational rehabilitation services, goods, and supports from their provider of choice.

004.07A. Cash Advance. An amount issued to the recipient in advance of the purchase of services, goods, and supports.

004.07A1. The recipient may obtain the services, goods, and supports from the provider of choice.

004.07A2. The recipient is responsible for any cost in excess of the cash advance.

004.07A3. The recipient is responsible for providing to program staff itemized receipts or other agreed on evidence to verify appropriate use of the cash advance.

004.07B. Reimbursements. A payment to a recipient for pre-authorized services, goods, and supports, not to exceed the pre-authorized amount upon the rendering of recipient's paid or credited receipts or printed online confirmation copy.

004.07B1. The recipient may obtain the services, goods, and supports from the provider of choice.

004.07B2. The recipient is responsible for any cost in excess of the pre-authorized amounts, unless otherwise agreed to by Vocational Rehabilitation.

004.07C. Program Purchase. A pre-authorized amount for the purchase of services, goods, or supports issued to a provider in advance of the purchase.

004.07C1. The recipient may obtain the services and supports of those providers that are willing to conduct business with the program.

005. Equipment

005.01. The program shall retain a vested interest in any items of equipment in which its share of the current market value is $5,000 or more.

005.01A. If a recipient sells an item of equipment in which the program has a vested interest, the program has a right to its share of the current market value or the proceeds from sale.

005.01B. The program uses a straight line, 20% per year depreciation schedule to determine the current market value of its share. When the program share of the current market value is less than $5,000, the vested interest is relinquished.

006. Scope of Services and Fees

006.01. Fee Schedules. The program's fee schedule in Appendix B is designed to establish a reasonable cost to the program for each purchased vocational rehabilitation service, good, or support. The fee schedule applies to all services, goods, or supports. If the recipient chooses an out-of-state or non-tax supported service or support, the program is not responsible for those costs in excess of the costs of the in-state or tax-supported service, good, or support.

006.02. Exceptions to Fee Schedules. ~~Area Administrators~~ Office Directors have the authority and discretion to make reasonable exceptions to the fee schedule amounts in Appendix B based on individual circumstances except for Sections 007.09, 008.05 and 009.05A of this Chapter. Exceptions regarding these three sections may be granted by Program staff designated by the Director based on the considerations or criteria described in those sections.

Exceptions may be granted if the ~~Area Administrator~~ Office Director or Program staff determines there is no alternative to addressing a recipient's need for a service or support necessary to complete an assessment for determining eligibility and vocational rehabilitation needs or to achieve the employment outcome on the recipient's approved Individualized Plan for Employment.

006.03. Financial Assistance Exclusions. The program will not provide financial assistance for fines, penalties, damages, and other settlements resulting from recipient violations (or alleged violations) of, or failure of the recipient to comply with, federal, state, local, or Indian tribal laws and regulations, including, but not limited to, traffic and parking violations. The program also will not provide financial assistance toward the recipient's outstanding financial obligations or judgments resulting from civil or criminal legal proceedings, or for the costs of any travel outside the United States. Fees to reinstate a driver's license are not considered a fine or penalty and are not precluded from financial assistance.

006.04. Medical Services. The program is not a health maintenance program, or a form of medical insurance. Individuals with disabilities may have continuing, long-term needs for health maintenance, continued treatment, or management of the physical or mental impairment, including medications and therapies for maintenance of function. Earnings and fringe benefits, family resources, and the services of appropriate public and private agencies, organizations, and service providers should be used to the maximum extent possible to meet these needs.

006.05. Medical Services Exclusions. The program will not provide financial resources for the following medical services: abortion, routine dental care, medical care for injuries or acute illnesses which are unrelated to the individual's disabling condition and are not complications of physical or mental treatment services; experimental physical or mental treatment procedures; surgical implantation of any device or organ, in whole or part, in the body; and, sex change surgery.

006.06. Treatment of physical and mental impairments. The program may provide financial assistance for the diagnosis and treatment of physical and mental impairments to the extent that financial support is not readily available from a source other than the program (such as through health insurance of the individual or comparable services and benefits). The purpose of diagnosis and treatment of physical and mental impairments is to eliminate or substantially reduce, within a reasonable period of time, the impediment to employment caused by a stable or slowly progressive impairment. Diagnosis and treatment of physical and mental impairments includes, but is not limited to:

006.06A. Corrective surgery or therapeutic treatment (including physical therapy, occupational therapy, speech or hearing therapy, and drugs and supplies).

006.06B. Necessary hospitalization in connection with surgery or treatment.

006.06C. Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental treatment services or that are inherent in the individual's disabling condition.

006.06D. Diagnosis and treatment for mental and emotional disorders by qualified personnel under state licensure laws only to the extent that inpatient and outpatient mental health, alcohol, and drug treatment are not provided through publicly funded state treatment facilities, community mental health centers, and alcohol and drug treatment programs.

006.07. Conditions and criteria for providing financial assistance for the diagnosis and treatment of physical and mental impairments are that:

006.07A. The physical or mental impairment must be stable or slowly progressive and constitute a substantial impediment to employment.

006.07B. The necessary corrective surgery, therapeutic treatment, or other diagnosis and treatment of physical and mental impairments must reasonably be expected to eliminate or substantially reduce the impediment to employment within a reasonable length of time.

006.07C. Comparable services and benefits must be aggressively sought to pay for the costs of any diagnosis and treatment of physical and mental impairments.

007. Home Modifications

007.01. Purpose. Home modifications are strictly limited to removal of barriers to access and function within the home environment and other limited modifications which are necessary to convert ordinary living space into space essential to achieve the employment outcome of the recipient.

007.02. Cost estimates. Cost estimates are required for the purchase of home modifications. Cost estimates may be obtained from catalogs, advertisements, by telephone, or in writing from qualified vendors. Cost estimates shall be obtained from a minimum of two (2) providers, unless there is only one (1) qualified provider available.

007.03. Erection of Structures. Home modifications cannot constitute the erection of new rooms, units, or structures.

007.04. Scope. Scope and extent of home modifications are limited to:

007.04A. Ramps. A single exterior ramp may be provided to enable the recipient to enter and leave the home, provided that the recipient will be engaging in services necessary to achieve an employment outcome.

007.04B. Stair Glides or Elevators. Exterior stair glides or elevators may be provided instead of a ramp if there are circumstances such as small lot size, lot grades, excessive comparative costs, etc., precluding the use of a ramp.

007.04C. Exterior Doors. A single exterior doorway may be widened and the outer doors replaced, if necessary, to permit the recipient to enter and leave the home.

007.04D. Interior Doorway. An interior doorway may be widened to permit the recipient to enter and leave a bathroom, personal bedroom, eating area, or other rooms in the house when essential to achieve the goals on the ~~i~~Individualized ~~p~~Plan for ~~e~~Employment.

007.04E. Bathrooms. Modifications to the bathroom may be provided, when necessary, to enable the recipient to function more independently in self-care activities such as bathing and toileting. These modifications are limited to:

007.04E1. Widening the doorway and replacing the door, if necessary, to provide access to the bathroom.

007.04E2. Providing access to the sink, including specialized sink fixtures, if required by the recipient's impairment.

007.04E3. An extension seat to the commode, if necessary. The commode shall be replaced, only if required, because of the recipient's impairment. Similarly, the commode shall be relocated only if there is no other option available to permit functional use of the bathroom.

007.04E4. The bathtub may be modified by the use of grab bars, adapted seating, hydro guards, adapted fixtures, or other modifications.

007.04E5. The bathtub may be replaced by a roll-in shower if required by the impairment.

007.04E6. The bathtub or roll-in shower may be relocated only if there is no other option to permit functional use of the bathroom.

007.04E7. Patching, priming, and painting the wall or walls disturbed by the above modifications, with color matching to the closest possible, using commonly available standard grade paint.

007.04E8. Bathroom modifications may include reconnecting moved fixtures and equipment to existing plumbing and electrical systems.

007.04E9. Bathroom modifications may include recovering the floor with a standard grade vinyl bathroom floor covering, unless carpeting is needed for mobility or safety reasons.

007.04E10. Bathroom modifications may include the provision of limited accessible storage space required for functional use in accordance with the ~~i~~Individualized ~~p~~Plan for ~~e~~Employment.

007.04F. Kitchen. The kitchen may be modified, if necessary, to permit the recipient to engage in self care, daily living, or housekeeping activities, such as eating, cooking, and meal preparation. Kitchen modifications are strictly limited to:

007.04F1. Widening the doorway to permit access to eating or cooking areas.

007.04F2. Lowering or raising a portion of existing counters to provide a work surface for cooking or meal preparation.

007.04F3. Opening areas under a sink or counter to provide access.

007.04F4. Necessary framing and finishing to install front controlled range top units or wall ovens, provided the recipient cannot use conventional units.

007.04F5. Lowering existing above counter storage units to provide access to stored food, kitchen, and household supplies.

007.04F6. Patching, priming, and repainting the wall or walls disturbed by the above modifications, with color matching to the closest possible, using commonly available standard grade paint.

007.04F7. Covering the area of the floor exposed by opening access to the sink or counter areas, with matching to the closest possible, using commonly available standard grade vinyl floor covering.

007.04F8. Cupboards or storage space lost by the conversion of storage space to work or access space may be replaced, provided that the remaining cupboard or storage space is inadequate. In this case, replacement is limited to the amount of storage space required for functional use, in accordance with the rehabilitation plan.

007.04F9. Kitchen modifications may include the purchase of range tops, wall ovens, or microwave ovens if the person will engage in cooking or meal preparation. Other specialized equipment needed by the recipient for these purposes because of impairment may also be purchased at the discretion of the program.

007.04G. Laundry Area. The laundry area may be modified, if necessary, to permit the recipient to do the laundry. Laundry area modifications are strictly limited to:

007.04G1. Widening the doorway to permit access to the laundry area.

007.04G2. Providing access to the washer and dryer, including the purchase of washer and dryer units whose design characteristics permit functional use by the recipient.

007.04G3. Relocation of the laundry area, provided that the existing laundry area is in an inaccessible location and access cannot be created at a cost lower than that of relocation. Relocation may include connecting the washer and dryer into existing plumbing and electrical systems, venting the dryer, and covering the laundry area floor with commonly available standard grade vinyl floor covering.

007.04H. Other Rooms. Modification of other rooms of the house is strictly limited to those rooms which will be used for purposes directly related to achieving the goals on the recipient's ~~i~~Individualized ~~p~~Plan for ~~e~~Employment.

007.04I. Doorways. Doorways may be widened to provide access and trimmed to the standard of current new construction using commonly available standard grade materials.

007.04J. Interior Doors. Interior doors may not be replaced, with the exception of bathroom and personal bedroom doors, essential to privacy.

007.04K. Other Modifications. Other modifications are strictly limited to those necessary for purposes directly related to achieving the goals on the recipient's ~~i~~Individualized ~~p~~Plan for ~~e~~Employment.

007.04L. Walls. Relocation of existing walls. The size of existing bathroom, kitchen, or laundry space can be increased by relocating an existing wall if this is the only option available to create an accessible and functional bathroom, kitchen, or laundry for the recipient. However, space taken for this purpose cannot be replaced.

007.04M. Building Materials. All modifications must use commonly available standard grade building materials, fixtures, floor covering, paint, and appliances. Commonly available standard grade means that which is typically used in current new construction of medium priced housing. The recipient may choose to upgrade material to match the original construction or to coordinate style and color of new fixtures, equipment, or appliances with that of other items. However, the recipient must pay for any difference in cost between standard grade and desired materials. This payment must be in addition to any other individual cost sharing in the ~~i~~Individualized ~~p~~Plan for ~~e~~Employment.

007.04N. Stair Glides, Lifts, and Elevators. Home modifications involving interior stair glides, lifts, or elevators may be provided only in situations where movement between floors in the structure is directly related to achieving the goals on the ~~i~~Individualized ~~p~~Plan for ~~e~~Employment and there are no other options for achieving these goals.

007.04O. Heating and Cooling. Home modifications involving heating and cooling systems are strictly limited to those specifically required by the recipient's impairment and may include an air conditioner, air purifier, humidifier, and dehumidifier which attaches to the primary system, or single room air conditioner, purifier, humidifier, or dehumidifier units sufficient for the room in which the recipient will perform most of the activities related to the ~~i~~Individualized ~~p~~Plan for ~~e~~Employment.

007.04P. Plumbing and Electrical Systems. Home modifications involving plumbing and electrical systems are strictly limited to those required to connect impairment related equipment and appliances, or relocated appliances and fixtures, into existing systems within the existing structure.

007.05. Building Codes and Safety. All home modifications must conform to applicable local building codes and generally recognized design standards. When suitable to the needs of the individual and their residence, the design standards of the Fair Housing Act Amendments and the Americans with Disabilities Act Standards for Accessibility will be considered in the design of modifications even when not required. In-home safety is the responsibility of the recipient or his or her family, not the program. The recipient is responsible for providing smoke detectors, additional exits, and related personal safety features

007.06. New Home Construction. In situations where the recipient plans to, or is in the process of, constructing a new home or is building an addition to an existing home, assistance is strictly limited to the purchase of impairment related equipment. The recipient is responsible for all installation costs.

007.07. Rental or Leased Property. Accommodations or modifications to individually occupied rental or leased property may only be made if the owner refuses to make the modifications him/herself; the owner has given all appropriate clearances and approvals; building permits, and other pre-modification consents have been obtained; and, the recipient has no plans to move or otherwise vacate the premises.

007.08. Amount of financial assistance. The amount of financial assistance cannot exceed the lower of the least expensive alternative or the limit on Rehabilitation Technology-Home Modifications in Appendix B.

007.09. Exceptions. ~~The Program Director of Independent Living has the authority and discretion to make reasonable exceptions to any state imposed regulations in this section and related fees in Appendix B~~ Exceptions to the limit on financial assistance for home modification in Appendix B may be granted by the Program staff designated by the Director, based on individual circumstances. Exceptions may be granted if ~~he or she~~ Program staff determines there is no alternative to accomplish the necessary accommodation in a safe manner.

007.10. Housing Quality Standards. Prior to resolving accessibility issues, the individual's home shall be in such condition that the property does not present a health and/or safety risk to the individual. Hazardous defects in the structure (walls, floor, ceiling, foundation, roof), electrical, or plumbing problems/codes violations need to be corrected before any modifications for accessibility can be considered. The cost of correcting these deficiencies shall be the individual's responsibility.

008. Vehicles

008.01. Vehicle Repair.

008.01A. Purpose. Vehicle repairs are only completed on a vehicle when essential to enable the recipient to achieve their employment outcome.

008.01B. Repair Requirements. Repairs are limited to a vehicle that:

008.01B1. Will be in good mechanical condition upon completion of the necessary repairs. If necessary this is determined by consultation with a qualified mechanic familiar with the vehicle;

008.01B2. Is licensed and titled in the name of the recipient, his or her spouse, or his or her parent or guardian and for which there is current full liability insurance coverage; and

008.01B3. Whose operator has a current valid driver's license to operate a vehicle in the State of Nebraska.

008.02. Vehicle Modifications

008.02A. Purpose. Vehicle modifications, new or existing on a vehicle being acquired by the recipient, are strictly limited to those limited changes, adaptations, or adjustments to a recipient's vehicle that enable him or her to operate or ride in the vehicle and are essential to achieve the employment outcome of the recipient.

008.02B. Modification Requirements. Modifications are limited to the following vehicles.

008.02B1. A vehicle that is in good working condition, has a reasonable expected life, and is suitable for the adaptations and modifications required by the recipient. If the vehicle age exceeds four (4) years (based on date of original sale), or the vehicle mileage exceeds 50,000 miles, the recipient must provide a statement from a qualified mechanic showing that the vehicle is in good working condition.

008.02B2. A vehicle that is licensed and titled in the name of the recipient, his or her spouse, or his or her parent, and for which there is current full liability insurance coverage.

008.02C. Cost Estimates.

008.02C1. Two (2) documented estimates must be obtained for any modifications costing between $2,000 and $4,999.99. Cost estimates may be obtained by comparison shopping, use of governmental or educational price lists, catalogs, advertisements, internet or by telephone. A cost estimate from a single provider may be used if the modifications are only available from a single source or distributor. Cost estimates must be documented by the program in the case service record.

008.02C2. Written cost estimates must be obtained from at least three (3) providers for any modifications costing $5,000 or more. A cost estimate from a single provider may be used if the modifications are only available from a single source or distributor. Written cost estimates must be retained in the case service record.

008.02C3. In accordance with subsection 008.02A of this Chapter, VR may provide financial assistance for the portion of the cost of the purchase of a used vehicle determined by VR to represent the value of existing vehicle modifications. This assistance may be provided based on a single cost estimate of the current value of the necessary existing modifications from a provider with experience installing such equipment. The estimate should be at a prorated depreciated value based on a five year life cycle for the equipment.

008.02D. Exclusions. Vehicle modifications expressly do not include steering, braking systems, or any other system that replaces stock system provided as original equipment by the manufacturer.

008.02E. Scope. The scope and extent of vehicle modifications is limited to:

008.02E1. Entry and Exit Aids. Entry and exit aids and devices may be provided to enable the recipient to enter and exit the vehicle. These include door openers, grab bars, wheelchair lifts, handling devices, or similar devices.

008.02E2. Riding Aids. Riding aids and devices may be provided to enable the recipient to ride in the vehicle. These include wheelchair locks, tie-downs, safety belts, and similar aids and devices that enable the recipient to ride in the vehicle without significant individual risk.

008.02E3. Driving Aids. Special automotive driving aids may be provided if the recipient will operate the vehicle. These include brake and accelerator controls, dimmer switch controls, left foot accelerator, parking brake controls, right-hand operated turn lever, left-hand operated shift lever, and add-on reduced effort power steering or braking modifications designed for use with the stock systems provided as original equipment by the vehicle manufacturer.

008.02E4. Interior and Structural Adaptations. Limited interior and structural adaptations and modifications may be provided, if necessary, to install essential adaptive equipment and devices. This may include priming and painting of disturbed exterior areas to restore the initial appearance of the vehicle as closely as possible.

008.02E5. Unique Modifications. The following modifications may be provided, only if required, because of the nature of the recipient's impairment or expected use of the vehicle:

008.02E5a. High capacity internal heating and cooling systems,

008.02E5b. Emergency equipment when the recipient will regularly operate the vehicle in isolated areas, and

008.02E5c. Major structural changes including raising the roof or lowering the floor of a vehicle.

008.02F. Repairs. Repairs to any of the aids and devices listed in Sections 008.02E1 to 008.02E5 of this Chapter, which are already installed on a vehicle, may be provided. Program assistance with Rehabilitation Technology Repair cannot exceed the amount in Appendix B. Assistance for the repair of the vehicle on which the aids and devices are installed may be provided. Program assistance with Vehicle Repair cannot exceed the amount in Appendix B.

008.02G. Financial Assistance for New Modifications. The program may provide financial assistance for new modifications to a vehicle up to the amounts in Appendix B for Vehicle Modifications – New.

008.02H. Financial Assistance for Acquiring a Vehicle with Existing Modifications. The program may provide financial assistance, up to the amount in Appendix B for Vehicle Modifications - Existing, to a recipient who is acquiring a new vehicle that has been modified by the manufacturer or a manufacturer approved vendor, or a used vehicle that has been modified by a previous owner.

008.02I. Driving Assessment and Training. The program may provide financial assistance for a driver's assessment to determine if the recipient will be able to safely operate the vehicle and /or driver's training to assist the recipient in learning how to operate the modified vehicle prior to the completion of vehicle modifications. Financial assistance for driver's training cannot exceed the amount in Appendix B, Miscellaneous Training-Assistive Technology Use.

008.03. Vehicle Acquisition

008.03A. Acquisition of Motor Vehicles. The purchase or acquisition of a motor vehicle for a recipient is not allowable ~~only~~ except as provided for in Section 009 of this Chapter, when a vehicle is essential to the initial operation of a new business enterprise. ~~Assistance is limited as provided in Section 009, Self Employment and Establishing a Small Business Operation.~~ Other than for a vehicle purchase or acquisition under Section 009 of this Chapter, the program will not pay for financing fees, sales or use taxes, any down payment, leasing or rental charges. Furthermore, this limitation is not subject to the exception provision described in Section 008.05 of this Chapter.

008.03B. Acquisition of Vehicles as Adaptive Equipment. The program may provide financial assistance for adaptive equipment including All Terrain Vehicles (ATV), Utility Vehicles (UV) and similar devices necessary for personal mobility to compensate for limitations resulting from a physical disability. The program may provide financial assistance to purchase these adaptive devices up to the amount in Appendix B for Assistive Devices – Non-Prescriptive.

008.04. Licensing and Insurance Fees. The program may provide financial assistance for ~~initial~~ vehicle licensing fees and/or insurance fees for recipient owned vehicles. The insurance coverage must be limited to the minimum legal requirement for liability insurance. Financial assistance for insurance premiums must not exceed six months and the recipient must be able to assume financial responsibility for continued insurance premium payments after the program funded coverage ends.

008.05. Exceptions. ~~The Program Director of Independent Living has the authority and discretion to make reasonable exceptions~~ Exceptions to the limit on financial assistance may be granted by Program staff designated by the Director to any state imposed regulations found in this section and related fees in Appendix B based on individual circumstances. An exception may be granted if ~~he or she~~ Program staff determines there is no alternative to accomplish the necessary accommodations in a safe manner.

009. Self Employment and Establishing A Small Business Operation

009.01. Intent of self employment services. Services that may be provided when necessary to achieve an employment outcome of self-employment or establishing a small business operation are strictly limited to start-up business ventures in which the recipient will own a minimum of 51%.

009.02. Program financial assistance is available for the following services.

009.02A. Technical assistance and other consultation services to conduct market analyses, develop business plans, and in addition to program resources, to secure resources from sources other than the program for the establishment and operation of the small business enterprise.

009.02B. Expansion of a Business. Any request for expansion of an existing business must be approved by the ~~Director of Counseling~~Program staff designated by the Director. Approval will be based on whether expansion of the existing business is required to enable the recipient to earn a living wage. If approved, the limitations and requirements in Sections 009.02D, 009.03 and 009.04 of this Chapter will apply.

009.02C. Maintaining an existing business. Program financial assistance is available for assistive technology, adaptive devices, specialized equipment, and/or job site modifications which compensate for limitations resulting from a disability and assist the individual to maintain their self employment.

009.02D. New Business Start-up Expenses. Expenses related to starting a new business include the following and are limited to an establishment period not to exceed six (6) months.

009.02D1. Occupational licenses, franchise fees, and business permits including those required by any unit of state or local government.

009.02D2. Tools and equipment.

009.02D3. Stocks and supplies.

009.02D4. Operating costs such as rent, utilities, business liability insurance and advertising~~,~~.

009.02D5. Vehicle acquisition.

009.02D6. Professional technical support including, but not limited to, legal and accounting services.

009.03. Program financial assistance is not available from the program for the costs of:

009.03A. Purchase of land or buildings; or,

009.03B. Construction, renovation, or remodeling of buildings or space to be used.

009.04. Application of resources. The recipient must first apply personal and/or family resources and all financing available through grants or loans to the required business start-up expenses. Program assistance is available for the remaining business start-up expenses, up to the limit in Appendix B.

009.05. Exceptions

009.05A. Exceptions to the limit on financial assistance for business start-up expenses in Appendix B may be granted by the Program staff designated by the Director ~~of Counseling~~ after considering the following factors:

009.05A1. The availability of financing from the Nebraska Department of Economic Development, the Small Business Administration, programs administered by the Under Secretary for Rural Development of the United States Department of Agriculture, or other programs and entities experienced in the financing of start-up small businesses;

009.05A2. The reasons for the availability or non-availability of financing from the programs and entities in Section 009.05A1 above;

009.05A3. The amount in Appendix B along with other resources are insufficient to establish the small business enterprise; and,

009.05A4. The availability of other employment options consistent with the recipient's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

009.06. IPE Approval. After reviewing a feasibility study and a business plan for the business, authorized staff may approve a recipient's Individual Plan for Employment with an employment goal of self employment or establishing a small business operation if they determine that:

009.06A. The business idea or concept is sound, based on an appraisal of similar ventures and their results;

009.06B. There is a market for the goods or services to be provided by the business, based on an appraisal of the market for the goods or services, market competition, and the recipient's market strategy;

009.06C. The business venture is financially sound, based on an assessment of initial startup costs, credit and financing availability, and pro forma cash flow and profit and loss statements; and,

009.06D. The recipient will be able to manage and operate the business, based on the consistency between the requirements of the business and the recipient's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

010. Vocational Training

010.01. Purpose. Vocational training services enable individuals with disabilities to acquire the qualifications required for employment in their agreed-on employment goals. Vocational training is an appropriate service when it will enable the recipient to acquire necessary qualifications to enter employment in the trade, occupation, or profession that is the employment goal, and when it (alone or in combination with other vocational rehabilitation

services) will resolve the recipient's impediments to employment. Employment qualifications include those academic requirements necessary to meet state or local registration, certification, or licensing requirements to practice the trade, occupation, or profession. Qualifications for employment or hire in the specific employment outcome in the recipient's approved ~~i~~Individualized ~~p~~Plan for ~~e~~Employment determine the type and level of vocational training required.

010.02. Vocational Training Defined. As used in this section, vocational training includes:

010.02A. Post-secondary training occurring in institutions of higher education for which Federal student financial aid is available, including universities, colleges, community colleges, vocational schools, technical institutes, or hospital schools of nursing and allied health professions. Post-secondary training results in the award of an associate, bachelor's, master's, or doctoral degree.

010.02B. Miscellaneous training includes basic academic or literacy training, or other work and/or disability related skill building training including skill building through post secondary courses or programs for which federal student financial aid is not available.

010.03. Scope. The scope of vocational training services includes, as appropriate to the recipient and the specific employment outcome in the recipient's approved ~~i~~Individualized ~~p~~Plan for ~~e~~Employment, the provision of training services and related supports to prepare for and take licensing or certification examinations required for the practice of the trade, occupation, or profession and remedy deficiencies in prerequisite course requirements necessary for acceptance into post-secondary training programs.

010.04. Expectation of Completion. The need for vocational training services must be established, based on an analysis of hiring qualification requirements for the employment goal in the local labor market or a labor market to which the recipient is willing to relocate, and the recipient's current level of vocational qualifications and functioning. In addition, there must be a reasonable expectation of successfully completing training, based on an analysis of indicators of training success such as past academic achievement or test results relating to:

010.04A. Academic skill or potential;

010.04A1. Academic skill or potential may be assessed by considering past academic performance and the results of college entrance and/or placement examinations; ~~the use of "ability to benefit" tests and passing scores that are approved by the United States Department of Education.~~

010.04B. Intelligence; and,

010.04C. Vocational aptitudes as measured by psychometric tests or vocational assessments.

010.05. Admission Requirements. Recipients must meet academic and other established requirements for admission into a post-secondary training program.

010.06. Graduate Training Requirements. Before post-secondary training beyond the bachelor's level may be provided, recipients must apply for admission to both the school and the graduate program. Recipients who have been denied admission to the school and/or the graduate program will not be eligible for program financial assistance.

010.07. Comparable Services. There must be a full search for and use of comparable services and benefits. If training will be provided in an institution of higher education, there must be maximum efforts by the program and the recipient to secure grant assistance in whole or in part from other sources including filing a Free Application for Federal Student Aid (FAFSA) with the United States Department of Education.

010.07A. Co-Funding of Miscellaneous Training – Skill Building With Other Public Programs. When co-funding with the federal Department of Veteran's Affairs under Title 38, *United States Code*, Chapter 31, (Training & Rehabilitation for Veterans with Service-Connected Disabilities); Dislocated Worker and Youth Services Programs; State or Federal Workers Compensation Programs or other similar public programs, the coordinated and combined funding between the co-funding programs cannot exceed the actual cost of tuition, fees, and required books and supplies.

010.08. Timelines. To receive consideration for program financial assistance, recipients must have clearly indicated their choice of attending post secondary training or miscellaneous training-skill building in a time frame that allows program staff reasonable time to obtain financial aid information, cost of attendance information, and approve the Individualized Plan for Employment prior to the first day of school.

010.08A. Initial Term. To receive consideration for program financial assistance for the initial term of training, recipients must have their ~~i~~Individualized ~~p~~Plans for ~~e~~Employment containing post-secondary or miscellaneous training-skill building services approved at least sixty (60) calendar days before the date on which the recipient will begin training. In addition, the recipient must provide the agency with their registration course titles and the total credit hours for the term at least five (5) business days before the start of the first term. For post secondary training as defined in Section 010.02A, recipients must complete the financial aid application and award process in sufficient time to allow the school to provide Vocational Rehabilitation (VR) with the financial aid award information no later than five (5) business days before the start of the term.

010.08B. Subsequent Terms. To receive program financial assistance for subsequent terms of training, recipients must, at least five (5) ~~calendar~~ business days before the start of any term, provide the agency with registration course titles and total credit hours for the term, and any grade report or transcript issued by the institution when requested by VR. For any subsequent term that is the first term in the financial aid year for recipients in post secondary training as defined in Section 01~~1~~0.02A of this Chapter, the recipients must complete the financial aid application and award process in sufficient time to allow the school to provide VR with the financial aid award information no later than five (5) business days before the start of the term.

010.08C. Lack of compliance. If recipients do not comply with timelines in Sections 010.08, 010.08A and 010.08B of this Chapter, except for reasons beyond their control, no assistance is provided for that term.

010.09. Increased Living Costs, Childcare, Occupational Tools and Transportation. If required to enable the recipient to participate in post-secondary training, financial assistance with the cost of training-related increased living costs, childcare expenses, occupational tools and transportation (in addition to the financial assistance for tuition, fee, textbooks, and supplies) may be provided if unmet need will not be exceeded.

010.10. The actual cost of tuition, fees, textbooks, and supplies may be provided if the recipient is attending Gallaudet or the National Technical Institute for the Deaf, the Southwest Institute of the Deaf or any other educational institution determined by the Director to provide a comparable level of educational support as the post-secondary institutions specifically mentioned herein.

010.11. Reasonable Progress. Recipients in vocational training programs must maintain reasonable progress, according to progress criteria stated in their ~~i~~Individualized ~~p~~Plans for ~~e~~Employment.

010.11A. In post-secondary training programs the following minimum progress criteria must be included in the progress criteria set out in the recipient's ~~i~~Individualized ~~p~~Plan for ~~e~~Employment:

010.11A1. Complete at least:

010.11A1a. 24 semester hours of credit during the academic year in a university or college that operates on a two semester and summer school system; or,

010.11A1b. 36 hours of credit during the academic year in a university or college that operates on a three semester system; or,

010.11A1c. 48 quarter hours of credit during the academic year in a technical school or community college that operates on a 4 quarter system; and,

010.11A1d. Maintain an overall minimum grade point average of "C" or equivalent, or better, unless a higher GPA is required by the program of study.

010.11B. In miscellaneous training skill building, the following minimum progress criteria must be included in the progress criteria set out in the recipient's ~~i~~Individualized ~~p~~Plan for ~~e~~Employment.

010.11B1. Complete the courses registered for and maintain an overall minimum grade point average of "C" or equivalent, or better, unless a higher course grade or GPA is required by the program of study.

010.11C. A recipient may take a reduced course load due to impairment or need to maintain employment or a comparable benefit. The agreed upon reduced number of hours to be completed each term shall be documented in the case service record.

010.11D. If the recipient fails to maintain reasonable progress in a vocational training program, appropriate corrective actions should be taken, in cooperation with the training provider, to remedy the problem. Financial assistance with the cost of training may be continued for three months (or one academic term or semester for post-secondary training) to determine whether the recipient is able to make reasonable progress with the corrective actions. If reasonable progress is not achieved at the end of that period, financial assistance will be discontinued and the ~~i~~Individualized ~~p~~Plan for ~~e~~Employment should be reviewed and revised to determine a more suitable vocational goal.

010.12. Congressional Intent. Congress intended that program recipients avail themselves of the numerous grant and student assistance programs which are available to pay for higher education before program funds are used to pay these costs. A decision to use program funds must be consistent with the intent that program resources be used as a last resort to pay for training in institutions of higher education.

010.13. Financial Aid Information. Before the amount of vocational rehabilitation financial assistance can be determined and authorized, the program must receive from the financial aid office of the school the recipient will be attending the information in subsections 010.13A – D below. If attending a school and program eligible to offer federal financial aid, the client must file a FAFSA with the United States Department of Education. ~~the following minimum information:~~

010.13A. The budget used to determine the ~~amount of aid to be awarded~~ cost of attendance;

010.13B. The amount of the expected family contribution;

010.13C. The amount of gift aid to be awarded which is any educational benefit paid because of enrollment in a postsecondary education institution or to cover postsecondary education expenses. ~~(g~~Gift aid includes ~~Pell~~ federal and state grants, federal loans, scholarships, ~~supplemental educational opportunity grant (SEOG), and state scholarship award program (SSAP), scholarship assistant program (SAP) scholarships, Leveraging Educational Assistance Program (LEAP),~~ tuition waivers, fellowships, assistantships, and any other award or scholarship not based on merit~~)~~; and,

010.13D. The amount of unmet need remaining as calculated by the financial aid office.

010.14. Unmet Need Limitation. There are no circumstances under which the program can provide financial assistance exceeding the amount of unmet need determined by the school's financial aid office.

010.15. Post-Secondary Training Financial Assistance Rates. Program financial assistance for training costs which include tuition, fees, textbooks and required consumable supplies shall be available at the amounts in Appendix B.

010.16. Maximum Credit Hours of Assistance for Post-secondary Training. The maximum credit hours of assistance for which the program will provide financial assistance is the number of credit hours required by the educational institution for the agreed upon program of study. The following credit hours, regardless of the funding source, shall count toward the maximum credit hours for their program of study.

010.16A. Transfer credit hours accepted by the institution and program of study.

010.16B. Alternative course credit hours accepted by the institution and program of study.

010.16C. Course credits earned by the recipient while under an Individualized Plan for Employment.

010.16D. Course credit hours authorized for, but not earned because the:

010.16D1. Course was not completed with a grade of C or equivalent, or a grade required by the program of study;

010.16D2. Course was withdrawn from after the 100% refund period; or

001.16D3. Course or courses completed do not meet the degree requirements of the institution and program of study.

010.17. Remedial or Developmental Classes. Limited program financial assistance is available for remedial or developmental classes. Remedial or developmental classes shall mean those classes designed to increase the ability of a recipient to pursue a course of study leading to a certificate or degree. Program financial assistance will only be provided for a maximum of six (6) semester hours or nine (9) quarter hours for remedial or developmental class hours. Costs for all remedial or developmental class hours in excess of six (6) semester hours or nine (9) quarter hours will be the recipient's responsibility.

010.18. Exceptions. ~~Area Administrators~~ Office Directors have the authority and discretion to make reasonable exceptions to the program financial assistance provisions in this section that do not exceed unmet need based on individual circumstances. ~~other than exceeding the unmet need based on individual circumstances.~~ Exceptions may be granted if the ~~Area Administrator~~ Office Director determines there is no alternative to addressing a recipient's need for vocational training necessary to achieve the employment outcome on the recipient's approved ~~i~~Individualized ~~p~~Plan for ~~e~~Employment.

011. Increased Living Costs

011.01. Assistance for increased living costs is a limited tool for program use when the circumstances of participating in a vocational rehabilitation service causes additional costs to the recipient for food, shelter, clothing, or other subsistence items.

011.02. Assistance for increased living costs may be provided when participation in an assessment of eligibility and rehabilitation needs or while receiving a planned program service results in an increased cost to the recipient for food, clothing, shelter, or other subsistence items that exceeds his or her current subsistence expenses, including the costs of uniforms or other suitable clothing

required for a recipient's training, job seeking, or job placement activities. The increase in living costs must be tied to other services being provided, and is strictly limited to the additional living expenses a recipient incurs while participating in program services, not everyday living expenses.

011.03. Assistance for increased living costs may be provided for room and board expenses while in training (including dormitory fees), and for subsistence expenses incurred during relocation, including required initial one-time costs, such as a security deposit or utility initiation charges.

STANDARDS FOR FACILITIES AND SERVICE PROVIDERS

To determine whether a facility, service, program, or provider meets minimum standards, program staff consider such factors as: their past performance in achieving results or employment outcomes and the quality of results or employment outcomes achieved, licensure, accreditation, certification, or registration from state authorities; accreditation or certification from nationally recognized accrediting organizations; education, training, and experience of personnel; and, compliance with the American With Disabilities Act and Section 504 of the Rehabilitation Act.

Hospitals and clinics must be licensed by the State of Nebraska. Hospitals accredited by the Commission on Accreditation of Rehabilitation Facilities are given preference for the provision of rehabilitation medicine and treatment of physical impairments.

Schools and other training institutions must be approved by a recognized accrediting body for the institution. Out-of-state schools must be approved by a nationally recognized accrediting agency or association.

Program services and goods may be purchased from any entity doing business in Nebraska, including businesses operated by independent contractors, for-profit sole proprietorships and partnerships, and those engaged in the construction or renovation of homes.

Medical or psychological diagnosis and treatment services in audiology and speech language pathology; chiropractic; dentistry; hearing aid instruments; dispensers and fitters; medicine and surgery; mental health; nursing; occupational therapy; optometry; physical therapy; podiatry; psychology; respiratory care; and, social work must be provided by professionals who are appropriately licensed, certified, or registered with the appropriate state examining board. Psychologists with clinical certification are given preference.

Prosthetic and orthotic services and appliances must be provided by professionals who are certified by the American Board of Certification for Prosthetic and Orthotic Appliance Industry Inc. or otherwise qualified by training and experience to perform the specific service required.

A qualified interpreter for the hearing impaired is an interpreter who holds a license issued by the State of Nebraska through the Nebraska Commission for the Deaf and Hard of Hearing. Interpreters providing services for hearing impaired recipients must be appropriately qualified for the particular assignment.

All service providers must be at least 18 years of age.

Background screening requirements. Background screening is required for individuals who provide job coaching, independent skills exploration and training, supported employment, and self employment consultation services. The program will conduct background screening, including checks of the following: State Patrol Criminal Records, Nebraska Sex Offender Registry, HHS Adult and Child Protective Services Central Registries, and DMV Driving Records (if transporting a recipient is a requirement of the job) before approving service agreements with individuals who will provide services requiring background screening. Service providers who employ individuals who will provide services requiring background screening must provide the program with written assurance that persons employed to provide these direct services have not been convicted of a felony or misdemeanor involving neglect or abuse of a child or vulnerable adult before the program will approve their service agreements.

FEE SCHEDULE FOR SERVICES, GOODS, AND SUPPORTS

The purpose of the fee schedule for services, goods, and supports is to contain costs and to assure the availability of program services to the largest number of individuals with significant disabilities. The intent of the schedule is to assure costs are the lowest reasonable cost for program services, goods, and supports, while allowing for sufficient flexibility to meet an applicant's or recipient's needs.

For cost estimate requirements, see Services, Goods, and Supports Procurement, Sections 004.03A – C and Vehicles, Sections 008.02C1 – ~~2~~3 of this Chapter.

CA = Cash Advance
R = Reimbursement
PP. = Program Purchases

Fee: A rate or amount established in a written agreement.

Cost: Actual cost of the services, goods or supports; or a pre-determined fixed amount for certain designated services and supports as stipulated in Chapter 72, or an amount specified in a fee schedule which is honored by VR.

SERVICES, GOODS, SUPPORTS	FEE SCHEDULE	How VR Will Pay		
		CA	R	PP
Academic Literacy Training-Basic	Cost not to exceed $2,000 for the plan item.	X	X	X
Assistive Devices – Non-Prescriptive.	Cost not to exceed $6,000 per device.	X	X	X
Benefit Analysis	Fee for service established in a written agreement with provider.			X
Child Care (In-home)	Cost equal to the Nebraska Health & Human Services Child Care Subsidy. (Title 392, Nebraska Administrative Code [392 NAC])	X	X	

SERVICES, GOODS, SUPPORTS	FEE SCHEDULE	How VR Will Pay		
		CA	R	PP
Child Care (Out-of-home)	Cost equal to the Nebraska Health & Human Services Child Care Subsidy. [392 NAC]	X	X	X
Computer/Laptop	Cost not to exceed ~~($1,400~~ $1,250) for a desktop system or laptop. ~~to include a CPU, Display, Keyboard/Mouse, Modem, Printer, Basic Productivity Software, and Antivirus software. If only purchasing one or more components, cost not to exceed the combined cost for the components being purchased. CPU ($720), Monitor ($200), Keyboard/Mouse ($30), Modem ($50), Printer ($100), Basic Productivity Software ($285), and Antivirus ($15).~~	X	X	X
Drugs	Cost equal to the Nebraska Medicaid Fee Schedule Allowables for Pharmacy Services (Title 471, Nebraska Administrative Code [471 NAC]). (*If No Rate Established)			X
Durable Medical Goods – Prescribed by Physicians	Cost equal to the Nebraska Medicaid Fee Schedule Allowables for Durable Medical Equipment and Medical Supplies [471 NAC]. (*If No Rate Established)			X
Employment & Training Medical Supports	Cost of employment or school required physicals, drug screens, and immunizations not to exceed $300.			X
Eyeglasses	Cost equal to the Nebraska Medicaid Fee Schedule Allowables for Visual Services [471 NAC]. (*If No Rate Established)			X
Hearing Aids	Cost equal to the Nebraska Medicaid Fee Schedule Allowables for Hearing Aids [471 NAC]. (*If No Rate Established)			X
Home Modifications	Cost not to exceed $~~5~~6,000 (rental property) or $10,000 (consumer or family owned).	X	X	X
Independent Living Training	Fee for service established in a written agreement with provider not to exceed $30 per hour.			X

SERVICES, GOODS, SUPPORTS	FEE SCHEDULE	How VR Will Pay		
		CA	R	PP
Increased Living Costs	~~Cost of increased living expense (food, shelter, clothing, and other subsistence items) necessary to participate in the IPE not to exceed $600 per month.~~ **Relocation:** Cost for moving vans, movers, and shipping of other goods not to exceed $2,000. **Lodging and Per Diem:** Lodging and meals not to exceed the costs in the NDE Employee Expense Reimbursement Administrative Memorandum #205, available at: https://insidende.education.ne.gov/admpolcy/200series.htm **Security Deposit:** Cost not to exceed one month's rent. **Rent:** Cost not to exceed one month's rent. If client is receiving house subsidy, VR will pay the difference.	X	X	X
Interpreter – Foreign Language	Fee for service established in written agreement with provider. ~~not to exceed $40 per hour.~~ Certified ($50), Non-Certified ($35)			X
Interpreter – Hearing Impaired	Fee for service equal to the NDE Interpreter Fee Schedule and established in a written agreement.			X
Job Coaching	Fee for service established in written agreement with provider not to exceed $30 per hour.			X
Job Coaching/ Placement	Fee for service established in written agreement with provider not to exceed $720 for initial assessment and placement, and $30 per hour for training services.			X
Job Readiness Training	Fee for service established in written agreement with provider not to exceed $30 per hour.			X
Licenses & Permits	Cost not to exceed the fee charged by licensing agency.	X	X	X
~~Lodging & Per Diem~~	~~Cost of lodging not to exceed $65 (Single), $75 (Double), or $85 (Family). Meals not to exceed the costs in the NDE meal allowances.~~	~~X~~	~~X~~	~~X~~

SERVICES, GOODS, SUPPORTS	FEE SCHEDULE	How VR Will Pay		
		CA	R	PP
Medical Evaluation	Cost equal to the Nebraska Medicaid Fee Schedule Allowables for, as appropriate to the evaluation obtained, Physician Services, Mental Health and Substance Abuse Services, Chiropractic Services, Dental Services, Hospital Services, Physical Therapy and Occupational Therapy Services, Podiatry Services, Respiratory Therapy, Speech pathology and Audiology Services, or Visual Care Services [471 NAC]. (*No Rate Established)			X
Medical Treatment	Cost equal to the Nebraska Medicaid Fee Schedule Allowables for, as appropriate to the evaluation obtained, Physician Services, Mental Health and Substance Abuse Services, Chiropractic Services, Dental Services, Hospital Services, Physical Therapy and Occupational Therapy Services, Podiatry Services, Respiratory Therapy, Speech pathology and Audiology Services, or Visual Care Services [471 NAC]. (*No Rate Established)			X
Miscellaneous Training - Skill Building	Cost equal to the actual cost of training in a specific area, topic, or skill not to exceed $4,752. For diploma or certificate programs not offering Federal Student Financial Aid, assistance includes the cost of tuition, required fees, required books and required course supplies.	X	X	X
Miscellaneous Training – Assistive Technology Use	Cost equal to the actual cost of technology use training not to exceed $6,000.	X	X	X

SERVICES, GOODS, SUPPORTS	FEE SCHEDULE	How VR Will Pay		
		CA	R	PP
Mobile Technology	Cost not to exceed $700.	X	X	X
Neuropsychological Evaluation	Cost equal to the Nebraska Medicaid Fee Schedule Allowables for all established rates [471 NAC]. (*No Rate Established)			X
On-the-Job-Evaluation	Cost of evaluation wage during an On-the-Job-Evaluation at Federal Minimum wage plus employer's share of FICA.			X
On-the-Job-Training	Cost for service negotiated with the training employer not to exceed a total of $4,000.			X
Personal Care Assistant	Cost equal to the Nebraska Medicaid Fee Schedule Allowables for Personal Care Aid Services [471 NAC].	X	X	
Post Secondary Training – College	Cost equal to ~~$128~~ $168 per semester hour or $86 per quarter hour not to exceed maximum hours per Section 010.16 of this Chapter.	X	X	X
Post Secondary Training – Technical	Cost equal to $68 per semester hour, $46 per quarter hour, or $1.81 per clock hour not to exceed maximum hours per Section 010.16 of this Chapter.	X	X	X
~~Reader~~	~~Cost not to exceed $10 per hour.~~	~~X~~	~~X~~	
Rehabilitation Technology Repair	Cost not to exceed $6,000 per device.	X	X	X
Relocation Costs	Cost for moving vans, movers, and shipping of other goods not to exceed $2,000.	X	X	X
Records – Photocopies of Medical or Hospital Records	Cost not to exceed ~~$25.~~the Department of Education photocopy rate in Administrative Memorandum #606.			X
Report of Disability Verification	Cost not to exceed $25.			X
Report of Physical Capacities	Cost not to exceed $25.			X
~~Security Deposit – Rental~~	~~Cost not to exceed one month's rent.~~	~~X~~	~~X~~	~~X~~
Self-Employment Consultation	Fee established in written agreement with provider.			X
Small Business Start Up Expenses	Cost equal to required business start up expenses remaining after all assistance and participation from other sources has been applied not to exceed $6,000.	X	X	X

SERVICES, GOODS, SUPPORTS	FEE SCHEDULE	How VR Will Pay		
		CA	R	PP
~~Small Business Professional Technical Assistance.~~	~~Cost not to exceed the usual and customary professional fee schedule subject to the $6,000 limitation for Small Business Start up Expenses.~~	~~X~~	~~X~~	~~X~~
Small Business Technical Assistance	Fee established in written agreement with provider.			X
Supported Employment	Fee established ~~equal to the Supported Employment Fee Schedule amounts in Appendix C or other approved~~ in written agreement with provider.			X
Tools – Employment	Cost not to exceed $1,800. List of tools required from employer.	X	X	X
Tools – Post Secondary	Cost equal to 50% of the school's tool estimate for tools required for the program. If school has no tool estimate, cost equal to exceed 50% of the lower of two estimates.	X	X	X
Travel – Private Vehicle	Cost equal to 30¢ per mile.	X	X	X
~~Tutor~~	~~Cost not to exceed $30 per hour.~~	~~X~~	~~X~~	
Uniforms & Clothing	Cost not to exceed ~~$150~~ $175 (Interview Clothing), ~~$200~~ $225 (Work/Training Clothing & Uniforms), ~~$130~~ $150 (~~Safety~~ Steel Toed Boot or Shoe), ~~$75~~ $100 (~~Non-safety~~ Work Boot (not steel toed ~~or Shoe~~), or ~~$55~~ ~~$75~~ (~~Casual~~ Shoes).	X	X	X
Vehicle Modifications – New	Cost not to exceed $20,000 ~~$7,000 (car), $9,000 (truck), or $18,000 (van).~~	X	X	X
Vehicle Modifications – Existing Modifications	~~Cost not to exceed the Depreciation Schedule ** shown at the bottom of this fee schedule.~~ 20% per year depreciation from original cost of modifications	X	X	X
Vehicle Repair	Cost not to exceed $1,000 per plan year.	X	X	X
Worksite Modification	Cost not to exceed $6,000 per plan.	X	X	X

~~**Notes:**~~

~~***If No Rate Established:** When Medicaid does not have an established rate for an authorized service, the service shall be paid at the provider's usual and customary charge.~~

~~**Depreciation Schedule – Existing Modifications~~

~~Age of Modification~~	~~New~~	~~1 Year~~	~~2 Year~~	~~3 Year~~	~~4 Year~~	~~5 Years~~
~~Van~~	~~$18,000~~	~~$14,400~~	~~$10,800~~	~~$7,200~~	~~$3,600~~	~~0~~
~~Truck~~	~~$9,000~~	~~$7,200~~	~~$5,400~~	~~$3,600~~	~~$1,800~~	~~0~~
~~Car~~	~~$7,000~~	~~$5,600~~	~~$4,200~~	~~$2,800~~	~~$1,400~~	~~0~~

~~Supported Employment Fee Schedule~~
~~Individual Placements: Milestone Definition and Payment Schedule~~

~~Milestone~~	~~Definition~~	~~Hours worked per week~~			
		~~≤ 14~~	~~15-19~~	~~20-31~~	~~≥ 32~~
~~Initiate Services~~	~~1.Provide placement according to IPE~~ ~~2. Conduct Job analysis~~ ~~3. Transport consumer to job interview if necessary~~ ~~4. Assess consumer in job application/interview~~ ~~5. Advise VR of other identified supports, i.e. clothing, uniforms, transportation, child care, etc.~~ ~~**No report required**~~ ~~● Verbal progress report every 90 days if job is not found~~	~~$360~~	~~$360~~	~~$360~~	~~$360~~
~~Start Job~~	~~1.Agreement that job found is consistent with job goal~~ ~~2. Consumer actually starts the job~~ ~~3. Consumer is a bona fide employee of the business or SE provider~~ ~~4. Consumer receives same benefits of other workers in similar positions~~ ~~5. Earns at least minimum wage~~ ~~**Verbal or written report required**~~ ~~● Employer name, address, phone number~~ ~~● Name of immediate supervisor~~ ~~● Job title and duties~~ ~~● Work schedule, wages, and benefits~~	~~$360~~	~~$360~~	~~$360~~	~~$360~~
~~30 days~~	~~1. 30 calendar days from date employment started~~ ~~2. Consumer is still with same employer~~ ~~3. Payment based on average hours worked per week during this month~~ ~~**Written report required**~~ ~~● Average hours worked per week for previous four weeks on the job~~ ~~● Average intervention hours per week for previous four weeks on the job~~ ~~● Brief narrative describing progress on the job~~	~~$240~~	~~$360~~	~~$600~~	~~$960~~

~~Stabilization~~	~~1. Level of intervention has remained constant for 4 or more weeks~~ ~~2. Consumer's performance meets employer expectations~~ ~~3. Consumer transferred to long-term supports~~ ~~4. Extended support services are sufficient to maintain the consumer on the job~~ ~~5. Payment based on average hours worked per week during the month prior to this milestone~~ ~~**Written report required**~~ ~~● Average hours worked per week for previous four weeks on the job~~ ~~● Average intervention hours per week for previous four weeks on the job~~ ~~● Brief narrative describing stabilization~~	~~$270~~	~~$420~~	~~$720~~	~~$1020~~
~~90 day post stabilization~~	~~1. Consumer working 90 days (3 months) after stabilization~~ ~~2. Employment assessment completed by VR indicating~~ ~~● Employer satisfied with job performance~~ ~~● Consumer satisfied with job~~ ~~3. Payment based on average hours worked per week during the month prior to this milestone~~ ~~**Written report required**~~ ~~● Average hours worked per week for previous four weeks on the job~~ ~~● Average intervention hours per week for previous four weeks on the job~~ ~~● Brief narrative describing progress on the job including statement of employer satisfaction with performance and consumer's satisfaction with job~~	~~$190~~	~~$300~~	~~$530~~	~~$710~~
~~180 day post stabilization~~	~~1. Consumer working 180 days (6 months) after stabilization~~ ~~2. Payment based on average hours worked per week during the month prior to this Milestone~~ ~~**Written report required**~~ ~~● Average hours worked per week for previous four weeks on the job~~ ~~● Average intervention hours per week for previous four weeks on the job~~ ~~● Brief narrative describing progress on the job~~	~~$190~~	~~$300~~	~~$530~~	~~$710~~

~~270 day post stabilization~~	~~1. Consumer working 270 days (9 months) after stabilization~~ ~~2. Payment based on average hours worked per week during the month prior to this milestone~~ ~~**Written report required**~~ ~~• Average hours worked per week for previous four weeks on the job~~ ~~• Average intervention hours per week for previous four weeks on the job~~ ~~• Brief narrative describing progress on the job~~	~~$190~~	~~$300~~	~~$530~~	~~$710~~
	~~**Total Payment**~~	~~**$1,800**~~	~~**$2,400**~~	~~**$3,360**~~	~~**$4,830**~~

~~**Notes:**~~

~~1. Can move up or down in payment schedule if consumer works more or less hours than originally placed.~~

~~2. Provider is responsible for the extended services necessary to maintain the consumer on the job.~~

~~3. Post stabilization payments assume that there may be episodic intervention on the job.~~

~~Other Supported Employment Placements~~

~~Service~~	~~Fee Schedule~~
~~Supported Employment-Crew or Enclave~~	~~No fee for filling a work crew or enclave position. Job coaching fee for service established in written agreement with provider, not to exceed $7 per hour worked.~~