

# MICHIGAN DEPARTMENT OF LABOR AND ECONOMIC GROWTH

## DIRECTOR'S OFFICE

### VOCATIONAL REHABILITATION

By authority conferred upon the Director of the Department of Labor and Economic Growth by 1964 PA 232 and Executive Reorganization Order Nos.1993-11, 1999-1, and 2003-1, being MCL 395.81, 388.991, 408.40, and 445.2011.

#### **PART 1. ELIGIBILITY FOR REHABILITATION SERVICE**

##### **R 395.1 Residence.**

Rule 1. Any disabled person living in Michigan shall be considered for vocational rehabilitation.

History: 1954 AC; 1979 AC; 1998-2000 AACS.

Editor's note: For former related provisions, see 1944 AC.

##### **R 395.2 Rescinded.**

History: 1954 AC; Rescinded 1954 ACS 24, Eff. Nov. 12, 1960.

##### **R 395.3 Economic circumstances of individual.**

Rule 3. (1) Consideration shall be given to the financial responsibilities of each person with a disability furnished a cost service. Each person with a disability or his or her family shall be encouraged to provide for the costs of the individual program insofar as possible. All direct cost services, with the exception of diagnostic examinations and specialized consultation services, shall be given on the basis of the degree to which the individual may participate financially.

(2) Maintenance may be provided for additional costs, beyond normal living expenses, incurred while participating in an assessment to determine eligibility and vocational rehabilitation needs or while receiving services under an individualized plan for employment. When maintenance costs are a part of a student's cost of attendance in post-secondary training, they shall be subject to the economic needs test referred to in R 395.31. Before the person with a disability is granted maintenance, he or she shall secure necessary aid from the family group upon which the individual is dependent and to use for living costs any income from sources such as pensions, insurance benefits, and worker's compensation and worker's compensation settlements.

(3) Purchase of prosthetic, orthotic and other assistive devices, sensory aids, assistive technology, mental and physical restoration, transportation, placement,

occupational tools, equipment, stocks, and supplies, equipment, and other services shall comply with both of the following:

(a) With the exception of diagnostic examinations and specialized consultation services, all persons with disabilities shall pay for cost services insofar as they are able, unless otherwise specified in R 395.31.

(b) The same criteria of determining financial ability as listed under subrule (2) of this rule shall be applicable.

History: 1954 AC; 1979 AC; 2005 AACCS.

#### **R 395.4 Informational background.**

Rule 4. (1) Case data shall be secured from reliable and competent sources such as interviews or reports from teachers, health care practitioners, employers, relatives, friends, and cooperating agencies. These data shall be supplemented by field agent interviews with the person with a disability.

(2) Material shall be assembled pertaining to the person with a disability covering physical, mental, educational, personality, occupational experience, aptitude, and social factors.

History: 1954 AC; 1979 AC; 2005 AACCS.

#### **R 395.5 Diagnostic procedures.**

Rule 5. (1) Competent medical diagnosis shall be obtained in every case, and when reasonably necessary to a decision in doubtful cases, the problem shall be referred to a recognized specialist in the specific field indicated by the medical diagnosis. Such diagnosis shall undertake to establish the general health condition and history of the individual, including mental conditions by a competent psychiatrist when the need thereof is indicated. Any abnormal condition, organic or functional, shall be analyzed against this background and a prognosis made as to its future course and effects considered in relation to its susceptibility to treatment. The diagnosis shall be accompanied by recommendations as to the means and method of restoration.

(2) Intelligence, aptitude, and interest tests may be used in individual cases to determine feasible employment objectives. These may be secured through established psychological clinics, guidance centers, or administered by those on the staff qualified to do so.

(3) Appliances shall be fitted according to the recommendations of the medical specialist. The actual use of the appliances shall be noted by the medical specialist to guarantee maximum results.

(4) Physical restoration service shall be granted only when the disability has been reasonably static or may become worse if not treated. The physician's prognosis must show the disability will be minimized or removed by treatment or hospitalization. The test of whether this service should be secured or granted is whether the disabled persons will likely become more employable.

(5) Training may be offered only when the disability, interests, and aptitudes indicate the disabled person may improve his vocational level of performance by such training.

History: 1954 AC; 1979 AC.

**R 395.6 Confidential information.**

Rule 6. All information as to personal facts and circumstances given or made available to the state board and obtained by it in the course of administration shall constitute privileged communications and shall be held confidential. The board will restrict the use or disclosure thereof to persons directly connected with the administration of vocational rehabilitation under the plan.

History: 1954 AC; 1979 AC.

**R 395.7 Determination of eligibility.**

Rule 7. The responsibility for the decision as to eligibility shall be delegated to qualified members of the staff and may not be delegated to any other individual or agency.

History: 1954 AC; 1979 AC.

**R 395.8 No discrimination.**

Rule 8. There shall be no discrimination against any applicant because of sex, race, color, or national origin, and there shall be equitable provision of facilities and training of like qualities where separate facilities are required by law for separate population groups.

History: 1954 AC; 1979 AC.

**PART 2. PROVISION OF REHABILITATION SERVICES**

**R 395.21 Selection of facilities.**

Rule 21. (1) It shall be policy to use the facilities best suited to the needs of the disabled person. These may be public or private but in all cases are to be fully accredited in their respective fields. The disabled person shall be granted the privilege of choosing the service facilities

insofar as feasible. Generally services shall be secured in the state. The only time out-of-state facilities may be used is when the individual can be served to better advantage. When 2 similar facilities have markedly different costs, the more reasonable facility shall be used.

(2) The principal training agencies used shall be of a varied nature. Colleges, universities, and technical schools; public vocational, commercial, and technical schools of less than college grade; private

trade and business schools; correspondence and extension facilities; tutorial and other facilities giving special training; and business and industrial establishments used for employment training shall be used depending upon the individual requirements of the trainee. The board may establish and maintain training facilities as needed.

(3) Physical restoration shall be secured through the services of physicians, physical therapists, occupational therapists, clinics, sanatoria, convalescent homes, and hospitals. These physical restoration facilities are to be duly accredited. The work done in this area shall be coordinated with the efforts of the public health services, crippled children agencies, state and county medical societies, and welfare agencies.

History: 1954 AC; 1979 AC; 1998-2000 AACCS.

### **R 395.22 Counseling and supervision.**

Rule 22. Counseling shall be considered to be that service of rehabilitation which provides an appraisal of the disabled person's abilities, limitations, interests, and resources in order to achieve his maximum potentialities. The policies and procedures for counseling and supervision shall require that frequent contact be maintained between the field agent and the disabled person.

History: 1954 AC; 1979 AC.

### **R 395.23 Placement.**

Rule 23. Placement shall be recognized as 1 of the essential services of vocational rehabilitation.

History: 1954 AC; 1979 AC.

### **R 395.24 Workshops and rehabilitation facilities.**

Rule 24. The board may establish workshops or rehabilitation facilities for the purpose of providing rehabilitation services to clientele when it shall be in the interest of the state to do so.

History: 1979 AC.

## **PART 3. PAYMENT OF SERVICE COSTS**

### **R 395.31 Training.**

Rule 31. (1) The agency shall impose an economic needs test for the student's cost of attendance of training at a post-secondary educational institution. The

economic needs test utilized shall be the federally established needs test using the Free Application for Federal Student Aid (FAFSA) or its equivalent, as required by the post-secondary institution, to determine student eligibility for state and federal financial aid.

(2) The agency may not provide financial assistance for any item covered in the cost of training attendance if the individual, or individual's family as applicable, fails to make maximum effort to apply for, or refuses to accept, federal, state, institutional, and other grants, need-based scholarships, or tuition waivers for which they may be eligible.

(3) The agency shall not replace the expected family contribution, as determined by the post-secondary institution's financial aid officer using the federal Student Aid Report, in contributing toward the individual's cost of attendance at a post-secondary institution. However, monetary benefits received by an individual under Titles II and XVI of the Social Security Act are excluded from the expected family contribution to postsecondary attendance.

(4) The agency shall not replace insurance benefits received, wholly or in part, as a settlement of liability for vocational rehabilitation services, in contributing toward the individual's cost of attendance at a post-secondary institution.

(5) Maximum financial support that may be provided by the agency toward an individual's cost of college or vocational training during the academic year shall be \$3,000.00 and \$1,000.00 for the summer semester. An exception to the maximum may be considered by the agency when other forms of student aid are excluded due to disability-related factors. The agency shall periodically adjust the maximum financial support figures in accordance with increases in the cost of living.

(6) Agency clients attending Michigan Career and Technical Institute are exempt from means testing and financial aid limitations for the cost of attendance.

(7) Costs for training on the job shall be computed in terms of the actual costs of training.

History: 1954 AC; 1979 AC; 2005 AACCS.

### **R 395.32 Professional fees.**

Rule 32. Professional fees, costs of medical examination, and corrective surgery or therapeutic treatment shall be consistent with the usual, customary, and reasonable fee for these services, not to exceed that charged other public agencies.

History: 1954 AC; 1979 AC; 2005 AACCS.

### **R 395.33 Transportation.**

Rule 33. Transportation costs may be provided in support of another vocational rehabilitation service. When such costs are a part of a student's cost of attendance in post-secondary training, they shall be subject to the economic needs test referred to in R 395.31. These costs shall not exceed the costs established by the department of administration.

History: 1954 AC; 1979 AC; 2005 AACCS.

**R 395.34 Prosthetic appliances.**

Rule 34. Prosthetic appliances will be supplied the disabled person at prices consistent with those fixed for these items. Appliances shall be purchased from accredited appliance dealers.

History: 1954 AC; 1979 AC.

**R 395.35 Maintenance.**

Rule 35. A supplementary amount of maintenance aid may be granted to meet the individual's needs after the resources of the disabled person are computed.

History: 1954 AC; 1979 AC.

**PART 4. DISABILITY DETERMINATION SERVICE**

**R 395.41 Disability determinations.**

Rule 41. By contractual agreement with the social security administration of the department of health, education and welfare, the board shall provide the determinations on extent of disability and employment incapacity of claimants for disability insurance benefits as provided under the federal social security act. Wherever state procedures shall apply in conducting such disability determinations, these shall be in conformity with the same rules of procedure as pertain to the operations of the general program of vocational rehabilitation under the state board of control for vocational education.

History: 1979 AC.

**R 395.42 Referrals.**

Rule 42. In the process of making disability determinations on applicants for disability insurance benefits, individuals who are believed to have potential for employment through vocational rehabilitation services shall be referred to the vocational rehabilitation program.

History: 1979 AC.