

CABINET FOR WORKFORCE DEVELOPMENT

Department of Vocational Rehabilitation

781 KAR 1:040. Rehabilitation Technology Services.

RELATES TO: KRS 151B.190, 29 USC 706(8)(A)

STATUTORY AUTHORITY: KRS 151B.185, 151B.195

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.195 requires the Commissioner, Department of Vocational Rehabilitation to promulgate administrative regulations governing the services and administration of the Department of Vocational Rehabilitation. This administrative regulation prescribes when, and under what conditions, rehabilitation technology services shall be provided, in order to distribute limited funds more equitably over the entire population of otherwise eligible individuals.

Section 1. Definitions. (1) "Applicant" means an individual who has signed a letter or document requesting vocational rehabilitation services and who is available to complete an assessment.

(2) "Department" means the Department of Vocational Rehabilitation and its appropriate staff members who are authorized under state law to perform the functions of the state regarding the state plan and its supplement.

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(3) "Eligible individual" means an individual who has been determined by an appropriate department staff member to meet the basic conditions of eligibility for vocational rehabilitation services as defined in 34 CFR 361.42.

Section 2. Computer Hardware and Software Purchases. The department shall not purchase a computer, microcomputer, other hardware or software for the personal use of an applicant or eligible individual. The department may consider the provision or upgrade or replacement of computer hardware and software if:

(1) The equipment is essential to compensate for the limitations caused by the disability;
or

(2) The equipment is required for the eligible individual to achieve a vocational objective of competitive employment;

(3) One (1) or more of the following criteria are met:

(a) The equipment is required for vocational preparation;

(b) The equipment is required to perform the job and no provision is made by the employer to supply the equipment; or

(c) The equipment will enable an eligible individual to become competitive with non-disabled employees performing the same duties.

Section 3. Computer Upgrades or Replacements. A computer upgrade or replacement may be provided for an eligible individual if needed for obtaining and maintaining employment.

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Section 4. Second Time Upgrades or Replacements. (1) Except as provided in this section, the department shall not provide more than one (1) computer upgrade or replacement per individual.

(2) The department may approve a second time upgrade or replacement under the following conditions:

- (a) The eligible individual has demonstrated a two (2) year continuous work history; and
- (b) The eligible individual's employer attests that the upgrade or replacement is needed to maintain employment.

Section 5. General Vehicle Modification. (1) Modification of a van for an eligible individual who can be functional in an automobile shall not be authorized over the maximum cost of the automobile modification.

(2) The department may provide van modifications for eligible individuals determined by a department specialist to be unable to transfer independently into and out of an automobile.

(3) Vehicle modifications in excess of \$5,000 shall not be provided except on the recommendation of a department specialist.

(4) All other individuals who need driver evaluation, driver training or vehicle modification may purchase services on a fee for service basis if all department applicants and eligible individuals have been served.

(5) Vehicle modification in excess of \$5,000 shall not be provided until the eligible individual completes a driver evaluation and vehicle modification assessment by a department specialist.

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(6) Vehicle modifications in excess of \$5,000 shall be inspected and approved by a department specialist before payment is made.

Section 6. Specific Vehicle Modifications Costing More than \$5,000. (1) Except as provided in subsection (2) of this section, a vehicle modification costing in excess of \$5,000 shall not be provided unless the eligible individual:

(a) Has a vocational objective of competitive employment; and

(b) Is within two (2) years of job placement.

(2) Vehicle modifications may be provided to an individual who is not within two (2) years of job placement if the Director of Program Services determines that documentation exists that the modification would result in a substantial cost savings to the department.

(3) Vehicle modifications costing in excess of \$5,000 shall not be provided on a new vehicle except as provided in this section.

(4) The department may approve vehicle modifications in excess of \$5,000 for older vehicles if maintenance records and overall condition of the vehicle can justify the modification as attested by a department specialist. The modification shall demonstrate cost savings to the department.

Section 7. Upgrading and Repair of Vehicle Modification. (1) Vehicle modification upgrades and repair may be provided for an eligible individual if needed for obtaining or maintaining employment.

(2) Upgrade or repair of vehicle modifications in excess of \$10,000 may be provided if the Director of Program Services determines that the modification has a direct

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relationship to the employment goal and that failure to provide the modification would preclude the successful achievement of the employment goal.

Section 8. Second Time Modifications. (1) Except as provided in this section, the department shall not provide more than one (1) vehicle modification per eligible individual.

(2) The department may approve a second time vehicle modification under the following conditions:

- (a) The eligible individual has demonstrated a two (2) year continuous work history; and
- (b) The eligible individual's employer attests that the modification is needed to maintain employment; and
- (c) The modification has met a seven (7) year Internal Revenue Service depreciation schedule from the date of first modification.

Section 9. Property Modification. (1) Permanent, non-recoverable modification to a private home, business, or property shall be an allowable expenditure if determined essential to achieve the employment objective of the eligible individual. A direct relationship between the provision of the modification and the projected employment goal shall be demonstrated. The eligible individual shall meet economic need qualifications. The eligible individual shall make every attempt to use recoverable, nonpermanent modifications if possible or cost effective.

(2) Except as provided in this section, property modifications in excess of \$10,000 shall not be allowed.

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(3) Property modifications in excess of \$10,000 may be provided if the Director of Program Services determines that documentation exists that the modification has a direct relationship to the employment goal and that failure to provide the modification would preclude the successful achievement of the employment goal. (17 Ky.R. 789; eff. 10-14-90; Am. 20 Ky.R. 1388; 1795; eff. 1-10-94; 21 Ky.R. 558; eff. 10-6-94; 22 Ky.R. 111; eff. 10-5-95; 2059; 23 Ky.R. 135; eff. 7-5-96; 24 Ky.R. 2433; 25 Ky.R. 82; eff. 7-13-98.)

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