

**WEST VIRGINIA
SECRETARY OF STATE
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OFFICE WEST VIRGINIA
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Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Division of Rehabilitation Services TITLE NUMBER: 130

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:

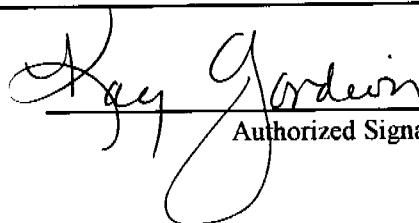
TITLE OF RULE BEING PROPOSED:

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 314

SECTION 64-4-2(a), PASSED ON March 5, 2007

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: May 1, 2007


Authorized Signature

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

TITLE 130
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF REHABILITATION SERVICES
SERIES 2
RESOURCES MANUAL

§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. -- April 30, 2007.

1.4. Effective Date. -- May 1, 2007.

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.