

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

Form #3

Do Not Mark In This Box

FILED

2006 JUL 28 P 2:53

**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: 2

TITLE OF RULE BEING AMENDED: Resources Manual

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: Resources Manual

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 26, 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 2 Resources Manual

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 2 Resources Manual

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

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

**SERIES 2
RESOURCES MANUAL**

FILED

2006 JUN 21 P 4:01

OFFICE WEST VIRGINIA
SECRETARY OF STATE**§130-2-1. 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' Resources Manual which establishes the fee schedule for vocational rehabilitation services that may be purchased by the Division of Rehabilitation Services for its clients.

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 Resources Manual Legislative Rule 130CSR2 with the West Virginia Division of Rehabilitation Services Resources Manual Legislative Rule.

§130-2-2. 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. Resources Manual. The West Virginia Division of Rehabilitation Services maintains a Resources Manual that establishes fee schedule for vocational rehabilitation services that may be purchased by the Division of Rehabilitation Services for its clients. Federal law authorizes the West Virginia Division of Rehabilitation Services to establish a fee schedule that ensures reasonable cost to the program for each service provided through the vocational rehabilitation program. The fee schedule cannot be so low that it denies an individual a necessary service and the Division must permit exceptions so that individual needs can be addressed (34 CFR 361.50). The West Virginia Division of Rehabilitation Services bases its fee schedule on rates set by the Public Employees Insurance Agency, Medicaid, and Medicare. The Division's fee schedule does not exceed the highest state payor.

§130-2-3. Incorporation by Reference.

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

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

**SERIES 2
RESOURCES MANUAL**

Summary

The proposed rule repeals and replaces a current 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' Resources Manual that is presently incorporated into a Legislative Rule. The Division of Rehabilitation Services operates the state/federal vocational rehabilitation program and is authorized by federal law to establish a fee schedule that ensures reasonable cost to the vocational rehabilitation program for each service provided.

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.