

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

FILED

2006 JUL 28 P 2: 52

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: WV Division of Rehabilitation Services TITLE NUMBER: 130

CITE AUTHORITY: W.Va. Code 18-10A-1 et seq.

AMENDMENT TO AN EXISTING RULE: YES X NO

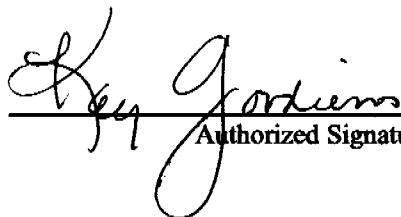
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Case Services

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 24, 2006

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) WV Division of Rehabilitation Services

State Capitol P O Box 50890

Charleston, WV 25305 304-766-4997

LEGISLATIVE RULE TITLE: Case Services

1. Authorizing statute(s) citation W Va Code 18-10A-1 et seq

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:

June 21, 2006

b. What other notice, including advertising, did you give of the hearing?

The State Register was the only notice utilized.

c. Date of Public Hearing(s) *or* Public Comment Period ended:

July 21, 2006

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July 28, 2006

- f. Name, title, address and **phone/fax/e-mail numbers** of agency person(s) to receive all written correspondence regarding this rule: (Please type)

Tracy Carr, Senior Manager

WV Division of Rehabilitation Services

State Capitol P O Box 50890, Charleston, WV 25305

Phone: 766-4997 FAX: 766-4966 e mail: Tracy.Carr @ wvdrs.org

- g. **IF DIFFERENT FROM ITEM 'f'**, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 130 CSR 1 Case Services

Type of Rule: ☒ Legislative ☐ Interpretive ☐ Procedural

Agency: West Virginia Division of Rehabilitation Services

Address: PO Box 50890, State Capitol, Charleston WV 25305

Phone Number: 766-4997 Email: tracy.carr@wvdrs.org

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No Fiscal Impact

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues			

Rule Title: _____

Rule Title:

130 CSR 1 Case Services

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

Date: 6/19/06

Signature of Agency Head or Authorized Representative

Deborah Lovely

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TITLE 130
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF REHABILITATION SERVICES

SERIES 1
CLIENT SERVICES

2006 JUN 21 P 4:01
OFFICE WEST VIRGINIA
SECRETARY OF STATE

§130-1-1. General.

1.1. Scope -- This rule is being filed pursuant to W. Va. Code §29A-3-1 et seq. and §18-10A-1 et seq. This rule references the Division of Rehabilitation Services' Client Services Manual which establishes the policies and procedures for the administration of the state/federal vocational rehabilitation program.

1.2. Authority. -- W. Va. Code §18-10A-1 et seq.

1.3. Filing Date. -- .

1.4. Effective Date. -- .

1.5. Repeal and Replace -- This rule repeals and replaces the West Virginia Division of Vocational Rehabilitation Case Services Procedural Rule 130CSR1 with the West Virginia Division of Rehabilitation Services Client Services Legislative Rule.

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§130-1-2. Description.

2.1. General Purpose. The West Virginia Division of Rehabilitation Services operates as the Designated State Unit for the administration of the vocational rehabilitation program as authorized by Title IV of the Workforce Investment Act of 1998 (PL 105-220) and governed by 34 CFR Part 361. The purpose of the West Virginia Division of Rehabilitation Services is to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that they may prepare for and engage in gainful employment.

2.2. Client Services Manual. The West Virginia Division of Rehabilitation Services maintains a Client Services Manual that establishes the policies and procedures for the administration of the state/federal vocational rehabilitation services program. Federal law requires the Division to maintain written policies covering the nature and scope of the vocational rehabilitation services provided for in the law. The policies must ensure that the provision of services is based on the rehabilitation needs of each individual as identified in that individual's individualized plan for employment and the policies do not establish arbitrary limits on the nature and scope of services to be provided to the individual to achieve an employment outcome (Sections 12(c) and 101(a)(6)(A) of the Workforce Investment Act; 34 CFR 361.50).

§130-1-3. Incorporation by Reference.

3.1. Incorporation by Reference. The Client Services Manual maintained by the West Virginia Division of Rehabilitation Services is hereby incorporated by reference as a Legislative Rule. The Client Services Manual is available from the West Virginia Division of Rehabilitation Services.

TITLE 130
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF REHABILITATION SERVICES

SERIES 1
CLIENT SERVICES

Summary

The proposed rule repeals a current Procedural Rule and replaces it with a Legislative Rule. The proposed rule will replace a rule that is currently out of date. The proposed rule will reference the West Virginia Division of Rehabilitation Services' Client Services Manual that is presently incorporated into a Procedural Rule. The Division of Rehabilitation Services operates the state/federal vocational rehabilitation program and is required by federal law to maintain written policies and procedures governing the provision of services to its clients.

**TITLE 130
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF REHABILITATION SERVICES**

**SERIES 1
CLIENT SERVICES**

Statement of Need

Repealing and replacing the current Legislative Rule will enable the West Virginia Division of Rehabilitation Services to eliminate a rule that is dated and incompatible with the Division's current fee schedule. The Division is proposing a Legislative Rule that will reference the Division's Resources Manual in order to replace the outdated rule.