

**State of California
Office of Administrative Law**

In re:

Department of Rehabilitation

Regulatory Action:

Title 9, California Code of Regulations

Adopt sections:

Amend sections: 7156, 7158.8, 7159, 7160,
7160.5, 7161.5, 7162, 7163,
7211, 7263, 7302, 7310,
7312, 7320, 7321, 7322,
7330, 7332

Repeal sections:

NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1,
Section 100

OAL File No. 2013-0328-01 N

These changes to sections of Title 9 of the California Code of Regulations are without regulatory effect. Among other things, the changes replace the term Individualized Written Rehabilitation Program with Individualized Plan for Employment, add and correct Reference Citations, eliminate redundant definitions, update the name of a state agency, and replace archaic references to individuals with disabilities, such as the term "handicapped," with appropriate terms.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, Title 1, section 100.

Date: 5/9/2013



Dale P. Mentink
Senior Staff Counsel

For: DEBRA M. CORNEZ
Director

Original: Anthony P. Sauer
Copy: Angelique Huttonhill

NONSUBSTANTIVE

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

ENDORSED FILED
IN THE OFFICE OF

2013 MAY -9 PM 2:07

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2013-0328-01N	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only		2013 MAR 28 PM 12:55	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Rehabilitation			AGENCY FILE NUMBER (if any)

John Bowen
DEPARTMENT OF REHABILITATION
SECRETARY OF STATE

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Section 100 - Reference, Terms, and Typographical Corrections	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND See Attached.
TITLE(S) 9	REPEAL
3. TYPE OF FILING	
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
	<input type="checkbox"/> File & Print
	<input type="checkbox"/> Other (Specify) _____
	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
	<input type="checkbox"/> Print Only
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)	
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	
<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State
	<input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect
	<input type="checkbox"/> Effective other (Specify) _____
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission
<input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> State Fire Marshal
7. CONTACT PERSON Angelique Huttonhill, AGPA	TELEPHONE NUMBER (916) 558-5414
FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) angelique.huttonhill@dor.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Anthony Sauer</i>	DATE 12/12/12
TYPED NAME AND TITLE OF SIGNATORY Anthony (Tony) Sauer, Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 09 2013

Office of Administrative Law

Attachment to Std 400
Section 100 Changes
B. Submission of Regulations
2. Section(s) Affected

Amend:

7156, 7158.8, 7159, 7160, 7160.5, 7161.5, 7162, 7163, 7211, 7263,
7302, 7310, 7312, 7320, 7321, 7322, 7330, and 7332.

DEPARTMENT OF REHABILITATION

Text of Proposed Changes to:

Title 9: Rehabilitative and Developmental Services

§ 7156. College Level Training.

Clients receiving college level training shall use the least expensive educational institutions in the following order of preference:

- (a) ...(unchanged)
- (b) ...(unchanged)
- (c) ...(unchanged)
- (d) A private school when:
 - (1) The private school is essential to the success of the Individualized Plan for Employment (IPE) IWRP; or
 - (2) The overall cost to the Department will be equal to or less than the costs of a public school; or
 - (3) The client agrees to pay all additional costs for training in a private school when the Department has determined that a public institution is sufficient to meet the needs of the client.

Note: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code.

Reference: Section 19200, Welfare and Institutions Code; 34 CFR 361.42, 361.47, 361.48 and 361.56.

§ 7158.8. Out-of-State Training

Clients may be provided out-of-state training when:

(a) ...(unchanged)

(b) ...(unchanged)

...(unchanged)

Note: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code.

Reference: Section 19200, Welfare and Institutions; 34 CFR Sections 361.42 and 361.48.

§ 7159. Completion and Termination of Training.

Training shall be terminated whenever an assessment of the client indicates readiness for employment or a lack of adequate performance by either the client or trainer in the training program.

Note: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code.

Reference: 34 CFR Sections 361.42 and 361.48.

§ 7160. Physical and Mental Restoration Services/Purchases -General.

(a) Physical and mental restoration services/purchases shall be subject to all provisions specified in this section. Services/purchases shall be:

(1) Provided only in accordance with an Individualized Plan for Employment (IPE) ~~WRP~~.

(2) ...(unchanged)

(3) ...(unchanged)

- (4) ...(unchanged)
- (5) ...(unchanged)
- (A) ...(unchanged)
- 1. ...(unchanged)
- (B) ...(unchanged)
- (C) ...(unchanged)
- (D) ...(unchanged)
- (E) ...(unchanged)
- (F) ...(unchanged)
- (G) ...(unchanged)
- (H) ...(unchanged)
- (I) ...(unchanged)
- (J) ...(unchanged)
- (b) ...(unchanged)
- (1) ...(unchanged)
- (2) ...(unchanged)
- (A) ...(unchanged)
- (B) ...(unchanged)
- (c) ...(unchanged)
- (1) ...(unchanged)
- (2) ...(unchanged)
- (d) ...(unchanged)
- (1) ...(unchanged)

(2) ...(unchanged)

(A) ...(unchanged)

(B) ...(unchanged)

1. ...(unchanged)

Note: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code.

Reference: Sections 19010 and 19050, Welfare and Institutions Code; 34 CFR

Sections 361.42 and 361.48.

§ 7160.5. Limitations on Physical and Mental Restoration Services.

(a) ...(unchanged)

(1) ...(unchanged)

(A) ...(unchanged)

(B) ...(unchanged)

(C) ...(unchanged)

(2) ...(unchanged)

(A) ...(unchanged)

(B) ...(unchanged)

(3) ...(unchanged)

(A) ...(unchanged)

(B) ...(unchanged)

1. ...(unchanged)

2. ...(unchanged)

3. ...(unchanged)

- a. ...(unchanged)
- b. ...(unchanged)
- (C) ...(unchanged)
- 1. ...(unchanged)
- 2. ...(unchanged)
- 3. ...(unchanged)
- 4. ...(unchanged)
- (4) ...(unchanged)
- (A) ...(unchanged)
- 1. ...(unchanged)
- 2. ...(unchanged)
- 3. ...(unchanged)
- (B) ...(unchanged)
- 1. ...(unchanged)
- 2. ...(unchanged)
- 3. ...(unchanged)
- a. ...(unchanged)
- b. ...(unchanged)
- (b) ...(unchanged)
- (c) ...(unchanged)
- (1) ...(unchanged)
- (2) ...(unchanged)

Note: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code.

Reference: Sections 19006 and 19050, Welfare and Institutions Code; 34 CFR

Sections 361.42, 361.48 and 361.50.

§ 7161.5. Transportation Services -Employed Clients.

(a) ...(unchanged)

(b) ...(unchanged)

(1) ...(unchanged)

(A) ...(unchanged)

(B) ...(unchanged)

(C) ...(unchanged)

(D) ...(unchanged)

(E) ...(unchanged)

(F) ...(unchanged)

(G) ...(unchanged)

(2) ...(unchanged)

(A) ...(unchanged)

(B) ...(unchanged)

(C) ...(unchanged)

(c) ...(unchanged)

(d) ...(unchanged)

(1) ...(unchanged)

(2) ...(unchanged)

(e) ...(unchanged)

Note: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code.

Reference: Section 19150(2)(f), Welfare and Institutions Code and 34 CFR

Sections 361.5, 361.42 and 361.48.

§ 7162. Client-Owned Vehicle Use.

(a) ...(unchanged)

(b) Upon a determination by the counselor that a client-owned vehicle must be used because either of the following conditions exists, the rate of payment shall be the amount specified in (c):

(1) The client is required to operate his/her own vehicle to complete an Individualized Plan for Employment (IPE) IWRP.

(2) A publicly owned or contracted mode of transportation is not readily available or would cause undue hardship to the client. Readily available and undue hardship shall be determined by considering such factors as:

(A) The special needs of the client.

(B) The proximity of public transportation to the client's home and to his/her destination.

(C) The frequency of public transportation at the times of day during which the client will be traveling.

(c) ...(unchanged)

(1) ...(unchanged)

(2) ...(unchanged)

(3) ...(unchanged)

(A) ...(unchanged)

(B) ...(unchanged)

(d) ...(unchanged)

(1) ...(unchanged)

(2) ...(unchanged)

(e) ...(unchanged)

(f) ...(unchanged)

(1) ...(unchanged)

(2) ...(unchanged)

Note: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code;

Reference: Section 19150~~(2)(f)~~, Welfare and Institutions Code and 34 CFR

Sections 361.5, 361.42, 361.44, ~~and 361.46~~ and 361.48.

§ 7163. Privately Owned and Operated Modes of Transportation.

(a) ...(unchanged)

(1) ...(unchanged)

(2) ...(unchanged)

(b) ...(unchanged)

(c) ...(unchanged)

Note: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code.

Reference; Section 19150~~(2)(f)~~, Welfare and Institutions Code and 34 CFR

Sections 361.5, 361.42, 361.44, ~~and 361.46~~ and 361.48.

§ 7211. Definitions and Terms.

(a) For the purposes of this chapter, the following definitions and terms shall apply to the administration and operation of the Business Enterprises Program for the Blind, hereafter BEP:

.....

~~(13) "Department" means the Department of Rehabilitation in this chapter, unless otherwise specified.~~

[renumber subparagraphs (14) through (61) as (13) through (60)]

.....

NOTE: Authority cited: 20 USC Section 107b(5); 34 CFR Section 395.4; and Sections 19006, 19016, 19632, and 19639, Welfare and Institutions Code. Reference: 20 USC Sections 107, 107a(a)(5), (b), and (e), 107b(3) and (6), 107b-1(2) and (3), 107d-1(a), 107d-3, 107d-4, and 107e(3); 34 CFR Sections 395.1(f), (g), (i), (k), (n), (o), (q), (r), (s), (v), (x), and (y), 395.2, 395.3(a)(3), (4), (7), (8), and (11)(ii) and (iv), 395.5, 395.7, 395.8, 395.9, 395.11, 395.13, 395.14, 395.16, 395.32, 395.33, 395.34, and 395.35; Section 8880.48, Government Code; and Sections 19011, 19095, 19095.5, 19153, 19625, 19626, 19627, 19629, 19630, 19631, 19632, 19635, and 19638, Welfare and Institutions Code.

§ 7263. Definitions.

(a) For the purposes of this article, the following definitions shall apply:

.....

~~(2) "Department" means the Department of Rehabilitation.~~

[renumber subparagraphs (3) through (8) as (2) through (7)]

.....

NOTE: Authority cited: Sections 19006, 19016 and 19470, Welfare and Institutions Code. Reference: Sections 19460-19470, 19852 and 19853, Welfare and Institutions Code.

§ 7302. Standards for Mobility Evaluation Programs.

- (a) ...(unchanged)
- (b) ...(unchanged)
- (c) ...(unchanged)
- (1) ...(unchanged)
- (A) ...(unchanged)
- (B) ...(unchanged)
- (C) ...(unchanged)
- (2) ...(unchanged)
- (d) ...(unchanged)
- (e) ...(unchanged)
- (f) ...(unchanged)
- (g) ...(unchanged)
- (h) ...(unchanged)
- (1) ...(unchanged)
- (A) ...(unchanged)
- (B) ...(unchanged)
- (2) ...(unchanged)
- (A)...(unchanged)
- (B) ...(unchanged)
- (C) ...(unchanged)
- (i) ...(unchanged)
- (1) ...(unchanged)
- (2) ...(unchanged)
- (3) ...(unchanged)
- (4) ...(unchanged)
- (j) ...(unchanged)
- (k) Prior to the Department granting approval of the mobility evaluation program, the provider shall:
 - (1) Provide documentation to the Department that the requirements contained in this section are met. Documentation shall include such items as copies of

licenses, insurance policies and the written plans and policies required by this section.

(2) Agree to allow representatives of the Department access to all mobility evaluation program records, staff and premises, during regular business hours, necessary in order to verify that the provider is complying with the requirements of this section.

(3) Agree to notify the Department by telephone within one working day of any ~~changes~~ changes in the documentation upon which the Department's approval of the mobility evaluation program was based.

(l) ...(unchanged)

(1) ...(unchanged)

(2) ...(unchanged)

(m) ...(unchanged)

(1) ...(unchanged)

(A) ...(unchanged)

(B) ...(unchanged)

(C) ...(unchanged)

(D) ...(unchanged)

(E) ...(unchanged)

(F) ...(unchanged)

(2) ...(unchanged)

(n) ...(unchanged)

Note: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: Section 19150, Welfare and Institutions Code; and 34 CFR Sections 361.42 and 361.45.

§ 7310. General Provisions.

(a) ...(unchanged)

(b) Definitions:

(1) ...(unchanged)

(c) Authorizations of goods and services shall be accomplished by the use of the following obligating documents:

(1) Department of ~~Rehabilitation~~ forms designated for purchase of goods and services, or

- (2) State of California forms designated for the purchase of goods and services.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: ~~45 CFR, Section 1361.44~~ 34 CFR 361.50.

§ 7312. Compliance.

- (a) Authorizations issued for the purchase of goods and services shall be prepared in accordance with the following guidelines:

- (1) Department of Rehabilitation policies
- (2) State Board of Control Regulations
- (3) State Administrative Manual Rules
- (4) Other related State agency policies and regulations

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: ~~45 CFR, Section 1361.44~~ 34 CFR 361.50.

§ 7320. General Provisions.

- (a) The purpose of this Subchapter is to promulgate the policies and standards that govern the rates of payment authorized by the Department of Rehabilitation for the purchase of goods and services.

(b) ...(unchanged)

(1) ...(unchanged)

(2) ...(unchanged)

(3) ...(unchanged)

(4) ...(unchanged)

(5) ...(unchanged)

Note: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: ~~45 CFR, 1361.44~~ 34 CFR 361.50.

§ 7321. Requirements.

(a) The Department of ~~Rehabilitation~~ shall establish, maintain in writing, and make available, maximum rates of payment.

(b) Maximum rates of payment for authorized goods and services are regulated by any one or more of the following:

(1) Those rates established by the Department of ~~Rehabilitation~~ for goods and services.

(2) The California Relative Value Studies published by the California Medical Association governing maximum unit values for medical procedures.

(3) The California State Schedule of Maximum Allowances published by the ~~State Department of Health Services~~ Department of Health Care Services regulating maximum amounts payable for medical and related services.

(4) The California State Administrative Manual guidelines.

(5) Those rates paid by other agencies or charged the general public for comparable goods and services.

Note: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code.
Reference: ~~45 CFR, 1361.44~~ 34 CFR 361.50.

§ 7322. Additional Charges.

(a) Vendors providing goods and services to clients under authorization from the Department of ~~Rehabilitation~~ shall accept the payment made by the Department as the full reimbursement. Vendors shall not make any additional charges or accept payment from the ~~handicapped individual~~ individual with a disability or any other source for such service.

Note: Authority cite: Sections 19006 and 19016, Welfare and Institutions Code.
Reference: ~~45 CFR, 1361.44~~ 34 CFR 361.50.

§ 7330. General.

(a) These regulations establish the Department's policy for:

(1) Granting funds for the establishment of rehabilitation facilities.

(2) Granting funds for innovation and expansion of vocational rehabilitation services.

(3) Purchasing services from rehabilitation facilities and other community resources for the ~~handicapped~~ individuals with disabilities.

(4) Auditing of grants and contracts awarded to rehabilitation facilities.

(b) ...(unchanged)

(1) ...(unchanged)

(A) ...(unchanged)

(B) ...(unchanged)

(C) ...(unchanged)

(D) ...(unchanged)

(E) ...(unchanged)

(2) ...(unchanged)

(A) ...(unchanged)

(B) ...(unchanged)

(C) ...(unchanged)

(D) ...(unchanged)

(c) ...(unchanged)

(d) The Department shall establish in writing and shall maintain:

(1) An inventory of rehabilitation facilities, including sheltered workshops, work activity centers, facilities serving primarily individuals who are blind and/or deaf persons, independent living centers, rehabilitation centers, and other community resources for the ~~handicapped~~ individuals with disabilities available within the State.

(2) A prioritized list of facility projects and programs necessary to achieve the short-range Department goals.

(e) ...(unchanged)

(f) ...(unchanged)

(g) ...(unchanged)

(h) ...(unchanged)

Note: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code; and Section 35, Chapter 937, Statutes of 1993. Reference: Sections 19152, 19154, 19400 and 19401 et seq., Welfare and Institutions Code; 34 CFR 361.21 and 361.45; and 29 U.S.C. 718a.

§ 7332. Purchase of Services.

(a) The Department may purchase vocational rehabilitation services from public or private non-profit rehabilitation facilities which include sheltered workshops, work activity centers, agencies serving primarily individuals who are blind and/or deaf, independent living centers, and other community resources for the handicapped individuals with disabilities.

(1) The Department may pay fees for services through a schedule set by the Department and applicable to all rehabilitation facilities or a special negotiated fee for an individual service.

(2) The Department may contract for specific services for an estimated number of clients per month.

(3) The Department may contract with a public or private non-profit rehabilitation facility on a cost sharing basis to provide services for groups of handicapped individuals with disabilities. Services for groups shall include but not be limited to:

(A) The removal of architectural barriers.

(B) The purchase of a vehicle to transport clients.

(C) The purchase of telephone-teletype equipment for ~~the~~ individuals who are deaf.

(D) The use of therapeutic recreation facilities.

(E) The use of residential facilities to accommodate handicapped individuals with disabilities while they are receiving other vocational rehabilitation services.

(F) The purchase of instructional material.

(G) The purchase or adaptation of equipment for training or employment of ~~handicapped~~ individuals with disabilities.

Note: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code.
Reference: ~~45 CFR, Sections 1361.44, 1361.51, and 1361.75~~ 34 CFR 361.50.