
TITLE 460 DIVISION OF DISABILITY AND REHABILITATIVE SERVICES

Notice of First Public Comment Period

LSA Document #24-82

PURPOSE OF NOTICE

The Family and Social Services Administration (FSSA) Division of Disability and Rehabilitative Services (DDRS) is soliciting public comment on adding rules at [460 IAC 14.1](#), and repealing rules at [460 IAC 14](#), concerning the vocational rehabilitation services program. The DDRS seeks comment on the affected citations listed and any other provisions of Title 460 that may be affected by this rulemaking.

CITATIONS AFFECTED: [460 IAC 14](#); [460 IAC 14.1](#)

AUTHORITY: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

OVERVIEW

Basic Purpose and Background

The proposed rule repeals the outdated [460 IAC 14](#) and promulgates [460 IAC 14.1](#) to bring the rule into compliance with the current federal law (29 U.S.C. 701 et seq.) and the additions to the federal law made with the passage of the Workforce Innovation and Opportunity Act (WIOA) (29 U.S.C. 32) as well as the implementing regulations at 34 CFR 361. WIOA, signed into law in July 2014, was promulgated on a federal level to help individuals access employment, education, training, and support services. The proposed rulemaking echoes the desire to help individuals with disabilities access employment, education, training, and support services. Furthermore, the proposed rule clarifies the information provided to citizens of Indiana who may be eligible for support and services provided by the VR program. The rule also contains standards applicable to providers of vocational rehabilitative services.

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Shanida Sharp-Byrnes
Director of Policy and Due Process
Division of Disability and Rehabilitative Services
Indiana Government Center South
402 West Washington Street, Room W453
Indianapolis, IN 46204
(317) 232-2764
shanida.sharp-byrnes@fssa.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Matthew Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 650-0126
majaworowski@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

REQUEST FOR PUBLIC COMMENTS

The DDRS is soliciting public comments on the proposed rule. Comments may be submitted in one of the following ways:

(1) By mail or common carrier to the following address:

LSA Document #24-82
Amanda DeRoss
Office of General Counsel
Indiana Family and Social Services Administration
402 West Washington Street, Room W451
Indianapolis, IN 46204

(2) By electronic mail to amanda.deross@fssa.in.gov. To confirm timely delivery of submitted comments,

please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(3) Attend scheduled public hearing.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than April 22, 2024.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis, and materials incorporated by reference (if applicable) are on file at the FSSA Office of General Counsel, 402 West Washington Street, Room W451, Indianapolis, Indiana and are available for public inspection. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis are available at the FSSA Office of General Counsel.

If the DDRS does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

ADDITIONAL DOCUMENTS

Regulatory Analysis: [20240320-IR-460240082RAA](#)

Notice of Public Hearing: [20240320-IR-460240082PHA](#)

PROPOSED RULE

SECTION 1. [460 IAC 14.1](#) IS ADDED TO READ AS FOLLOWS:

ARTICLE 14.1. VOCATIONAL REHABILITATION SERVICES

Rule 1. Purpose

[460 IAC 14.1-1-1](#) Purpose

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. The purpose of this article is to set forth rules for the state-federal vocational rehabilitation program in the state of Indiana, as authorized under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), and implementing federal regulations (34 CFR 361 et seq.) to ensure participants are provided with vocational rehabilitation services assisting them in preparing for and gaining competitive integrated employment so they may achieve increased economic independence. Nothing in this article constitutes or shall be construed as requiring a financial obligation on the VR services program. Providing vocational rehabilitation services is based on service availability and availability of funds.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-1-1](#))

Rule 2. Applicability

[460 IAC 14.1-2-1](#) Applicability

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. This article applies to persons who:

- (1) are referred and have applied for vocational rehabilitation services;**
- (2) have been determined eligible for vocational rehabilitation services;**
- (3) are potentially eligible individuals;**
- (4) are the parents, guardians, and advocates of individuals who have applied or been determined**

eligible for vocational rehabilitation services; or
(5) are registered or applying to provide vocational rehabilitation services to applicants and participants.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-2-1](#))

[460 IAC 14.1-2-2](#) Conflict with federal regulations

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. If a provision of this article is considered to be in conflict with the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), or any other federal act or regulation or state statute specifically applicable to the VR program, the other act, regulation, or statute shall supersede.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-2-2](#))

[460 IAC 14.1-2-3](#) References to the Code of Federal Regulations

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 3. A reference to a provision of the Code of Federal Regulations means the July 1, 2022, edition. These provisions are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Family and Social Services Administration, Office of General Counsel, Indiana Government Center South, Room W451, 402 West Washington Street, Indianapolis, IN 46204.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-2-3](#))

Rule 3. Definitions

[460 IAC 14.1-3-1](#) Applicability

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 1. The definitions in this rule apply throughout this article.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-1](#))

[460 IAC 14.1-3-2](#) "Administrative review" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 4-21.5-3-2](#); [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 2. "Administrative review" means the procedure enabling a party dissatisfied with the decision of the impartial hearing officer to seek review of the officer's decision as described in 34 CFR 361.57(g) and the agency review process outlined in [IC 4-21.5-3-2](#).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-2](#))

[460 IAC 14.1-3-3](#) "Advocate" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 3. "Advocate" means a person chosen by the applicant or participant to be involved in their case.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-3](#))

[460 IAC 14.1-3-4](#) "Appeal request" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 4. "Appeal request" means a written and signed request for review of a determination.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-4](#))

[460 IAC 14.1-3-5](#) "Applicant" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 5. "Applicant" has the meaning set forth in 34 CFR 361.5(c)(3).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-5](#))

[460 IAC 14.1-3-6](#) "Area supervisor" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 6. "Area supervisor" means an individual employed by BRS responsible for the direct supervision of vocational rehabilitation counselors, other staff, and office operations of a vocational rehabilitation office.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-6](#))

[460 IAC 14.1-3-7](#) "ASE certified mechanic" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 7. "ASE certified mechanic" means an individual certified by the National Institute for Automotive Service Excellence.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-7](#))

[460 IAC 14.1-3-8](#) "Assessment for determining eligibility and vocational rehabilitation needs" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 8. "Assessment for determining eligibility and vocational rehabilitation needs" has the meaning set forth in 34 CFR 361.5(c)(5).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-8](#))

[460 IAC 14.1-3-9](#) "Assistive technology" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 9. "Assistive technology" means a device or service used to increase, maintain, or improve the functional capabilities of an individual with a disability as set forth in 34 CFR 361.5(c)(6)(i).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-9](#))

[460 IAC 14.1-3-10](#) "Authorization for services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 10. "Authorization for services" means the written document that sets forth the vocational rehabilitation services, duration of services, and maximum amount the VR program agrees to pay for a vocational rehabilitation service.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-10](#))

[460 IAC 14.1-3-11](#) "Bureau of rehabilitation services" or "BRS" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 11. "Bureau of rehabilitation services" or "BRS" means the rehabilitation services bureau established by [IC 12-12-1-1](#).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-11](#))

[460 IAC 14.1-3-12](#) "Business day" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 12. "Business day" means a day other than a Saturday, Sunday, or legal holiday in Indiana.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-12](#))

[460 IAC 14.1-3-13](#) "Business enterprise program" or "BEP" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 13. "Business enterprise program" or "BEP" means the Indiana Randolph-Sheppard Business Enterprise Program established under [IC 12-12-5](#).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-13](#))

[460 IAC 14.1-3-14](#) "Clear and convincing" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 14. "Clear and convincing" has the meaning set forth in the note to 34 CFR 361.42.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-14](#))

[460 IAC 14.1-3-15](#) "Client assistance program" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 15. "Client assistance program" means the program established by 29 U.S.C. 732, and is a unit of Indiana Disability Rights.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-15](#))

[460 IAC 14.1-3-16](#) "Community rehabilitation program" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 16. "Community rehabilitation program" has the meaning set forth in 34 CFR 361.5(c)(7).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-16](#))

[460 IAC 14.1-3-17](#) "Comparable services and benefits" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 17. "Comparable services and benefits" has the meaning set forth in 34 CFR 361.5(c)(8).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-17](#))

[460 IAC 14.1-3-18](#) "Competitive integrated employment" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 18. "Competitive integrated employment" has the meaning set forth in 34 CFR 361.5(c)(9).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-18](#))

[460 IAC 14.1-3-19](#) "Commuting distance" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 19. "Commuting distance" means the distance within fifty (50) miles one-way of an applicant's or a participant's primary place of residence.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-19](#))

[460 IAC 14.1-3-20](#) "Customized employment" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 20. "Customized employment" has the meaning set forth in 34 CFR 361.5(c)(11).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-20](#))

[460 IAC 14.1-3-21](#) "Determination notice" or "notice" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 21. "Determination notice" or "notice" means a written notice informing a person of a decision made by the VR program affecting their ability to receive or provide vocational rehabilitation services.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-21](#))

[460 IAC 14.1-3-22](#) "Disability" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 22. "Disability" means a physical or mental impairment constituting or resulting in a substantial

impediment to employment.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-22](#))

[460 IAC 14.1-3-23](#) "Division" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 23. "Division" means the division of disability and rehabilitative services established by [IC 12-9-1-1](#).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-23](#))

[460 IAC 14.1-3-24](#) "Driver training services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 24. "Driver training services" means instruction to teach a participant how to drive a vehicle.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-24](#))

[460 IAC 14.1-3-25](#) "Employment outcome" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 25. "Employment outcome" has the meaning set forth in 34 CFR 361.5(c)(15).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-25](#))

[460 IAC 14.1-3-26](#) "Extended employment" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 26. "Extended employment" has the meaning set forth in 34 CFR 361.5(c)(18).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-26](#))

[460 IAC 14.1-3-27](#) "Extended services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 27. "Extended services" has the meaning set forth in 34 CFR 361.5(c)(19).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-27](#))

[460 IAC 14.1-3-28](#) "Family and social services administration" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 28. "Family and social services administration" means the office of the secretary of family and social services established by [IC 12-8-1.5-1](#).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-28](#))

[460 IAC 14.1-3-29](#) "Family member" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 29. "Family member" means any of the following:

- (1) A parent, grandparent, spouse, sibling, or child, whether related by blood, marriage, or adoption.
- (2) A guardian.
- (3) A person living in the same household as an applicant or a participant.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-29](#))

[460 IAC 14.1-3-30](#) "Financial interest" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 30. "Financial interest" means:

- (1) an ownership;
- (2) an employment;
- (3) a supervisory; or
- (4) a management;

interest in the purchase, sale, lease, contract, or option of goods or services, or an interest involving property or services.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-30](#))

[460 IAC 14.1-3-31](#) "Functional capacity" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 31. "Functional capacity" means the following work related task areas:

- (1) Mobility.
- (2) Communication.
- (3) Self-care.
- (4) Self-direction.
- (5) Interpersonal skills.
- (6) Work tolerance.
- (7) Work skills.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-31](#))

[460 IAC 14.1-3-32](#) "Functional limitation" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 32. "Functional limitation" means a restriction or difficulty in the performance of a work related task due to a physical or mental impairment.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-32](#))

[460 IAC 14.1-3-33](#) "Guardian" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#); [IC 29-3-1-6](#)

Sec. 33. "Guardian" has the meaning set forth in [IC 29-3-1-6](#).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-33](#))

[460 IAC 14.1-3-34](#) "Home modification services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 34. "Home modification services" means assistance with the permanent alteration of a participant's primary residence to remove physical barriers preventing the participant from achieving their employment outcome.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-34](#))

[460 IAC 14.1-3-35](#) "Impartial due process hearing" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 4-21.5-3-25](#); [IC 4-21.5-3-26](#); [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 35. "Impartial due process hearing" means the hearing conducted by an impartial hearing officer regarding an appeal of a determination and held as set forth in 34 CFR 361.57(e), [IC 4-21.5-3-25](#), and [IC 4-21.5-3-26](#).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-35](#))

[460 IAC 14.1-3-36](#) "Impartial hearing officer" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 36. "Impartial hearing officer" means an individual meeting the requirements set forth in 34 CFR 361.5(c)(24), and presides over an impartial due process hearing and issues a written decision.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-36](#))

[460 IAC 14.1-3-37](#) "Individual with a disability" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 37. "Individual with a disability" has the meaning set forth in 34 CFR 361.5(c)(27).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-37](#))

[460 IAC 14.1-3-38](#) "Individual with a most significant disability" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 38. "Individual with a most significant disability" means an individual with a significant disability who has functional limitations in at least three (3) functional capacities concerning an employment outcome.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-38](#))

[460 IAC 14.1-3-39](#) "Individual with a significant disability" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 39. "Individual with a significant disability" has the meaning set forth in 34 CFR 361.5(c)(30), or is an individual receiving Social Security benefits due to their disability. For purposes of this definition, an "extended period of time" is a period of at least six (6) months.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-39](#))

[460 IAC 14.1-3-40](#) "Individualized plan for employment" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 40. "Individualized plan for employment" means a written plan established by the VR program and a participant specifying the participant's employment outcome and the vocational rehabilitation services needed for the participant to achieve the employment outcome.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-40](#))

[460 IAC 14.1-3-41](#) "Informed choice" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 41. "Informed choice" means the collaborative decision making process described in 34 CFR 361.52.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-41](#))

[460 IAC 14.1-3-42](#) "Job related services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 42. "Job related services" has the meaning set forth in 34 CFR 361.48(b)(12).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-42](#))

[460 IAC 14.1-3-43](#) "Maintenance" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 43. "Maintenance", for purposes of supporting services, has the meaning set forth in 34 CFR 361.5(c)(34).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-43](#))

[460 IAC 14.1-3-44](#) "Ongoing support services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 44. "Ongoing support services" has the meaning set forth in 34 CFR 361.5(c)(37).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-44](#))

[460 IAC 14.1-3-45](#) "Order of selection" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 45. "Order of selection" means the process required under 34 CFR 361.36 and used by BRS to determine the priority in which participants are eligible to receive vocational rehabilitation services if BRS has insufficient resources to serve each participant in the state applying for vocational rehabilitation services.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-45](#))

[460 IAC 14.1-3-46](#) "Participant" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 46. "Participant" has the meaning set forth in 34 CFR 361.5(c)(14.)

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-46](#))

[460 IAC 14.1-3-47](#) "Person" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-7-2-137](#); [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 47. "Person" has the meaning set forth in [IC 12-7-2-137](#)(a).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-47](#))

[460 IAC 14.1-3-48](#) "Personal assistance services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 48. "Personal assistance services" has the meaning set forth in 34 CFR 361.5(c)(38).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-48](#))

[460 IAC 14.1-3-49](#) "Physical and mental restoration services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 49. "Physical and mental restoration services" has the meaning set forth in 34 CFR 361.5(c)(39).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-49](#))

[460 IAC 14.1-3-50](#) "Physical or mental impairment" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 50. "Physical or mental impairment" has the meaning set forth in 34 CFR 361.5(c)(40).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-50](#))

[460 IAC 14.1-3-51](#) "Post-employment services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 51. "Post-employment services" has the meaning set forth in 34 CFR 361.5(c)(41).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-51](#))

[460 IAC 14.1-3-52](#) "Postsecondary training costs" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 52. "Postsecondary training costs" means the costs for tuition, fees, books, tools, and other training materials at a postsecondary training institution.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-52](#))

[460 IAC 14.1-3-53](#) "Postsecondary training services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 53. "Postsecondary training services" means assistance with postsecondary training costs necessary for a participant to attend an accredited institution of higher education or other postsecondary training to have the minimum education requirements of their employment outcome identified in their individualized plan for employment.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-53](#))

[460 IAC 14.1-3-54](#) "Potentially eligible individual" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 54. "Potentially eligible individual" means a student with a disability who:

- (1) for vocational rehabilitation services, has or has not applied, but has not yet been determined eligible;
- (2) receives special education services under [511 IAC 7](#);
- (3) receives accommodations under a Section 504 plan; or
- (4) is an individual with a disability as defined in 29 U.S.C. 705(20).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-54](#))

[460 IAC 14.1-3-55](#) "Preemployment transition services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 55. "Preemployment transition services" has the meaning set forth in 34 CFR 361.5(c)(42).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-55](#))

[460 IAC 14.1-3-56](#) "Qualified and impartial mediator" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 56. "Qualified and impartial mediator" has the meaning set forth in 34 CFR 361.5(c)(43).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-56](#))

[460 IAC 14.1-3-57](#) "Record of services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 57. "Record of services" means the case record created and maintained by the VR program for

persons who have been referred for, applied for, or received vocational rehabilitation services from the VR program.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-57](#))

[460 IAC 14.1-3-58](#) "Rehabilitation technology" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 58. "Rehabilitation technology" has the meaning set forth in 34 CFR 361.5(c)(45).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-58](#))

[460 IAC 14.1-3-59](#) "Self-employment" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 59. "Self-employment" means a competitive integrated employment outcome in which a participant owns a business or works for themselves, and whose employment is the participant's primary source of earned income.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-59](#))

[460 IAC 14.1-3-60](#) "Service priority category" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 60. "Service priority category" means the priority category assigned under [460 IAC 14.1-6-2](#).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-60](#))

[460 IAC 14.1-3-61](#) "Service provider" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 61. "Service provider" means any person registered with BRS providing vocational rehabilitation services.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-61](#))

[460 IAC 14.1-3-62](#) "Services to family members" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 62. "Services to family members" has the meaning set forth in 34 CFR 361.48(b)(9).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-62](#))

[460 IAC 14.1-3-63](#) "Student with a disability" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 63. "Student with a disability" means an individual with a disability in a secondary, a postsecondary, or any other recognized education program who is fourteen (14) years of age or has

entered grade 9, whichever occurs first, through the end of the school year in which they become twenty-two (22) years of age, and receiving special education or related services under Part B of the Individuals with Disabilities Education Act, or is an individual with a disability as defined in 29 U.S.C. 705(20).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-63](#))

[460 IAC 14.1-3-64](#) "Substantial impediment to employment" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 64. "Substantial impediment to employment" has the meaning set forth in 34 CFR 361.5(c)(52).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-64](#))

[460 IAC 14.1-3-65](#) "Supported employment" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 65. "Supported employment" has the meaning set forth in 34 CFR 361.5(c)(53).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-65](#))

[460 IAC 14.1-3-66](#) "Supported employment services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 66. "Supported employment services" has the meaning set forth in 34 CFR 361.5(c)(54).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-66](#))

[460 IAC 14.1-3-67](#) "Supporting services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 67. "Supporting services" means auxiliary services provided to an applicant, a participant, or a family member enabling the applicant or participant to access the vocational rehabilitation services necessary to achieve the employment outcome listed in their individualized plan for employment.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-67](#))

[460 IAC 14.1-3-68](#) "Transition services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 68. "Transition services" has the meaning set forth in 34 CFR 361.5(c)(55).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-68](#))

[460 IAC 14.1-3-69](#) "Transportation" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 69. "Transportation" has the meaning set forth in 34 CFR 361.5(c)(56).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-69](#))

[460 IAC 14.1-3-70](#) "Trial work experiences" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 70. "Trial work experiences" means exploring a participant's abilities, capabilities, and capacity to achieve competitive integrated employment conducted as set forth in 34 CFR 361.42(e).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-70](#))

[460 IAC 14.1-3-71](#) "Vehicle modification services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 71. "Vehicle modification services" means assistance with the evaluation, inspection, and modification of a private passenger vehicle.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-71](#))

[460 IAC 14.1-3-72](#) "Vocational rehabilitation counselor" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 72. "Vocational rehabilitation counselor" means a person assigned by the VR program to:

- (1) determine an applicant's eligibility for vocational rehabilitation services;
- (2) assist with developing a participant's individualized plan for employment; and
- (3) provide or assist with the necessary vocational rehabilitation services.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-72](#))

[460 IAC 14.1-3-73](#) "Vocational rehabilitation program" or "VR program" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 73. "Vocational rehabilitation program" or "VR program" means the unit within the bureau of rehabilitation services charged with providing vocational rehabilitation services.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-73](#))

[460 IAC 14.1-3-74](#) "Vocational rehabilitation services" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 74. "Vocational rehabilitation services" means the goods and services described in 34 CFR 361.48.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-74](#))

[460 IAC 14.1-3-75](#) "Youth with a disability" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 75. "Youth with a disability" has the meaning set forth in 34 CFR 361.5(c)(58)(i). *Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-75](#)*

[460 IAC 14.1-3-76](#) "Youth with a most significant disability" defined

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-8-1.5-1](#); [IC 12-9-1-1](#); [IC 12-9-5](#); [IC 12-12-1](#); [IC 12-12-5](#); [IC 12-28-1](#)

Sec. 76. "Youth with a most significant disability" means an individual with a most significant disability who otherwise meets the age range in 34 CFR 361.5(c)(58)(i).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-3-76](#))

Rule 4. Rights and Responsibilities of Applicants and Participants

[460 IAC 14.1-4-1](#) Involvement of an applicant's or a participant's family members and other advocates

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) If an applicant or a participant chooses to involve a third party in their case, including family members or advocates, they must provide written consent for the VR program to disclose information to the third party.

(b) An applicant or a participant must ensure that involvement of a third party having their consent for involvement in their case does not interfere with the case and prevent the VR program from providing vocational rehabilitation services.

(c) An applicant or a participant may withdraw consent for the VR program to involve a third party in their case at any time by providing the VR program notice in writing.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-4-1](#))

[460 IAC 14.1-4-2](#) Cooperation and active participation requirements

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. (a) An applicant or a participant must cooperate and actively participate in the vocational rehabilitation process by:

- (1)** providing accurate and complete information necessary to provide vocational rehabilitation services when requested by the VR program;
- (2)** attending meetings and scheduled appointments at times agreed to by the applicant or participant and the VR program, undergoing requested assessments and evaluations, including trial work experiences; and
- (3)** notifying their vocational rehabilitation counselor:
 - (A)** within seven (7) days of a change in their contact information, medical condition, or Supplemental Security Income or Social Security Disability Insurance benefits; and
 - (B)** if they are unable to attend a scheduled appointment or participate in any scheduled vocational rehabilitation service.

(b) If an applicant's or a participant's refusal to cooperate or actively participate prevents the VR program from determining their eligibility for or providing vocational rehabilitation services, the refusal shall result in a case closure.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-4-2](#))

[460 IAC 14.1-4-3](#) Written consent to disclose information

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 3. (a) An applicant or a participant must provide written consent before the VR program may disclose:

- (1) copies of any record of services or diagnosis, or the information contained in those records, to an individual, a program, or an entity other than the division, including the client assistance program; or
- (2) their full Social Security number to any person other than an agent of federal, state, or local government.

(b) An applicant's or a participant's written consent remains valid until:

- (1) the date, event, or condition specified for the consent's expiration; or
- (2) revoked in writing.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-4-3](#))

[460 IAC 14.1-4-4](#) Client assistance program

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 4. (a) An applicant or a participant must be notified regarding client assistance program availability, services, and contact information.

(b) An applicant or a participant may request assistance from the client assistance program at any time while participating in the vocational rehabilitation process, including when they:

- (1) have applied for or are determined eligible for vocational rehabilitation services;
- (2) are determined ineligible or no longer eligible for vocational rehabilitation services;
- (3) are developing an individualized plan for employment; or
- (4) have received a determination notice from the VR program.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-4-4](#))

[460 IAC 14.1-4-5](#) Determination

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 5. The VR program shall issue an applicant or a participant a determination notice when the VR program makes a decision regarding:

- (1) eligibility for vocational rehabilitation services;
- (2) assignment of a service priority category;
- (3) termination, denial, or reduction of a specific good or service; or
- (4) case closure.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-4-5](#))

[460 IAC 14.1-4-6](#) Amendments to the record of services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 6. An applicant or participant may submit a written request to their vocational rehabilitation counselor to amend information in their record of services that they believe is inaccurate. Inaccurate information shall be corrected by the VR program.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-4-6](#))

Rule 5. Application and Eligibility Determination

[460 IAC 14.1-5-1](#) Application for vocational rehabilitation services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. An individual must apply for vocational rehabilitation services under 34 CFR 361.41(b)(2).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-5-1](#))

[460 IAC 14.1-5-2](#) Eligibility criteria

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. (a) To be eligible for vocational rehabilitation services, an applicant must meet the requirements set forth in 34 CFR 361.42(a).

(b) An applicant receiving Social Security Disability Insurance or Supplemental Security Income as a result of their own disability is presumed eligible for vocational rehabilitation services, unless they do not meet the eligibility requirements set forth in 34 CFR 361.42(a)(1).

(c) When requested by the VR program, an applicant must undergo evaluations when necessary for the VR program to determine eligibility for vocational rehabilitation services as set forth in 34 CFR 361.42(d).

(d) The timeline for an eligibility determination is sixty (60) days from the date of application unless the applicant and the VR program agree to extend the timeline.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-5-2](#))

[460 IAC 14.1-5-3](#) Trial work experiences for individuals with significant disabilities

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 3. The VR program shall follow the requirements in 34 CFR 361.42(e) before determining an individual with a disability is incapable of benefiting from vocational rehabilitation services related to an employment outcome because of the severity of that individual's disability.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-5-3](#))

[460 IAC 14.1-5-4](#) Assignment of vocational rehabilitation counselor

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 4. A participant is prohibited from having a family member or anyone with whom the participant has a financial interest as their assigned vocational rehabilitation counselor.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-5-4](#))

Rule 6. Severity Determination and Service Priority

[460 IAC 14.1-6-1](#) Severity determination

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. Participants are assigned to a service priority category based on an assessment of whether they are an individual with a disability, significant disability, or most significant disability.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-6-1](#))

[460 IAC 14.1-6-2](#) Service priority categories

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. (a) When the VR program is under an order of selection as defined in [460 IAC 14.1-3-45](#), participants shall receive vocational rehabilitation services based on their date of application in the following order:

- (1) First priority to individuals with most significant disabilities, designated as Priority Category 1.
- (2) Second priority to individuals with significant disabilities, designated as Priority Category 2.
- (3) Third priority to participants other than those described in subdivisions (1) or (2), designated as Priority Category 3.

(b) An order of selection does not apply to a participant who:

- (1) has begun to receive vocational rehabilitation services under an approved individualized plan for employment before the implementation date of the order of selection; and
- (2) requires the vocational rehabilitation services or equipment needed to maintain current employment as set forth in section 3 of this rule.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-6-2](#))

[460 IAC 14.1-6-3](#) Specific services available to maintain current employment under order of selection

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 3. (a) A participant assigned to a service priority category not currently being served by the VR program may still receive specific vocational rehabilitation services or equipment to maintain current employment if the:

- (1) VR program elects to serve participants through an approved state plan described in 34 CFR 361.36(a)(3)(v);
- (2) participant was employed on the date they were determined eligible for VR services and maintained that employment continuously while a VR participant; and
- (3) participant is experiencing difficulties maintaining their current employment due to either:
 - (A) an increase in the severity of their disability; or
 - (B) a change in their job duties or workplace accessibility.

(b) A participant may not receive services under this section if:

- (1) they are seeking services to change their employment or employer;
- (2) their employment is interrupted, terminated, or eliminated due to layoffs, furloughs, business closure, or other business related decisions; or
- (3) they do not maintain their current employment for any reason.

(c) The following services are available under this section to address job retention needs directly related to the physical or mental impairments considered during the eligibility and severity determination:

- (1) Vocational guidance and counseling.
- (2) Supported employment services to maintain current employment.
- (3) Worksite evaluation for assistive technology equipment and training for the worksite.
- (4) Assistive technology equipment and training provided for the worksite.

(d) A participant may receive only those services under this section required to maintain their current employment and identified in their individualized plan for employment.

(e) A participant's services under this section are terminated if the participant loses their employment. The participant will return to the previously assigned service priority category based on the date of application under section 2 of this rule.

(f) A participant's case is closed as successful under 34 CFR 361.56 after receiving the vocational rehabilitation services or equipment to maintain current employment and satisfy the requirements set forth in [460 IAC 14.1-26-2](#).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-6-3](#))

Rule 7. Selection of Vocational Rehabilitation Services and Service Providers

[460 IAC 14.1-7-1](#) Scope of vocational rehabilitation services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. Applicants, participants, and potentially eligible individuals meeting the criteria set forth in this article may receive at least one (1) of the vocational rehabilitation services described in 34 CFR 361.48.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-7-1](#))

[460 IAC 14.1-7-2](#) Limits on vocational rehabilitation services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. The following are excluded from the scope of vocational rehabilitation services:

- (1) Assistance with the amount of a vocational rehabilitation good or service exceeding the amount paid for by the VR program, unless an exception is granted in writing by the VR program under [460 IAC 14.1-8-1](#).
- (2) Services duplicating services a participant is receiving from another agency or program.
- (3) The acquisition or construction of fixed land, purchase of land or construction land improvements, purchase or construction of a building or other permanent structure, or purchase of immovable equipment or machinery.
- (4) Upkeep or repair costs associated with renting or owning a home.
- (5) Purchase of firearms or ammunition for inventory.
- (6) Assistance with life, medical, dental, or vision insurance premiums.
- (7) Legal representation.
- (8) General and preventive upkeep and repair of medical equipment or assistive technology devices.
- (9) Duplicate tools, equipment, or supplies, including medical equipment and assistive technology devices, solely for backup or contingency purposes.
- (10) The cost of goods or services available from comparable services and benefits providers for which the individual qualifies.
- (11) Assistance with expenses incurred before becoming a participant.
- (12) Personal or business debts, or other financial obligations incurred before approval of an individualized plan for employment.
- (13) General, preventive, or routine medical appointments, examinations, or care.
- (14) General or routine upkeep, replacement, or repair of:
 - (A) existing eyeglasses or other corrective lenses or visual devices; or
 - (B) braces, retainers, dentures, or similar devices;except when replacement is permitted in this rule.
- (15) Cosmetic procedures or surgeries, unless necessary to achieve the employment outcome.
- (16) A medical device, product, or treatment that is experimental, labeled as not intended to diagnose, treat, cure, or prevent any disease, or not approved by the Federal Drug Administration for the physical or mental impairment under treatment.
- (17) A medical device, product, or treatment incidental to a specific physical or mental impairment, and its correction or improvement, primarily designed to promote weight loss or general health and

wellbeing.

(18) Care of service animals.

(19) Ongoing in-home nursing or other in-home medical services.

(20) Ongoing health management or medical treatments for chronic or acute illnesses, accidental injuries, or emergency care not related to providing physical and mental restoration services.

(21) Other services considered contrary to a federal or state law or regulation.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-7-2](#))

[460 IAC 14.1-7-3](#) Preferences for least cost and local vocational rehabilitation services and service providers

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 3. (a) An applicant or a participant may choose vocational rehabilitation services for which they are eligible, or a service provider that meets the participant's vocational rehabilitation needs.

(b) Assistance with vocational rehabilitation services must not exceed the lesser of the amount of the least costly vocational rehabilitation service or the rate set by the VR program, unless an exception is granted in writing by the VR program under [460 IAC 14.1-8-1](#).

(c) Except as otherwise provided in this article, assistance with physical and mental restoration services, including devices and equipment, must not exceed the published standard Indiana Medicaid rate, unless an exception is granted in writing under [460 IAC 14.1-8-1](#).

(d) If a participant chooses a more costly vocational rehabilitation service, good, or service provider than the least cost required to meet their vocational rehabilitation needs, the participant is responsible for the additional cost.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-7-3](#))

[460 IAC 14.1-7-4](#) Comparable services and benefits

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 4. (a) A participant must:

(1) cooperate with the VR program's efforts to identify comparable services and benefits, including available federal, state, local, and institutional financial aid and grant assistance; and

(2) use any available comparable services and benefits before receiving assistance from the VR program, unless it would delay:

(A) immediate job placement;

(B) progress toward the employment outcome listed on their individualized plan for employment; or

(C) providing vocational rehabilitation services to an individual determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional.

(b) If a participant does not use available comparable services or benefits, the participant is responsible for the cost of the service or good up to the amount of the available comparable service and benefit.

(c) If a comparable service or benefit is not available at the time needed, a participant shall receive the vocational rehabilitation service that would have been provided as a comparable service or benefit from the VR program until the comparable service or benefit becomes available.

(d) Vocational rehabilitation services listed in 34 CFR 361.53(b) are excluded from the comparable services and benefits requirement.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-7-4](#))

[460 IAC 14.1-7-5](#) Prior authorization

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 5. (a) As set forth in 34 CFR 361.45(d), a participant must have written authorization from the VR program, and the goods or services must be included on their individualized plan for employment before receiving assistance with any vocational rehabilitation goods or services.

(b) A participant is responsible for the cost of goods or services received without the written authorization of the VR program.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-7-5](#))

[460 IAC 14.1-7-6](#) Selection of service providers

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 6. (a) An applicant or a participant must select a service provider registered with BRS.

(b) An applicant or a participant may request a change in their service provider by notifying the VR program.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-7-6](#))

Rule 8. Exception Requests for Time Limits on Services or Financial Assistance Limits

[460 IAC 14.1-8-1](#) Exception process

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) As set forth in 34 CFR 361.50, a participant may request an exception to time limits on services or financial assistance limits set forth in a determination notice.

(b) A participant may not submit a request for an exception before receiving a determination notice, or in the absence of a showing of good cause, more than ten (10) business days from the date on their determination notice.

(c) A participant must submit their exception request in writing to the area supervisor of their local vocational rehabilitation office.

(d) An exception request must include:

(1) a copy of the determination notice; and

(2) the information and documentation the participant wants the VR program to consider with their exception request. The participant may submit additional information any time before the VR program issues a determination regarding their exception request.

(e) A participant's exception request shall be granted if the area supervisor of their local vocational rehabilitation office determines the request for an exception is relevant and necessary to meet the vocational rehabilitation needs of the participant and consistent with the law. An exception is relevant and necessary if there is a disability related barrier preventing a participant from accessing vocational rehabilitation services.

(f) A participant dissatisfied with the determination regarding their exception request may request an

impartial due process hearing.

(g) A participant may not request an exception to eligibility requirements for a vocational rehabilitation service.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-8-1](#))

Rule 9. Individualized Plan for Employment

[460 IAC 14.1-9-1](#) Individualized plan for employment

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) As set forth in 34 CFR 361.45(d)(3), a participant may receive the services listed on their individualized plan for employment once the plan is:

- (1) agreed to and approved by the VR program; and
- (2) signed by the participant and their vocational rehabilitation counselor.

(b) At least annually, a participant must meet with their vocational rehabilitation counselor to review their individualized plan for employment.

(c) A participant must amend their individualized plan for employment:

- (1) when there is a change to:
 - (A) the anticipated end date of services;
 - (B) their employment outcome;
 - (C) the vocational rehabilitation services received; or
 - (D) the service provider;
- (2) to add or remove vocational rehabilitation services; or
- (3) to add post-employment services and service providers.

(d) Amendments to an individualized plan for employment take effect when:

- (1) agreed to and approved by the VR program; and
- (2) signed by the participant and the participant's vocational rehabilitation counselor.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-9-1](#))

[460 IAC 14.1-9-2](#) Employment outcome

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. (a) A participant's individualized plan for employment must meet the requirements set forth in 34 CFR 361.46(a)(1).

(b) Under 34 CFR 361.56(b), employment not maintained for at least ninety (90) days cannot result in a successful rehabilitation, and therefore cannot be selected as an employment outcome.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-9-2](#))

Rule 10. Post-Employment Services

[460 IAC 14.1-10-1](#) Individuals who qualify for post-employment services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. An individual who has achieved an employment outcome qualifies for post-employment services required to maintain, regain, or advance in employment as set forth in 34 CFR 361.5(c)(41).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-10-1](#))

Rule 11. Driver Training Services

[460 IAC 14.1-11-1](#) Driver training services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) A participant may receive driver training services if:

- (1) the participant has a disability-related barrier to driving;**
- (2) the participant requires the ability to drive a vehicle to participate in the vocational rehabilitation process or achieve the employment outcome listed in their individualized plan for employment;**
- (3) the participant owns or has access to a vehicle; and**
- (4) alternative modes of transportation are determined by the VR program to be unavailable, impracticable, or otherwise inadequate to meet the participant's vocational rehabilitation needs.**

(b) A participant must:

- (1) participate in a driver evaluation conducted by a driver rehabilitation specialist; and**
- (2) complete any driver training recommended by the driver rehabilitation specialist.**

(c) A participant must provide the VR program proof of a valid driver's license or driver's permit to receive driver training services.

(d) A participant may not receive driver training services if the:

- (1) participant is not capable of finishing the driver training needed to safely drive a vehicle, based on the driver evaluation or a lack of progress in driver training as determined by the driver rehabilitation specialist; or**
- (2) driver rehabilitation specialist determines the participant cannot be a safe driver.**

(e) A participant found ineligible under subsection (d) must provide the VR program with medical documentation demonstrating an improvement in their functional limitations before they can be reevaluated for driver training services.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-11-1](#))

Rule 12. Self-Employment Services for Operating a Small Business

[460 IAC 14.1-12-1](#) Definitions

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. The following definitions apply throughout this rule:

- (1) "Business review committee" means a panel of individuals consisting of business professionals and representatives of the VR program selected by the VR program to provide business mentoring and guidance to a participant pursuing self-employment.**
- (2) "Start-up costs" means those costs necessary to establish a business, initiate business operations, and sustain operations throughout the approved start-up period documented in the participant's individualized plan for employment.**
- (3) "Start-up period" means the period, not exceeding twenty-four (24) months, beginning on the date of the authorization of start-up costs and ending on the date:**
 - (A) documented in the participant's individualized plan for employment as the terminating point of the initial start-up period; or**

(B) on which the revenues generated by the business exceed the costs of continuing business operations for three (3) consecutive months; whichever is earlier.

(4) "Ongoing operating costs" means the costs of business operations after the conclusion of the start-up period, including:

- (A) costs of day-to-day business operations;
- (B) tool and equipment repair;
- (C) replacement and upgrading; and
- (D) business relocation and expansion.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-12-1](#))

[460 IAC 14.1-12-2](#) Technical assistance and consultation services and the comprehensive business plan

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. (a) A participant may receive technical assistance and consultation services, as described in 34 CFR 361.48(b)(19), to:

(1) evaluate whether self-employment is consistent with their vocational:

- (A) strengths;
- (B) resources;
- (C) priorities;
- (D) concerns;
- (E) abilities;
- (F) capabilities; and
- (G) career interests; and

(2) assist with the development of a business plan.

(b) A participant pursuing self-employment must develop a written business plan to submit to the VR program demonstrating the business will be profitable and self-sustaining.

(c) The business plan must minimally include:

- (1) start-up costs;
- (2) sources of funding;
- (3) evidence of enough resources to leverage start-up capital;
- (4) ongoing expenses;
- (5) a marketing plan; and
- (6) financial projections for the first two (2) years demonstrating the likelihood of profitability within a reasonable period.

(d) A participant must present their business plan to the small business review committee for review for evidence that the financial projections are correct and factually based, any marketing strategies appear strategically sound, and the business will be self-sustaining after vocational rehabilitation has provided the identified and agreed upon services in the business plan.

(e) After presenting to the small business review committee, a participant shall receive a determination notice from the VR program explaining whether their business plan is approved as follows:

(1) If the participant's business plan is approved by the VR program, the participant's individualized plan for employment shall be amended to include agreed upon services, including start-up costs, necessary for achievement or maintenance of an employment outcome.

(2) If the participant's business plan is not approved by the VR program and the participant wishes to continue evaluation for self-employment, they must revise their business plan and resubmit the plan to the VR program for reevaluation.

(3) If the VR program determines self-employment is not an employment outcome consistent with the participant's vocational:

- (A) strengths;
- (B) resources;
- (C) priorities;

- (D) concerns;
- (E) abilities;
- (F) capabilities; and
- (G) career interests;

the participant shall be notified and may pursue another employment outcome.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-12-2](#))

[460 IAC 14.1-12-3](#) Small business establishment, start-up period, and start-up costs

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 3. (a) A participant may receive assistance with agreed upon start-up costs identified in their approved business plan.

(b) A participant with a business partner may receive assistance with start-up costs proportionate to the percentage of the business owned by the participant. A participant with a business partner must provide the VR program with a copy of the business partner agreement and documentation of both their financial contribution and their partner's financial contribution toward start-up costs.

(c) A participant is responsible for:

- (1) twenty-five percent (25%) of the start-up costs identified in their approved business plan, if they are seeking less than ten thousand dollars (\$10,000) for start-up costs from the VR program;
- (2) fifty percent (50%) of the start-up costs identified in their approved business plan, if they are seeking more than ten thousand dollars (\$10,000) for start-up costs from the VR program; or
- (3) zero percent (0%) of the start-up costs identified in their approved business plan, if they are eligible for Social Security Disability Insurance or Supplemental Security Income benefits.

(d) An amount not exceeding thirty thousand dollars (\$30,000) in assistance is available for start-up costs identified in a participant's approved business plan and individualized plan for employment, unless an exception is granted under [460 IAC 14.1-8](#).

(e) A participant must provide the VR program with a current profit and loss statement on a monthly basis.

(f) A participant is responsible for expenses occurring during an initial start-up period not included in their approved business plan.

(g) A participant may submit a written request for approval by the VR program for assistance with start-up costs that have changed due to an unforeseen circumstance after their business plan was approved.

(h) A start-up period shall not exceed twenty-four (24) months unless an exception is granted under [460 IAC 14.1-8](#).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-12-3](#))

[460 IAC 14.1-12-4](#) Businesses and costs not eligible for support by the VR program

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 4. (a) The following are not allowable as self-employment outcomes:

(1) Pyramid sale distribution plans.

(2) Businesses:

(A) engaged in illegal activity;

(B) where the sole purpose is to purchase a commodity, good, or real property with the goal of it

- becoming more valuable at a future date;
- (C) not expected or anticipated to produce a profit, such as a hobby;
- (D) not compliant with the local, state, and federal zoning requirements and other applicable local, state, and federal requirements;
- (E) where the participant does not direct business strategy and day-to-day operations;
- (F) that are franchised, nonprofit, or not-for-profit;
- (G) designed to earn passive income, including businesses where the earnings are derived from a rental property, limited partnership, or businesses where a person is not actively directly engaged in ongoing management or daily operation of the business involved;
- (H) where a participant is not at least a fifty-one percent (51%) owner; or
- (I) already in existence.

(b) The following small business expenses are not eligible for reimbursement by the VR program:

- (1) Operating capital and any form of cash reserve or set-aside.
- (2) Public or private offering of preferred or common stocks, bonds, or other investment instruments.
- (3) Refundable security or other deposit to the participant or business.
- (4) Compensation, including salaries or benefits for the participant or any other owner or employee of the business.
- (5) Costs incurred by the participant or business as a consequence of collective bargaining activities by employees.
- (6) Income and sales tax withholdings, interest, penalties, or personal or business taxes of any kind.
- (7) Costs associated with securing, renewing, or litigating intellectual property.
- (8) Costs undertaken by the business to collect delinquent debts from its customers, including employing a collection agent or pursuing legal remedies.
- (9) Financial bailout or injection of cash to assist a troubled or failing business.
- (10) Rent or utilities, if the business is operated out of the participant's home.
- (11) Ongoing operating costs.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-12-4](#))

[460 IAC 14.1-12-5](#) Closure of self-employment outcome

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 5. A participant has achieved their employment outcome once the revenues generated by the participant's business equals or exceeds its ongoing operating costs for at least ninety (90) days after the end of the start-up period. A participant's achievement of their employment outcome shall result in case closure.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-12-5](#))

Rule 13. Referral to the BEP training program

[460 IAC 14.1-13-1](#) Referral to the BEP training program

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) To be referred to the BEP, a participant must:

- (1) submit documentation or undergo an evaluation showing the participant meets the criteria set forth in [460 IAC 2-4-5](#); and
- (2) have BEP licensed manager as the employment outcome on their individualized plan for employment.

(b) A participant not meeting the criteria set forth in subsection (a)(1) must participate in any remediation recommended by the VR program allowing them to meet the minimum skills necessary to complete BEP training.

(c) A participant finishing the BEP training program may receive assistance with training necessary to bid on and manage a vending facility.

(d) A participant may pursue an employment outcome other than BEP licensed manager if, for any reason, the participant is unable to become a licensed manager.

(e) A participant may continue to have BEP licensed manager as an employment outcome until BEP training or a vending facility is available.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-13-1](#))

Rule 14. Supported Employment Services and Extended Services

[460 IAC 14.1-14-1](#) Supported employment services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) An individual with a most significant disability may receive supported employment services if:

(1) an employment outcome in a supported employment setting is determined by the VR program to be consistent with their vocational:

- (A) strengths;
- (B) resources;
- (C) priorities;
- (D) concerns;
- (E) abilities;
- (F) capabilities; and
- (G) career interests; and

(2) competitive integrated employment has not historically occurred, or has been interrupted or intermittent due to the participant's disability.

(b) Supported employment services, including ongoing support services, are available to a participant for not more than twenty-four (24) months, unless the participant and the VR program agree to extend the time to achieve the employment outcome identified in the participant's individualized plan for employment.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-14-1](#))

[460 IAC 14.1-14-2](#) Extended services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

(a) A youth with a most significant disability may receive extended services for not more than four (4) years or until the youth becomes twenty-five (25) years of age, whichever occurs first.

(b) An individual with a most significant disability maintaining employment for at least ninety (90) days in the competitive integrated employment outcome outlined in their individualized plan for employment may receive assistance from the VR program coordinating extended services from another entity, including a state agency, a private nonprofit organization, an employer, or any other appropriate resource.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-14-2](#))

Rule 15. Physical and Mental Restoration Services

[460 IAC 14.1-15-1](#) Physical and mental restoration services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) A participant may receive physical and mental restoration services when:

- (1) the participant has a physical or mental impairment, or both, which may be corrected or significantly improved through receiving physical and mental restoration services; and
- (2) receiving physical and mental restoration services may be expected to eliminate or significantly reduce the participant's substantial impediment to employment within a reasonable period.

(b) Physical and mental restoration services must be prescribed by a person that:

- (1) does not have a financial interest in the services prescribed; and
- (2) is not a family member of the participant.

(c) A participant must undergo an evaluation by a provider of physical and mental restoration services if the VR program needs additional information to evaluate whether physical and mental restoration services are necessary for the participant to achieve or maintain an employment outcome.

(d) Before receiving assistance from the VR program for physical and mental restoration services, a participant must use comparable services and benefits.

(e) Assistance with physical and mental restoration services, including devices and equipment, may not exceed the published standard Indiana Medicaid rate, unless an exception is granted in writing under [460 IAC 14.1-8-1](#).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-15-1](#))

[460 IAC 14.1-15-2](#) Upkeep, repair, and replacement of devices and equipment provided as physical and mental restoration services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. (a) A participant is responsible for:

- (1) the upkeep of devices or equipment provided by the VR program as physical and mental restoration services, including the cost of consumable or disposable components necessary for operating or using those devices or equipment; and
- (2) the costs to repair or replace any devices and equipment lost, damaged, stolen, or destroyed due to the participant's own negligence or abuse.

(b) A participant may receive assistance with the replacement of devices or equipment provided as physical and mental restoration services no longer meeting the vocational rehabilitation needs of the participant.

(c) A participant may receive assistance with the replacement of devices or equipment provided as physical and mental restoration services if the repairs are required to access and participate in vocational rehabilitation services or for job retention.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-15-2](#))

[460 IAC 14.1-15-3](#) Service appointments

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 3. (a) A participant must:

- (1) participate in the examinations, evaluations, testing, fittings, and other scheduled appointments requested by the VR program; and
- (2) notify their vocational rehabilitation counselor if any service appointment must be canceled or rescheduled. A participant's failure to notify their vocational rehabilitation counselor of a canceled or rescheduled service appointment may result in a delay in receiving or denial of physical and mental restoration services.

(b) A participant is responsible for rescheduling any service appointment under their service provider's cancellation policies.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-15-3](#))

[460 IAC 14.1-15-4](#) Second opinions

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 4. A participant may receive assistance for the cost of getting a second or an additional opinion if the VR program determines a second or an additional opinion is required to determine whether physical and mental restoration services are necessary for achieving or maintaining an employment outcome.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-15-4](#))

[460 IAC 14.1-15-5](#) Conditions requiring continuing treatment

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 5. (a) A participant may receive assistance with physical and mental restoration services consisting of multiple treatments or sessions if:

- (1) continuation of the services is reasonably expected to correct, or change substantially, a stable or slowly progressive physical or mental impairment constituting a substantial impediment to employment;
- (2) the number of treatments and anticipated period over which the treatments required, based on medical documentation from a licensed medical or mental health care provider, does not exceed six (6) months unless an exception is granted under [460 IAC 14.1-8-1](#); and
- (3) the treatment is prescribed or recommended by a licensed medical or mental health care provider.

(b) Services consisting of multiple treatments or sessions may be terminated if medical documentation from a licensed medical or mental health care provider indicates:

- (1) continuation of the services will not produce measurable progress toward meeting the purpose for which they are being provided; or
- (2) the need for continued services is an ongoing medical or mental health management need.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-15-5](#))

Rule 16. Supporting Services

[460 IAC 14.1-16-1](#) Requirements

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) An applicant or a participant may receive supporting services described in this section if they require a supporting service to:

- (1) participate in an assessment for determining eligibility and vocational rehabilitation needs; or
- (2) access or participate in vocational rehabilitation services under the participant's individualized plan for employment.

(b) An applicant or a participant may receive assistance with the increased costs associated with supporting services incurred while receiving vocational rehabilitation services if comparable services and benefits are not available.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-16-1](#))

[460 IAC 14.1-16-2](#) Transportation

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. (a) A participant may receive assistance with transportation, including mileage reimbursement and public or private fares for:

- (1) one (1) round trip between the participant's place of residence and the location of their vocational rehabilitation service a day;**
- (2) if the participant is attending a postsecondary training institution within commuting distance, one (1) round trip at the shortest distance between the participant's place of residence and the postsecondary training institution a day commuted for scheduled classes; or**
- (3) if the participant is attending a postsecondary training institution not within commuting distance, one (1) round trip each academic term for travel between the participant's place of residence and the postsecondary training institution.**

(b) A participant is responsible for the:

- (1) costs of vehicle ownership and upkeep; and**
- (2) ongoing costs of transportation expenses related to maintaining employment.**

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-16-2](#))

[460 IAC 14.1-16-3](#) Maintenance services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 3. (a) A participant may receive assistance with costs related to gaining employment, including:

- (1) clothing needed for gaining employment, unless clothing is provided by the employer;**
- (2) lodging needed while the participant is participating in assessments, training, or other vocational rehabilitation services required at a site not within commuting distance;**
- (3) one (1) time relocation expenses, if a participant has received a job offer consistent with the employment outcome identified on their individualized plan for employment; and**
- (4) other maintenance service costs related to gaining employment.**

(b) A participant is responsible for ongoing costs related to maintaining employment.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-16-3](#))

[460 IAC 14.1-16-4](#) Services to family members and child care

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 4. (a) A participant's family member, as described in 34 CFR 361.5(c)(22), may receive:

- (1) group counseling;**
- (2) information and referral services; or**
- (3) marital or family counseling services;**

if those services are necessary for the participant to participate in or benefit from another vocational rehabilitation service.

(b) A participant providing for the physical, emotional, and social needs of a family member who cannot provide for their own needs may receive assistance with needed child or elder care, or care of an

adult with a disability, while receiving vocational rehabilitation services.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-16-4](#))

Rule 17. Hearing Aids and Assistive Listening Devices

[460 IAC 14.1-17-1](#) Requirements

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) A participant may receive hearing aids and assistive listening devices if they are unable to gain or maintain employment due to their hearing loss and they have:

- (1) a pure tone average loss, measured at 500, 1000, 2000, and 4000 Hz, of at least 40dB in the better ear without correction;
- (2) a pure tone average loss, measured at 500, 1000, 2000, and 4000 Hz, of an equal or greater pure tone average loss in the other ear without correction; and
- (3) an unaided speech discrimination score of less than seventy percent (70%), as determined with the use of phonetically balanced word lists administered at 50dB in sound; or
- (4) two (2) of the three (3) requirements listed in subsection (a)(1) and has either:
 - (A) a secondary hearing condition causing the participant to have a substantial impediment to employment verified by an otologist or other qualified specialist; or
 - (B) hearing loss making the participant unable to perform the essential job functions of their employment outcome.

(b) To receive assistance with hearing aids and assistive listening devices, a participant must have documentation of:

- (1) an evaluation conducted by an otolaryngologist during the last three-hundred sixty-five (365) days documenting the participant's:
 - (A) medical diagnosis;
 - (B) hearing aid clearance; and
 - (C) prescription for a hearing aid or an assistive listening device; and
- (2) an evaluation conducted by a licensed audiologist during the previous six (6) months documenting the participant's:
 - (A) specific level of amplification; and
 - (B) particular characteristics recommended.

(c) A participant must undergo recommended evaluations for purposes of determining eligibility for or evaluating the need for a hearing aid or an assistive listening device.

(d) A participant may receive assistance with the purchase of the following:

- (1) One (1) hearing aid, or if required bilaterally, two (2) hearing aids.
- (2) A two (2) year repair warranty and a one (1) year, one (1) time only replacement warranty for a lost or destroyed hearing aid.
- (3) One (1) hearing aid case, one (1) pack of batteries for each hearing aid or assistive listening device, cleaning tools, and a dry aid kit.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-17-1](#))

[460 IAC 14.1-17-2](#) Hearing aid and assistive listening device limitations

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. (a) A participant is responsible for the:

- (1) upkeep of a hearing aid or an assistive listening device, including repair and replacement of batteries; and
- (2) repair or replacement of a hearing aid or an assistive listening device stolen, lost, damaged, or

destroyed due to the participant's own negligence or abuse.

(b) A participant may receive assistance with replacement of a hearing aid or an assistive listening device if the participant has:

- (1) experienced a pure tone average loss of at least 10dB, based on an evaluation, after receiving their current hearing aid or assistive listening device; or
- (2) new, additional, or different job functions requiring a different hearing aid or assistive listening device.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-17-2](#))

Rule 18. Postsecondary Training Services

[460 IAC 14.1-18-1](#) Postsecondary training services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) A participant may receive postsecondary training services if the participant needs:

- (1) a certification;
- (2) a license;
- (3) a credential;
- (4) a degree; or
- (5) other educational qualifications;

to have the minimum education or training required to achieve the employment outcome listed in their individualized plan for employment.

(b) A participant may receive assistance with a graduate degree if a graduate degree is the minimum qualification required to achieve the employment outcome listed in the participant's individualized plan for employment.

(c) To receive postsecondary training services, a participant must submit the following to their vocational rehabilitation counselor:

- (1) Proof of enrollment at a postsecondary institution and a copy of the requirements for their academic degree or postsecondary training program.
- (2) If a participant is in default of a student loan, documentation that the loan was either resolved, deferred, or forgiven.
- (3) If attending an institution eligible to participate in federal financial aid, after filing a Free Application for Federal Student Aid by the priority filing deadline set by the Indiana Commission on Higher Education, a copy of their student aid report and written authorization to the VR program to communicate with the institution's financial aid office.

(d) To remain eligible for postsecondary training services, a participant must meet the following requirements:

- (1) Provide the following documentation to their vocational rehabilitation counselor after each academic term:
 - (A) Their final grade report that includes the semester and cumulative grade point average.
 - (B) Next academic term's class schedule.
 - (C) Disciplinary or adverse actions, if applicable.
- (2) Meet the academic requirements set forth in this rule.
- (3) Resolve any defaulted student loan or provide documentation from the lender that the defaulted student loan has been deferred or forgiven.
- (4) File a Free Application for Federal Student Aid by the priority filing deadline, and provide a copy of the student aid report and written authorization to the VR program to communicate with the institution's financial aid office to verify any comparable benefits, including scholarships, grants, and other financial aid awards offered.
- (5) Meet the full-time enrollment requirements of the postsecondary training institution attended, and finish training within three (3) years for an associate degree and five (5) years for a bachelor's degree,

except when full-time attendance or completion is precluded by the participant's:

- (A) disability or health;
- (B) responsibilities as a caregiver to dependent minors or other family members;
- (C) scheduling conflicts with the required courses offered; or
- (D) employment because their work schedule conflicts with the courses required for their degree.

(e) A participant must submit the documentation required by this section not later than one (1) month before the first day of classes in the upcoming academic term, unless they notify the VR program of circumstances beyond their control that would prevent them from providing the documentation. A participant who does not provide documentation or notify the VR program why the information cannot be provided shall not receive postsecondary training services for the upcoming academic term.

(f) A participant shall not receive financial assistance for postsecondary training services at a postsecondary training institution not eligible to participate in federal financial aid due to loss of accreditation under 34 CFR 600.7.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-18-1](#))

[460 IAC 14.1-18-2](#) Amount of financial assistance for postsecondary training costs

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. (a) A participant not pursuing an associate, a bachelor's, or a graduate degree may receive financial assistance with the lesser of:

- (1) the published postsecondary training costs at the postsecondary training institution where the participant is enrolled; or
- (2) the published postsecondary training costs at the least costly institution providing the training necessary to achieve the employment outcome listed on their individualized plan for employment;

minus the participant's participant responsibility amount and any available comparable benefits or services, scholarships or grants.

(b) A participant pursuing an associate, a bachelor's, or a graduate degree may receive financial assistance in an amount not exceeding the lesser of:

- (1) the published postsecondary training costs at the postsecondary training institution where the participant is enrolled; or
- (2) the financial assistance limits for postsecondary training services established by the VR program, based on the cost for residents of Indiana to attend a public postsecondary training institution full time;

minus the participant's available financial resources.

(c) A participant described in subsection (b) may receive financial assistance with:

- (1) books, tools, and other training materials listed as required in a postsecondary training institution's published course syllabus or similar written documentation in an amount not exceeding the financial assistance limits established by the VR program for books, tools, and other training materials; and
- (2) room and board, in an amount not exceeding the lesser of the rates for room and board established by the postsecondary training institution attended or the financial assistance limits established by the VR program for room and board, if:
 - (A) they are receiving postsecondary training services; and
 - (B) there is no postsecondary training program or institution offering the minimum education, degree, or training required to achieve the employment outcome on their individualized plan for employment within commuting distance, unless an exception is granted in writing under section 1 of this rule.

(d) A participant described in subsection (b) shall have their available financial resources considered when the VR program determines the amount of postsecondary training services they may receive. A participant's available financial resources are the participant's comparable services and benefits, scholarships, grants, and financial aid.

(e) A participant is responsible for expenses exceeding the financial assistance provided by the VR program.

(f) If a participant or their postsecondary training institution receives an overpayment due to providing postsecondary training services, the participant's financial assistance for the next academic term shall be reduced by the amount of the overpayment.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-18-2](#))

[460 IAC 14.1-18-3](#) Exception to financial assistance limits for postsecondary training services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 3. (a) A participant described in section 2 of this rule may request an exception to applying financial assistance limits for postsecondary training services under section 1 of this rule.

(b) If a participant qualifies for an exception under section 1 of this rule to applying the financial assistance limits for postsecondary training services, they may receive assistance with the cost at the postsecondary training institution where they are enrolled, minus the amount of available financial resources.

(c) An exception to applying the financial assistance limits for postsecondary training services remains in effect for one (1) academic term.

(d) To receive an exception to applying the financial assistance limits for postsecondary training services in a later academic term, a participant must request an exception during that term and demonstrate they still have a disability related barrier to accessing postsecondary training services.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-18-3](#))

[460 IAC 14.1-18-4](#) Academic expectations

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 4. To remain eligible for postsecondary training services, a participant must:

- (1) have a grade of "passing" or "satisfactory" performance in courses for which a point or letter grade is not given in each academic term;
- (2) maintain a cumulative grade point average of 2.0 or better on a 4.0 scale;
- (3) meet the academic performance and graduation requirements of their postsecondary training institution and academic degree; and
- (4) resolve an incomplete grade received for a course under the requirements and timeline established by their postsecondary training institution.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-18-4](#))

[460 IAC 14.1-18-5](#) Degree or course changes

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 5. (a) A participant must request and receive written approval from the VR program before:

- (1) changing their course of study or major;
- (2) withdrawing or adding a course; or
- (3) repeating a course.

(b) A participant:

- (1) failing to comply with subsection (a); or**
 - (2) adding or dropping a class outside their postsecondary training institution's add drop period;**
- is responsible for any costs associated with the unauthorized change.**

(c) A participant is responsible for paying for required courses they have to repeat, except when:

- (1) circumstances beyond their control prevent the participant from finishing their courses; and**
- (2) the participant notifies their vocational rehabilitation counselor as soon as they know of those circumstances beyond their control that would prevent them from finishing their courses.**

(d) A participant withdrawing from or repeating a course due to medical or disability related reasons must provide the VR program with documentation from a medical provider.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-18-5](#))

[460 IAC 14.1-18-6](#) Remedial course work

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 6. A participant may receive assistance with remedial course work if:

- (1) remedial courses are required by the postsecondary training institution; or**
- (2) remedial course work is necessary for the participant to complete the education needed to achieve their employment outcome listed in their individualized plan for employment.**

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-18-6](#))

Rule 19. Vehicle Modification

[460 IAC 14.1-19-1](#) Vehicle modification services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) A participant may receive vehicle modification services if:

- (1) the participant requires a modified vehicle to participate in the vocational rehabilitation process or achieve the employment outcome listed in their individualized plan for employment; and**
- (2) alternative modes of transportation are unavailable or inadequate to meet the participant's vocational rehabilitation needs.**

(b) Before receiving vehicle modification services or repair and replacement of vehicle modification, a participant must:

- (1) except as provided in subsection (c), undergo a driver evaluation with a certified driver rehabilitation specialist that includes an assessment of the participant's ability, or anticipated ability, with training or suitable equipment to drive. A participant's driver evaluation is valid for twelve (12) months from the date of the evaluation;**
- (2) complete the requirements identified on their driver evaluation assessment, including driver training;**
- (3) undergo a vehicle modification evaluation to identify the necessary adaptive equipment for their vehicle. A participant's vehicle modification evaluation is valid for twelve (12) months from the date of the evaluation;**
- (4) provide proof of a valid driver's license if the participant will be the driver of the modified vehicle;**
- (5) provide their vocational rehabilitation counselor with an estimate for costs for collision insurance coverage; and**
- (6) agree in writing, or if they are not the vehicle owner, ensure, the registered owner agrees in writing they understand their responsibilities under this rule, and authorizes the VR program begins vehicle modification services.**

(c) A participant is not required to undergo a driver evaluation if the participant:

- (1) will not be the operator or driver of the vehicle; or
- (2) is the planned operator or driver of the vehicle and:
 - (A) they have a valid driver's license;
 - (B) VR has determined based on medical documentation their functional limitations have not significantly changed from the date on which the participant's driver's license was issued; and
 - (C) their vehicle modification evaluation included a behind the wheel assessment of the participant's ability to safely operate a vehicle.

(d) A participant must make a vehicle to be modified available for inspection from a service provider, which is an ASE certified mechanic, before the provided vehicle modification services of a vehicle:

- (1) more than one (1) year old;
- (2) that was in an automotive accident; or
- (3) previously modified by the VR program.

(e) A participant must complete any vehicle repairs identified by the VR program based on a premodification vehicle inspection before vehicle modification services begin.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-19-1](#))

[460 IAC 14.1-19-2](#) Responsibilities

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. Participants receiving vehicle modification services must:

- (1) have and maintain enough collision insurance on their modified vehicle to cover the vehicle and modifications;
- (2) agree to not drive or allow anyone else to drive their modified vehicle until the final inspection referenced in section 1(d) is finished;
- (3) agree to not drive their modified vehicle until after finishing the follow-up driver's training recommended by the VR program or their vehicle modification service provider;
- (4) submit their vehicle to a final inspection of the finished vehicle modification by a vehicle modification services provider;
- (5) apply for any applicable mobility equipment rebates and reimburse the VR program for the total amount the participant received in vehicle modification services from the mobility equipment rebate and reimbursement they receive;
- (6) ensure the maintenance, adjustments, and repairs to the modified vehicle and adaptive equipment are performed by a manufacturer certified technician;
- (7) submit claims to their insurer if their vehicle is damaged;
- (8) apply insurance settlements received for the vehicle modification toward the cost of their vehicle modification or, if settlement is not received before the vehicle modification, reimburse the VR program for the total amount the participant received in vehicle modification services from any insurance settlement amounts received for insured modifications;
- (9) maintain the modified vehicle under the manufacturer's schedule of recommended maintenance; and
- (10) pay for the upkeep of vehicle modification, including the cost of consumable or disposable components necessary for the use and operation of the vehicle, and costs to repair or replace vehicle modifications not covered by insurance.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-19-2](#))

[460 IAC 14.1-19-3](#) Additional vehicle modification

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 3. (a) A participant who previously received vehicle modification services may receive assistance with an additional vehicle modification of a vehicle determined as fit for vehicle modification, based on a premodification vehicle inspection, if their current vehicle modification no longer meets their vocational

rehabilitation needs due to a substantial change in their functional limitations.

(b) If a participant previously received vehicle modification services and has not had a substantial change in their functional limitations, they may receive assistance with the full cost of a vehicle modification if:

- (1) it has been at least five (5) years from the date their original vehicle modification service was completed;
- (2) the vehicle odometer shows the vehicle has been driven at least one hundred thousand (100,000) miles; and
- (3) the vehicle or vehicle modification no longer meets their vocational rehabilitation needs due to the diminished operability of the vehicle or vehicle modification.

(c) If a participant previously received vehicle modification services and has not had a substantial change in their functional limitations, they may receive assistance with fifty percent (50%) of the cost of a vehicle modification if:

- (1) it has been less than five (5) years since the original vehicle modification service; and
- (2) the vehicle or vehicle modification cannot be repaired.

(d) Subsection (c) does not apply to participants eligible for Social Security Disability Insurance or Supplemental Security Income benefits.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-19-3](#))

[460 IAC 14.1-19-4](#) Limitations on vehicle modification

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 4. (a) Vehicle modifications must meet the National Mobility Equipment Dealers Association guidelines.

(b) The following do not qualify as or for vehicle modification services:

(1) The modification of a vehicle:

- (A) of which a participant or a family member of the participant is not the registered owner;
- (B) more than ten (10) years old or has more than one hundred thousand (100,000) miles on the odometer, unless the vehicle modification is appropriate based on the premodification vehicle inspection and level of modification required; or
- (C) considered by a vehicle modification provider as:
 - (i) unfit for the necessary vehicle modifications; or
 - (ii) not modifiable under the National Mobility Equipment Dealers Association guidelines.

(2) The:

- (A) purchase;
- (B) installation;
- (C) upkeep;
- (D) repair;
- (E) replacement;
- (F) modification; or
- (G) transfer;

of duplicate equipment for backup or contingency purposes.

(3) The cost of vehicle repairs undertaken by the participant or vehicle owner required to make a vehicle fit for vehicle modifications.

(4) Regular and routine costs of vehicle ownership and operation.

(5) Equipment, a modification, or a service not specifically related to the participant's vocational rehabilitation needs.

(6) The cost of a repair or replacement covered under the participant's vehicle warranties or insurance, including homeowners insurance.

(7) Retrofitting a vehicle with equipment that would have been standard or optional if the vehicle were purchased new, except when it is necessary for the participant's vocational rehabilitation needs.

(8) Repositioning or relocating existing adaptive equipment in the same vehicle or transferring the

existing equipment from one (1) vehicle to another for the same participant, except when the vehicle modification complies with the requirements of this rule.

(9) The removal of adaptive equipment, reversal of other modifications, or other restoration of a vehicle after vehicle modification services have been provided.

(10) Repair or replacement of damaged items, adaptive equipment, or modifications lost, damaged, stolen, or destroyed due to the participant's own negligence or abuse.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-19-4](#))

Rule 20. Home Modification

[460 IAC 14.1-20-1](#) Home modification services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) A participant may receive home modification under rehabilitation technology services if:

- (1) without removal of a physical barrier, a participant's physical impairment is determined to prevent them from preparing for work or entering or exiting the home, or both; and
- (2) no alternative means exist to allow the participant to overcome the physical barrier in their home and achieve their employment outcome.

(b) Before receiving home modification services, a participant must:

- (1) provide the VR program with the name of the owner of the premises to be modified;
- (2) participate in a home modification evaluation assessment conducted by a home modification evaluation provider to identify the physical barriers preventing the participant's achievement of their employment outcome;
- (3) complete the necessary repairs identified in the home assessment or by the VR program to make the home fit for modification; and
- (4) provide written consent from the homeowner and any other persons with an ownership or interest in the premises being modified, including approval of proposed drawings, plans, bids, and the scope of work prepared by the VR program or service provider.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-20-1](#))

[460 IAC 14.1-20-2](#) Scope of home modifications

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. (a) A participant meeting the criteria for home modifications services may receive assistance with at least one (1) of the following:

- (1) Modification of one (1) existing exterior doorway, if the participant is unable to enter or exit their home.
- (2) Installation of one (1) entrance ramp, lift, or loading pad, if the participant is unable to enter or exit their home.
- (3) Modification to one (1) bathroom, if the participant cannot attend to their personal hygiene needs.
- (4) Modifications to facilitate the participant's access to and movement between the bed, bathroom, entrance, and other areas necessary for gaining or maintaining employment.
- (5) Modification of a work space in the residence allowing the participant to work from home, if self-employment is being conducted from the home or the participant's employment outcome permits the participant to work from home.
- (6) Modification of a kitchen or dining area, if the participant is responsible for preparing, but unable to prepare, their own meals.
- (7) Modification of a laundry area, if the participant is responsible for laundering, but unable to launder, their own clothing and the modification makes it possible for the participant to launder clothing without assistance.

(b) Home modifications shall be the minimum necessary to enable a participant to achieve their

employment outcome, and constructed using standard quality and contractor grade materials approved by the VR program.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-20-2](#))

[460 IAC 14.1-20-3](#) Responsibilities

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 3. (a) Before and during home modification services, a participant is responsible for:

- (1) cooperating with the VR program and service providers in receiving approvals, permissions, permits, waivers, and releases required for the home modification;
- (2) notifying their vocational rehabilitation counselor of any concerns with their home modification;
- (3) making their home available to the home modification provider as agreed upon until the work is finished, is inspected, and meets the specifications in the scope of work; and
- (4) attending the final inspection and verifying the home modification is completed.

(b) After a home modification is finished, it is a participant's responsibility to:

- (1) maintain their home modification, including paying for the cost of consumable or disposable components necessary for the use and operation of any modification;
- (2) use the home modifications under any warranties or manufacturer's recommendations; and
- (3) promptly contact their home modification services provider regarding issues during the warranty period under the warranty.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-20-3](#))

[460 IAC 14.1-20-4](#) Inspection of finished home modifications

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 4. Once a home modification is finished, a participant must:

- (1) be present; and
 - (2) make their home available to the VR program and its designees;
- for an inspection.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-20-4](#))

[460 IAC 14.1-20-5](#) Discontinuation of home modification services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 5. (a) A participant's home modification services shall be discontinued if the participant no longer has an open case with the VR program.

(b) A participant whose home modification is discontinued is responsible for:

- (1) the costs of finishing the home modification; or
- (2) restoring the home to its original state, and removing incomplete modifications.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-20-5](#))

[460 IAC 14.1-20-6](#) Limitations on home modification services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 6. (a) The following are not eligible for purchase or reimbursement as home modification

services:

- (1) Construction or structural additions to the participant's home, including room additions or extensions.
- (2) The purchase of land.
- (3) The purchase or construction of a building.
- (4) Modifications inconsistent with local building codes or zoning ordinances.
- (5) The modification of an area of the home determined as impossible, impracticable, or otherwise unfit for modification based on the home assessment or inspection, or both.
- (6) Costs to repair or restore an area disturbed or damaged during the home modification exceeding the cost to restore or repair the area to the minimum requirements of building codes or local ordinances.
- (7) Upkeep and repair costs related to home ownership and operation.
- (8) Costs to maintain or service home modifications.
- (9) The modification of a home that is not the participant's primary place of residence.
- (10) Modifications solely related to general safety or security of the home.
- (11) Costs of cosmetic or aesthetic changes, including finishes, trims, accessories, or matching current materials used in the home that are more costly than standard quality and contractor grade materials.
- (12) The purchase, modification, or replacement of any appliances, pools, whirlpool tubs, saunas, tanning beds, or Jacuzzis.
- (13) The removal of any modifications.
- (14) Damages to personal property from construction debris, dust, and accidental damage during construction.

(b) A participant is eligible to receive home modification services once every ten (10) years, unless the home modification provided by the VR program no longer meets the participant's vocational rehabilitation needs due to changes in the participant's functional limitations, or an exception is granted in writing by the VR program under [460 IAC 14.1-8-1](#).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-20-6](#))

Rule 21. Occupational Tools, Equipment, and Licenses

[460 IAC 14.1-21-1](#) Occupational tools, equipment, and licenses

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec 1. (a) A participant may receive occupational tools and equipment whenever the participant needs tools and equipment to achieve the employment outcome identified in their individualized plan for employment.

(b) A participant may receive assistance with receiving an occupational license or certification required by state or local government regulations for immediate placement or vocational training. This assistance does not include occupational license fees required to maintain a license or certification, such as periodic or annual license renewal.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-21-1](#))

Rule 22. Ownership of Goods

[460 IAC 14.1-22-1](#) Ownership of goods

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) Except as set forth in subsections (b) and (c):

- (1) the occupational tools, equipment, medical and assistive technology devices, and other tangible

goods provided by the VR program to a participant are the property of the VR program until the participant's case is successfully closed; and
(2) ownership of goods transfers to the participant at successful case closure.

(b) Occupational tools, equipment, medical and assistive technology devices, and other tangible goods become the property of the participant immediately after receiving the item if it is:

- (1) purchased, in part, by the participant or a participant's family member;
- (2) provided for the participant entirely through comparable services and benefits;
- (3) customized to meet the specific needs of the participant; or
- (4) purchased for a self-employment employment outcome and needed as collateral for a small business loan.

(c) Tools, equipment, and adaptive devices purchased by the VR program specifically for operating the BEP vending site shall be the property of the BEP at the time of purchase.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-22-1](#))

[460 IAC 14.1-22-2](#) Upkeep, repair, and replacement of goods

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. A participant is responsible for the:

- (1) upkeep of tools, equipment, medical and assistive technology devices, and other tangible goods; and
- (2) costs to repair or replace the items listed in subdivision (1) lost, damaged, stolen, or destroyed due to the participant's own negligence or abuse.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-22-2](#))

[460 IAC 14.1-22-3](#) Participant's responsibilities

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 3. A participant must agree in writing:

- (1) to use the tools, equipment, medical and assistive technology devices, and other goods provided by the VR program only for the intended purposes for which they have been provided;
- (2) except as set forth in section 1(b)(3) of this rule, not to sell, gift, transfer ownership, or dispose of goods provided by the VR program;
- (3) not to rent, lease, lend, subcontract, or otherwise transfer possession, control, or use of goods provided by the VR program; and
- (4) to notify the VR program immediately if any goods are lost, stolen, damaged, destroyed, or no longer needed for the purpose for which they were provided.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-22-3](#))

Rule 23. Transition Services

[460 IAC 14.1-23-1](#) Transition services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. A person must be a student or youth with a disability to receive transition services.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-23-1](#))

[460 IAC 14.1-23-2](#) Transition services available

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. A student or youth with a disability may receive any of the services set forth in 34 CFR 361.49(a)(7).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-23-2](#))

Rule 24. Preemployment Transition Services

[460 IAC 14.1-24-1](#) Preemployment transition services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#); [IC 20-18-2-9](#)

Sec. 1. To receive preemployment transition services, a person must:

(1) be a student with a disability and either a:

(A) participant; or

(B) potentially eligible individual; and

(2) submit a copy of their current individualized education program, as defined in [IC 20-18-2-9](#), documentation or Section 504 accommodations to the VR program.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-24-1](#))

[460 IAC 14.1-24-2](#) Preemployment transition services available

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. A student with a disability may receive at least one (1) of the preemployment transition services listed in 34 CFR 361.48(a)(2), in either an individual or a group setting.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-24-2](#))

Rule 25. Reimbursement of Participants

[460 IAC 14.1-25-1](#) Reimbursement of participant

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) To be reimbursed for services by the VR program, a participant must:

(1) register in the VR program claims payment system; and

(2) submit written documentation of the services received and paid for by the participant based on the authorization for services. Written documentation must include a receipt, bank statement, or written payment confirmation from the service provider.

(b) A participant shall not receive prepayment for a vocational rehabilitation service or reimbursement before receiving the vocational rehabilitation service.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-25-1](#))

Rule 26. Case Closure

[460 IAC 14.1-26-1](#) Closure without eligibility determination

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. An applicant's failure to participate in or inability to complete an assessment for determining eligibility or a service priority category shall result in case closure without an eligibility determination under 34 CFR 361.44.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-26-1](#))

[460 IAC 14.1-26-2](#) Case closure for individuals who have achieved an employment outcome

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. A participant has achieved their employment outcome and their case is closed under 34 CFR 361.56 after a participant:

- (1) receives the vocational rehabilitation services identified in their individualized plan for employment, and additional vocational rehabilitation services are unnecessary or inappropriate;
- (2) achieves the employment outcome identified in their individualized plan for employment;
- (3) is employed in competitive integrated employment and maintains their employment outcome for at least ninety (90) days; and
- (4) agrees with their vocational rehabilitation counselor they are performing the essential job duties of the employment outcome to the satisfaction of their employer.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-26-2](#))

[460 IAC 14.1-26-3](#) Case closure for other reasons

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 3. The following shall constitute grounds for case closure:

- (1) An applicant's or a participant's:
 - (A) ineligibility for vocational rehabilitation services;
 - (B) refusal to participate in trial work experiences;
 - (C) unavailability for services due to a health or medical issue;
 - (D) calling to active military duty from reserve forces;
 - (E) death;
 - (F) unavailability participate in vocational rehabilitation services or refusal to contact their vocational rehabilitation counselor;
 - (G) entry into a correctional institution and unavailability to participate in services;
 - (H) failure to cooperate or actively participate in the vocational rehabilitation process, including repeated failure to keep appointments, maintain regular contact, or carry out responsibilities associated with participation specified in [460 IAC 14.1-4-2](#);
 - (I) declining vocational rehabilitation services;
 - (J) request for case closure;
 - (K) informed choice not to pursue an employment outcome;
 - (L) receiving a determination that extended services are not available;
 - (M) decision to transfer to another agency or program for services more appropriate for the applicant or participant;
 - (N) informed choice to pursue extended employment and the required referral has been made;
 - (O) failure to achieve the employment outcome described in their individualized plan for employment, and further services are not likely to result in achievement of the employment outcome; or
 - (P) pattern of harassing, verbally abusing, threatening, or exhibiting violent behavior that impedes the vocational rehabilitation process.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-26-3](#))

Rule 27. Registration and Responsibilities of Service Providers

[460 IAC 14.1-27-1](#) Service provider registration

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) To apply to become a registered service provider, a person must:

(1) complete the provider registration and provide their:

- (A) username;**
- (B) contact information; and**
- (C) address;**

(2) satisfy any outstanding federal or state tax debt;

(3) provide documentation verifying their:

- (A) education;**
- (B) license;**
- (C) certification;**
- (D) accreditation; or**
- (E) permit to provide services in the state of Indiana; and**

(4) if reapplying after termination, provide a written explanation addressing how the person corrected the reason for termination.

(b) A person disbarred or suspended from providing services by any state, local, or federal department or agency is ineligible to register as a service provider.

(c) A service provider's registration is valid for one (1) year from the date the registration is approved by the VR program.

(d) A service provider must update their registration:

(1) annually before the expiration of their provider registration; or

(2) when there is a change to the service provider's:

- (A) scope of services or goods provided;**
- (B) service location;**
- (C) credentials or licensing information;**
- (D) ownership; or**
- (E) address.**

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-27-1](#))

[460 IAC 14.1-27-2](#) Voluntary withdrawal of service provider registration

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. (a) To withdraw as a service provider, a person must provide a written notice at least sixty (60) days before the withdrawal to the VR program.

(b) A person withdrawing as a service provider must:

- (1) finish providing services authorized before the date of the service provider's notice of withdrawal;**
- (2) assist with transitioning participants to new service providers, if the person cannot finish providing services;**
- (3) immediately stop accepting referrals; and**
- (4) submit claims within sixty (60) days of the date the service provider finished providing services.**

(c) A person failing to comply with this section is not eligible to reapply to become a service provider for three hundred sixty-five (365) days from the date of termination.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-27-2](#))

[460 IAC 14.1-27-3](#) Service provider responsibilities

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 3. (a) A service provider shall:

- (1) comply with the applicable local, state, and federal laws, including the requirements set forth in this article;
- (2) maintain their education, license, certification, accreditation, or permit to provide services in the state of Indiana and under this rule;
- (3) maintain confidentiality of records regarding applicants and participants;
- (4) comply with the terms, specifications, and expectations of the authorization for services;
- (5) follow the terms of their vendor provider agreement;
- (6) on request, provide copies of records relating to providing goods and services to applicants and participants, within fourteen (14) days and at no cost to the VR program;
- (7) cooperate with the VR program by providing accurate and complete information, and responding to written or verbal requests for information;
- (8) notify the VR program in writing:
 - (A) within ten (10) business days of any change in status of the service provider's license, certification, accreditation, or permit; and
 - (B) immediately if disbarred or suspended from providing vocational rehabilitation services by any state, local, or federal agency; and
- (9) notify the VR program in writing within five (5) business days of receiving a participant's referral, if they decline to provide vocational rehabilitation services to a participant.

(b) A service provider failing to comply with any provision of this article shall receive written notice informing them of the failure and the action needed to remedy the situation.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-27-3](#))

[460 IAC 14.1-27-4](#) Conflict of interest

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 4. A service provider shall not:

- (1) provide, prescribe, recommend, or refer goods or services to an applicant or a participant who is their family member or they are a guardian of, unless the service provider is providing a supporting service;
- (2) prescribe or recommend goods or services to be provided by the service provider's family member or another service provider if they have a financial interest in the goods or services provided;
- (3) advertise or market services to applicants and participants in a false, inaccurate, misleading, or unfair manner;
- (4) excluding mementos, souvenirs, or items of nominal value, give gifts to applicants or participants;
- (5) engage in misleading or coercive business conduct with applicants or participants; or
- (6) prescribe, recommend, or sell goods or services to applicants or participants if the service provider would benefit financially from the sale of the goods and services prescribed or recommended, except whenever:
 - (A) the prescribing service provider and providing service provider operate under the same business entity, but neither benefit directly from the activities of the other;
 - (B) a participant requires a customized good to meet their disability related needs, and the customized nature of the purchase is documented in the participant's record of services; or
 - (C) a participant requires a vocational rehabilitation service provided by the only provider in the county.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-27-4](#))

[460 IAC 14.1-27-5](#) Job related services providers

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1-4.1](#)

Sec. 5. (a) Service providers of job related services, including community rehabilitation program providers, shall:

- (1) provide the VR program documentation they are accredited by one (1) of the organizations listed in [IC 12-12-1-4.1](#);**
- (2) ensure staff hired after the effective date of this rule complete the training that meets Association of Community Rehabilitation Educators certified training competencies within twelve (12) months of being hired;**
- (3) ensure staff receive four (4) hours of employment-focused training annually, provided by the VR program; and**
- (4) accept participants referred by the VR program, except when there is a conflict of interest under section 4 of this rule, or there are insufficient staff resources.**

(b) If a service provider cannot accept new participants due to insufficient staff resources:

- (1) the service provider must notify the VR program in writing within two (2) business days of receiving the participant's referral; and**
- (2) once the VR program receives the written notice, the service provider shall not be available to be selected by participants as a service provider, until the service provider notifies the VR program, in writing, of its ability to accept new participants.**

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-27-5](#))

[460 IAC 14.1-27-6](#) Vehicle modification providers

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 9-32-11-2.5](#); [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 6. Vehicle modification service providers must meet the standard set forth in [IC 9-32-11-2.5](#) (c)(2).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-27-6](#))

[460 IAC 14.1-27-7](#) Home modification services provider standards

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 7. (a) To become a registered home modification services provider, a person must provide a copy of their insurance certificate with at least one million dollars (\$1,000,000) in general liability insurance coverage.

(b) Home modification services providers must:

- (1) guarantee their work for one (1) year after completion date;**
- (2) provide participants with a written copy of the warranty information after finishing the home modification services; and**
- (3) be licensed and receive the legally required permits, licenses, and inspections as required by local and state statutes.**

(c) To become a registered home modification evaluation provider, a person must be a certified aging-in-place specialist.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-27-7](#))

[460 IAC 14.1-27-8](#) Providers of interpreter services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 8. Providers of interpreter services must provide the VR program written documentation that they meet one (1) of the criteria in [460 IAC 2-3-3\(a\)\(1\)](#) through [460 IAC 2-3-3\(a\)\(5\)](#).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-27-8](#))

[460 IAC 14.1-27-9](#) Providers of physical and mental restoration services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 9. Providers of physical and mental restoration services must provide the VR program documentation that they have the license, certification, registration, or permit necessary to practice in their industry in Indiana.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-27-9](#))

[460 IAC 14.1-27-10](#) Driver rehabilitation specialists

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 10. Driver rehabilitation specialists must be certified by the Association for Driver Rehabilitation Specialists.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-27-10](#))

[460 IAC 14.1-27-11](#) Termination of a service provider

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 4-21.5-3](#); [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 11. (a) A service provider shall be terminated if they:

- (1) received notice three (3) times under section 3(b) of this rule of their failure to comply with any provision of this article;**
- (2) are disbarred or suspended from providing services by a state, local, or federal agency; or**
- (3) caused or contributed to the serious endangerment of an individual's health or safety, and their actions were likely to cause death or bodily harm to that individual.**

(b) Except as provided in subsection (a)(1), a service provider previously terminated under this section shall be terminated if they receive notice of a failure to comply with any provision of this article.

(c) An individual terminated under subsection (a)(1) may reapply to become a service provider under the following schedule:

- (1) For the first instance of termination, one hundred eighty (180) days from their date of termination or the end of their appeal, whichever is later.**
- (2) For the second instance of termination, three hundred sixty-five (365) days from their date of termination or the end of their appeal, whichever is later.**
- (3) For the third instance of termination, five hundred forty-five (545) days from their date of termination or the end of their appeal, whichever is later.**
- (4) For the fourth instance of termination, the provider may not reapply to become a service provider.**

(d) An individual terminated under subsection (a)(2) may not reapply to become a service provider until they provide documentation from a federal, state, or local agency that they have remedied the reason for being disbarred or suspended.

(e) An individual terminated under subsection (a)(3) may not reapply to become a service provider.

(f) An individual who disagrees with their termination may request an impartial due process hearing under [IC 4-21.5-3](#).

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-27-11](#))

Rule 28. Payment and Reimbursement for Vocational Rehabilitation Services

[460 IAC 14.1-28-1](#) Payment of service providers

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) A service provider shall not receive payment for vocational rehabilitation services before providing the service.

(b) To receive payment for providing vocational rehabilitation services, a service provider must:

- (1) register in the VR claims payment system;
- (2) submit claims for payment for services rendered, with supporting documentation, to the VR program through the VR claims payment system;
- (3) submit claims for payment or requests to waive the deadline to submit claims through the VR claims payment system within ninety (90) days of the date of service; and
- (4) include written verification of providing the service or good.

(c) Claims for payment or waiver requests submitted more than ninety (90) days from the date of service are untimely.

(d) Untimely claims for payment shall be denied, and a service provider shall not receive payment for untimely claims unless a waiver to the deadline to submit claims has been granted.

(e) A waiver request must be submitted to the VR counselor serving the applicant or participant for whom a claim is being filed.

(f) A waiver is granted if:

- (1) an error or action by the VR program delayed filing of claims for payment;
- (2) the service provider made reasonable and continuous attempts to resolve the claim problem;
- (3) the service provider has experienced turnover with the staff directly responsible for submitting claims for payment; or
- (4) the service provider made reasonable and continuous attempts to first bill and collect from a comparable benefit or service.

(g) A service provider may correct and resubmit a claim denied for payment by the VR program. A service provider must resubmit the claim within ten (10) days from the date of denial.

(h) A service provider is reimbursed for providing vocational rehabilitation services under the participant's authorization for services at the least cost of the vocational rehabilitation services or the published rate set by the VR program.

(i) A service provider is prohibited from receiving reimbursement for services not included in a participant's authorization for services.

(j) A service provider whose claim was denied may request an impartial due process hearing.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-28-1](#))

[460 IAC 14.1-28-2](#) Overpayment for services

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. A participant or service provider shall reimburse the VR program within sixty (60) days of

receiving notice of an overpayment on a claim.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-28-2](#))

Rule 29. Informal Supervisory Review

[460 IAC 14.1-29-1](#) Informal supervisory review

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) An applicant or a participant may request informal resolution if dissatisfied with a determination or other action taken by the VR program affecting receiving services.

(b) An applicant or a participant may make a request for informal supervisory review either orally or in writing to their assigned counselor. The counselor's decision shall be reviewed to determine whether the same decision would be made based on the information provided and the requirements of this rule.

(c) An applicant or a participant retains their right to formal resolution through an impartial due process hearing while seeking informal resolution under this section.

(d) An applicant or a participant shall be notified whether the decision is affirmed, reversed, or modified within ten (10) business days of their request for informal supervisory review.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-29-1](#))

Rule 30. Due Process Hearing

[460 IAC 14.1-30-1](#) Right to review of VR program decision

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 4-21.5-3-7](#); [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 1. (a) A person dissatisfied with their determination from the VR program may request an impartial due process hearing.

(b) To request an impartial due process hearing, a person must submit their appeal request in writing to their local vocational rehabilitation office by any method of delivery. An appeal request must include:

- (1)** the information required under [IC 4-21.5-3-7\(a\)](#);
- (2)** whether the person agrees to mediation; and
- (3)** whether accommodations are necessary to participate in the impartial due process hearing.

(c) An appeal request must be received by the person's local vocational rehabilitation office by 4:30 p.m., within fifteen (15) days after the person is given notice of the determination under [IC 4-21.5-3-7\(a\)\(3\)\(A\)](#).

(d) A person may withdraw their request for an impartial due process hearing or mediation, at any time, by notifying the VR program and the hearings and appeals section of the family and social services administration in writing of their intent to withdraw.

(e) A person may be represented at an impartial due process hearing, at their own expense, by counsel or any other advocate of their choice.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-30-1](#))

[460 IAC 14.1-30-2](#) Impartial hearing officer

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 2. A person requesting an impartial due process hearing shall have their request assigned to an impartial hearing officer. The same individual will not be assigned as mediator and impartial hearing officer in the same case.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-30-2](#))

[460 IAC 14.1-30-3](#) Mediation

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 4-21.5-3.5](#); [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 3. (a) An applicant or a participant wishing to pursue mediation must submit a written request for mediation with a request for an impartial due process hearing.

(b) If both parties agree to mediation, a qualified and impartial mediator shall conduct the mediation under [IC 4-21.5-3.5](#), but mediation may be terminated at any time by either party or the qualified and impartial mediator.

(c) If both parties do not agree to mediation or if mediation is terminated, the parties shall proceed to an impartial due process hearing.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-30-3](#))

[460 IAC 14.1-30-4](#) Impartial due process hearing

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 4. (a) A person shall receive an impartial due process hearing not later than sixty (60) days after the VR program receives the written appeal request, unless:

- (1) an agreement is reached during mediation or through any other settlement;
- (2) the person withdraws their appeal request; or
- (3) the person and the VR program agree to an extension of time.

(b) Within thirty (30) days after an impartial due process hearing is finished, the applicant or participant shall receive a written report of the findings and grounds for the decision from the impartial hearing officer.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-30-4](#))

[460 IAC 14.1-30-5](#) Administrative review

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 4-21.5-3-28](#); [IC 12-93-5](#); [IC 12-12-1](#)

Sec. 5. (a) Except as provided in subsections (b) and (d), a person dissatisfied with the outcome of an impartial due process hearing may request administrative review conducted under [IC 4-21.5-3-28](#).

(b) A person may request administrative review by submitting a written and signed request to the director of the division within twenty (20) days of the mailing of the impartial hearing officer's decision. The director of the division may not delegate their authority for making a final decision to any other office or employee.

(c) A person may submit additional evidence concerning an issue under administrative review under

instructions issued by the director of the division.

(d) A person requesting administrative review shall receive a written decision within thirty (30) days from the date of the request.

(e) The decision of the director of the division is final and must be followed unless the decision is overturned by a court.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-30-5](#))

[460 IAC 14.1-30-6](#) Civil action

Authority: [IC 12-8-8.5-4](#); [IC 12-9-2-3](#); [IC 12-9-5-1](#); [IC 12-9-5-3](#)

Affected: [IC 4-21.5-5](#); [IC 12-9-5](#); [IC 12-12-1](#)

Sec. 6. A party dissatisfied with the decision of the director of the division may bring a civil action in any state court under [IC 4-21.5-5](#) or a United States district court of competent jurisdiction under 34 CFR 361.57, disregarding the amount in dispute.

(Division of Disability and Rehabilitative Services; [460 IAC 14.1-30-6](#))

SECTION 2. [460 IAC 14](#) IS REPEALED.

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