

Minnesota State Services for the Blind Policies Governing the Provision of Services for Individuals who are Blind, Visually Impaired and Deafblind

1. Background-Federal Requirements for Vocational Rehabilitation

34 CFR 361.50 - Written policies governing the provision of services for individuals with disabilities.

(a) Policies. The State unit must develop and maintain written policies covering the nature and scope of each of the vocational rehabilitation services specified in 361.48 and the criteria under which each service is provided. The policies must ensure that the provision of services is based on the rehabilitation needs of each individual as identified in that individual's IPE and is consistent with the individual's informed choice. The written policies may not establish any arbitrary limits on the nature and scope of vocational rehabilitation services to be provided to the individual to achieve an employment outcome. The policies must be developed in accordance with the following provisions:

(b) Out-of-State services. (1) The State unit may establish a preference for in-State services, provided that the preference does not effectively deny an individual a necessary service. If the individual chooses an out-of-State service at a higher cost than an in-State service, if either service would meet the individual's rehabilitation needs, the designated State unit is not responsible for those costs in excess of the cost of the in-State service.

(2) The State unit may not establish policies that effectively prohibit the provision of out-of-State services.

(c) Payment for services. (1) The State unit must establish and maintain written policies to govern the rates of payment for all purchased vocational rehabilitation services.

(2) The State unit may establish a fee schedule designed to ensure a reasonable cost to the program for each service, if the schedule is-

(i) Not so low as to effectively deny an individual a necessary service; and

(ii) Not absolute and permits exceptions so that individual needs can be addressed.

(3) The State unit may not place absolute dollar limits on specific service categories or on the total services provided to an individual.

(d) Duration of services. (1) The State unit may establish reasonable time periods for the provision of services provided that the time periods are-

(i) Not so short as to effectively deny an individual a necessary service; and

(ii) Not absolute and permit exceptions so that individual needs can be addressed.

(2) The State unit may not establish absolute time limits on the provision of specific services or on the provision of services to an individual. The duration of each service needed by an individual must be determined on an individual basis and reflected in that individual's individualized plan for employment.

(e) Authorization of services. The State unit must establish policies related to the timely authorization of services, including any conditions under which verbal authorization can be given.

2. General SSB Service Provision Policies

A. [Minnesota Rules 3325](#):

- 1) identifies the nature and scope of each of the vocational rehabilitation services SSB provides;
- 2) identifies the criteria under which each service is provided;
- 3) includes the policy that the provision of services is based on the rehabilitation needs of each individual as identified in that individual's IPE and is consistent with the individual's informed choice; and
- 4) requires time lines for the initiation of services.

B. [Minnesota Rules 3325](#) does not establish any arbitrary limits on the nature and scope of vocational rehabilitation services to be provided to the individual to achieve an employment outcome.

C. SSB has not established time periods (limits) for the provision of services.

- D. Services provided by SSB may be provided directly to applicants and eligible individuals by SSB staff or purchased for applicants and eligible individuals from third parties such as physicians, optometrists, private businesses, state agencies, and community rehabilitation programs that meet the standards identified in [Minnesota Rules 3325.0470](#).
- E. Services provided to applicants and eligible individuals must be delivered by SSB staff and third parties who have been properly trained regarding the services provided.
- F. Rehabilitation services to determine eligibility for SSB services are subject to the same Minnesota Rule requirements that apply to services provided to eligible individuals.
- G. Subject to [Minnesota Rules 3325.0420](#), Subparts 3 to 14 and informed choice, SSB must ensure that each eligible individual receives only the available rehabilitation services necessary to enable the eligible individual to achieve the eligible individual's employment or independent living outcome except:
 - 1) SSB must not provide a rehabilitation service, other than a diagnostic assessment service, to an eligible individual unless the service is identified in the service plan; and
 - 2) SSB must not provide a rehabilitation service to an eligible individual if the eligible individual's school district is legally obligated to provide the service consistent with an interagency agreement with the Minnesota Department of Education that identifies each party's roles, responsibilities, and financial obligations.
- H. SSB provides vocational rehabilitation services specifically identified in [Minnesota Rules 3325.0180](#). These services are identified and defined, with rates and rate-setting methodology listed in the document “SSB Vocational and Independent Living Rehabilitation Services Definitions, Rates, and Methodology”. No arbitrary limits are placed on these services.
- I. SSB provides independent living rehabilitation services specifically identified in [Minnesota Rules 3325.0250](#). These services are identified and defined, with rates and rate-setting methodology listed in the document “SSB Vocational

and Independent Living Rehabilitation Services Definitions, Rates, and Methodology”. Limits are placed on some services.

- J. SSB has established a policy for out-of-state services. If the individual chooses an out-of-State service at a higher cost than an in-State service, if either service would meet the individual's rehabilitation needs, SSB is not responsible for those costs in excess of the cost of the in-state service.
- K. SSB staff must follow applicable State of Minnesota, DEED and SSB purchasing policies and procedures (including procedures for using the SSB authorization forms) when purchasing goods or services for individuals.
- L. The record of services shall contain all documentation of purchasing activity.
 - 1) Decisions to obligate funds and approve payment must be documented and contained in the record of services for the individual.
 - 2) Documentation authorizing obligations must be written and submitted for encumbrance prior to the initiation or delivery of any goods or services from vendors. The documentation must contain a start date and end date for the provision of the authorized goods or services. Only in an emergency situation may the staff member make a verbal authorization. The verbal authorization must be followed promptly by a written authorization.
 - 3) All expenditures must be consistent with [Minnesota Statutes 16A.15](#), Department of Employment and Economic Development policies, and Statewide Integrated Financial Tools (SWIFT) operating procedures.
- M. Only in the most unusual of circumstances may a family member be a vendor or provider of services to the individual, and then only with prior supervisory approval.
- N. Rates set by SSB are not absolute. Exceptions may be permitted by supervisory personnel so that individual needs can be addressed.

3. Summary-SSB Rate-Setting Methodology for Vocational and Independent Living Rehabilitation Services

Minnesota State Services for the Blind employs a variety of methodologies to set rates for rehabilitation goods and services. All methodologies are intended to assure that public funds are used wisely, efficiently, represent good value, provide effective informed choice for the consumer, and build service capacity within the state.

A. Goods

Methodology- goods, for both administrative and consumer purposes are procured by public solicitation using Authority for Local Purchase and centralized state procurement processes and procedures. Minnesota solicits extensively for commonly needed consumer goods such as adaptive aids and devices, low vision aids including magnifiers, closed-circuit TV's, screen reading technology (Braille, voice, enlargement) and mobile devices. These goods are readily available under contract.

B. Services

Methodology-administrative services are procured by public solicitation using Authority for Local Purchase and centralized state procurement processes and procedures.

Methodology-consumer services are procured in a variety of ways, by:

- 1) solicitation using Authority for Local Purchase and centralized state procurement processes and procedures. SSB purchases sign language, written language, and spoken language interpretation services under contracts.
- 2) negotiated master contracts (non-solicitation). SSB purchases all adjustment to blindness (not vocational rehabilitation counseling), and some specialized placement services through negotiated master contracts.

- 3) adoption of fee schedules from other public bodies. By rule, SSB must pay for restoration services in accordance with the rates established by the United States Department of Health and Human Services for Medicare. SSB has adopted negotiated master contracts between DEED's Division of Vocational Rehabilitation Services and over 50 community rehabilitation programs across the state, and the medical fee schedule of DEED's Disability Determination Services. SSB has also adopted public college, university, technical and community college fees and related costs, and public transportation rates.
- 4) adherence to rule mandates.
 - a) Pursuant to [MR 3325.0110, Subd. 41](#), when providing maintenance as part of an individual's assessment or rehabilitation plan, "maintenance" means the minimum monetary support provided to an individual for expenses such as food, shelter, and clothing that are in excess of the normal expenses of the individual and that are necessitated by the individual's assessment for or participation in a rehabilitation program.
 - b) Pursuant to [MR 3325.0420, Subd. 12](#), SSB must pay for restoration services in accordance with the rates established by the United States Department of Health and Human Services for Medicare.
 - c) Pursuant to [MR 3325.0420, Subd. 13](#), SSB must provide the least expensive mode of transportation that serves the eligible individual's rehabilitation needs and accommodates any nonvisual disability related limitations the eligible individual may have. When a private vehicle is the mode of transportation identified in the eligible individual's plan, SSB must pay parking fees and mileage at the rate established for state of Minnesota employees in the current managerial plan published by the Minnesota Department of Management and Budget.
 - d) Pursuant to [MR 3325.0420, Subd. 14](#), SSB may provide tuition, supplies, maintenance, and transportation to an eligible individual for training at an institution of higher learning only if there is evidence that the eligible individual is capable of

completing the required coursework or degree program. Tuition, supplies, maintenance, and transportation paid by SSB for training at a private or non-Minnesota institution of higher learning must not exceed those amounts charged by Minnesota public colleges, universities, or technical and community colleges offering the same program nearest the eligible individual's residence unless the necessary training is not available to the eligible individual at a public Minnesota institution.