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State Superintendent of Schools

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TO: Members of the State Board of Education
FROM: Nancy S. Grasmick *Nancy*
DATE: June 23, 2009
SUBJECT: COMAR 13A.11.01, .02, and .08 (AMEND)
Programs for Adults with Disabilities
PERMISSION TO PUBLISH

PURPOSE:

The purpose of this action is to request permission to publish amendments to COMAR 13A.11.01, .02, and .08, Programs for Adults with Disabilities.

HISTORICAL BACKGROUND:

Amendments in Chapter .01, Vocational Rehabilitation Services have been proposed to: 1) update the sliding scale used to determine financial participation of eligible individuals in cost of services, and 2) update and incorporate by reference the Division's fee schedule.

DORS has a financial need policy which requires that consumers who have the ability to pay contribute to the cost of certain rehabilitation services, unless the consumer is a recipient of Social Security disability benefits. The consumer's contribution is based on a sliding scale which takes into account family income and the number of dependents. It is based on the Poverty Guidelines established annually by the United States Department of Health and Human Services.

The Division has a fee schedule which includes general fees for medical and rehabilitation services, fees paid to community rehabilitation programs for approved rehabilitation services, and fees which DORS charges for services provided at the Workforce & Technology Center.

Amendments in Chapter .02, Maryland Disability Employment Tax Credit have been proposed consistent with legislation passed by the Maryland General Assembly in 2009 regarding extension of this tax credit.

Amendments in Chapter .08, Workforce and Technology Center, have been proposed to provide technical updates and clarification regarding administration and service provision.



EXECUTIVE SUMMARY:

To comply with the Federal Regulations and the Rehabilitation Act Amendments of 1998 and to implement other technical changes and clarifications, revisions are being proposed in the following chapters:

Changes in Chapter 01, Vocational Rehabilitation Services

Regulation .03-1 Incorporation by Reference

- (1) The Division of Rehabilitation Services Fee Schedule, Rehabilitation Services Manual V (RSM V) has been updated as of May 2009. Updates reflect changes in fees paid by the Division for services for applicants and eligible individuals, and fees charged by the Division for services provided by its Workforce and Technology Center.

Regulation .15 Financial Participation Schedule.

- The sliding scale has been updated consistent with the 2009 Poverty Guidelines of the U.S. Department of Health and Human Services.

Changes in Chapter 02, Maryland Disability Employment Tax Credit

Regulation .06 Limitations on Claim of Credit by Employers

- Revisions have been made consistent with the 2009 Maryland General Assembly's extension of the Maryland Disability Employment Tax Credit until June 30, 2010.

Changes in Chapter 08, Workforce and Technology Center (WTC)

Regulation .08 Service Plan

- The revision in this section has been made to reflect that the written service plan of a WTC consumer may include certain listed items, but in some instances may not.

Regulation .10 Discharge

- The revision in this section clarifies that under certain circumstances, consumers appealing a discharge from WTC may not be permitted to remain at the WTC during the appeal.

Regulation .14 Career Assessment Services

- The minor revision proposed in this regulation reflects updated requirements for individualized written evaluation plans according to CARF, the international accrediting body for rehabilitation facilities. WTC is a CARF-accredited facility.

Regulation .15 Medical Services

- The amendment has been proposed for consistency with COMAR 10.07.14 related to the operation of the WTC Assisted Living Unit.

Regulation .18 Accrediting and Licensing

Updates reflect a change in CARF requirements related to required committees; the previous medical administrative staff committee and records committee are no longer required.

There will be a modest fiscal impact by these regulations. While the Tax Credit regulations have been updated, MSDE DORS only processes documentation for this credit; state regulations of the Maryland Department of Labor, Licensing and Regulation would speak to the cost of the credits.

There will be a modest impact on individuals with disabilities. The small minority of individuals who are required to contribute financially to the cost of services may see a small change in that amount. Certain individuals may be able to achieve employment with employers interested in hiring them and taking advantage of the Maryland Disability Employment Tax Credit.

ACTION:

I am requesting permission from the State Board of Education to publish the proposed amendments following the TENTATIVE timelines below:

MARYLAND REGISTER ISSUE DATE:	August 28, 2009
HEARING:	N/A
30 DAY OPEN COMMENT PERIOD ENDS:	September 28, 2009
ADOPTION:	October 27-28, 2009

NSG:ph

Attachments