

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 423

Short Title: Vocational Rehab. Services Act/AB.

(Public)

Sponsors: Senators Lucas, Parnell, Allran, McDaniel, East, Albertson, Warren, Jordan, Dannelly, Martin of Pitt, and Perdue.

Referred to: Children and Human Resources

March 20, 1995

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH A STATE VOCATIONAL
2 REHABILITATION/INDEPENDENT LIVING PROGRAM FOR PEOPLE WITH
3 DISABILITIES.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. (a) G.S. 143-545 is repealed.

7 (b) Article 59 of Chapter 143 of the General Statutes is amended by inserting a
8 new section to read:

9 "**§ 143-545A. Purpose, establishment and administration of program; services.**

10 (a) Policy. Recognizing that disability is a natural part of human experience, the
11 State establishes as its policy that individuals with physical and mental disabilities should
12 be able to participate to the maximum extent of their abilities in the economic,
13 educational, cultural, social, and political activities available to all citizens of the State.
14 To implement this policy, the Department of Human Resources shall establish and
15 operate comprehensive and accountable programs of vocational rehabilitation and
16 independent living for persons with disabilities. These programs are to be administered
17 by the Division of Vocational Rehabilitation Services in collaboration with the Division
18 of Services for the Blind, which conducts vocational rehabilitation and independent living
19 programs for individuals who are blind or visually impaired, pursuant to Chapter 111 of

1 the General Statutes and the rules of the Commission for the Blind adopted pursuant to
2 G.S. 143B-157. The programs so provided shall be administered according to the
3 following principles:

- 4 (1) The opportunity and ability to work and to live independently are
5 important activities that enhance not only the lives of individuals with
6 disabilities but also the greater society in which they live. These
7 activities fulfill the need to be productive, promote self-esteem, and
8 allow for participation in the full array of activities of daily living;
 - 9 (2) Eligible individuals with disabilities shall be provided individualized
10 training, independent living services, and educational and support
11 services that prepare them for independent living and competitive
12 employment opportunities in integrated settings with reasonable
13 accommodations;
 - 14 (3) Individuals with disabilities shall be active participants in their own
15 vocational rehabilitation/independent living programs and shall be
16 involved in making meaningful and informed choices about
17 vocational/independent living goals and objectives and the related
18 services they receive; and
 - 19 (4) As full partners in their vocational rehabilitation and independent living
20 programs, participants in the programs shall provide information
21 required by the Department to determine eligibility and the nature of
22 their disabilities, shall use other resources that are available to assist in
23 their programs, and shall assume joint responsibility with departmental
24 staff for planning and implementing their programs.
- 25 (b) Services:
- 26 (1) Vocational rehabilitation and independent living services provided by
27 the Department shall address comprehensively the needs of each
28 individual to the maximum extent possible within available resources.
29 These services shall contain labor force development and training
30 components and services that enhance the independence and full
31 participation of citizens with disabilities in community life. Specific
32 services shall include assessment services to determine eligibility and
33 rehabilitation needs; counseling, guidance, and referral services;
34 physical and mental restoration services; reader services; vocational and
35 other training services; job development and job placement services;
36 interpreter services; on-the-job or other related personal assistance
37 services including attendant care services; mobility and rehabilitation
38 technology services; training services necessary for living in the
39 community; and supported employment services.
 - 40 (2) The Secretary of the Department of Human Resources shall adopt rules
41 to establish eligibility for services, the nature and scope of services to be
42 provided, standards for community rehabilitation programs and
43 qualified personnel to provide services and conditions, criteria, and

1 procedures under which services may be provided including financial
2 need for services. The following services shall not be conditioned on
3 the client's or applicant's ability to pay for the cost of those services:

4 a. Evaluation of rehabilitation potential, except for those vocational
5 rehabilitation services other than of a diagnostic nature that are
6 provided under an extended evaluation of rehabilitation potential;

7 b. Counseling, guidance, and referral services; and

8 c. Placement.

9 (3) The Secretary of the Department of Human Resources or, when
10 appropriate, the Commission for the Blind, shall establish by rule a
11 formula for a schedule of rates and fees to be paid by clients and other
12 third party purchasers for services.

13 (4) The Secretary of the Department of Human Resources or, when
14 appropriate, the Commission for the Blind, shall establish formal
15 appeals procedures that are consistent with those required by federal
16 regulations so that any applicant for or client of vocational rehabilitation
17 or independent living services who is dissatisfied with any
18 determinations made by rehabilitation counselors or coordinators
19 concerning the furnishing or denial of services may request a timely
20 review of those determinations. The appeal procedures shall be the
21 same regardless of whether federal funds are included in the particular
22 services."

23 Sec. 2. (a) G.S. 143-546 is repealed.

24 (b) Article 59 of Chapter 143 of the General Statutes is amended by adding a new
25 section to read:

26 **"§ 143-546A. Duties of Secretary; cooperation with federal rehabilitation services**
27 **administration or successor.**

28 (a) In carrying out the purposes of this Article, the Secretary of the Department of
29 Human Resources shall:

30 (1) Ensure the cooperation of other divisions in the Department of Human
31 Resources in implementing the provisions of this Article;

32 (2) Cooperate with other departments, agencies, and institutions, both
33 public and private, in providing for the vocational rehabilitation and
34 independent living of individuals with disabilities, in studying the
35 problems involved, and in establishing, developing, and providing the
36 programs, facilities, and services necessary to implement this Article;

37 (3) Conduct research and gather statistical data related to the vocational
38 rehabilitation and independent living needs of individuals with
39 disabilities; and

40 (4) Administer the expenditure of funds made available by appropriations
41 by the General Assembly by grants from the federal government, and by
42 gifts, grants, or reimbursements from private or public sources, or other
43 sources, and any combination thereof for vocational rehabilitation and

1 independent living services. Gifts or donations, from either public or
2 private sources, as may be offered unconditionally or under conditions
3 that are proper and consistent with this Article, shall be deposited in the
4 State treasury in a fund to be known as the 'Vocational Rehabilitation
5 and Independent Living State Program Fund'.

6 **(b) Federal Funds.** In accepting federal funds provided under the Rehabilitation
7 Act of 1973, as amended, the State accepts all of the provisions and benefits of the Act.
8 The Department of Human Resources shall:

- 9 **(1)** Cooperate with the Federal Rehabilitation Services Administration or its
10 successor agency in the administration of the Rehabilitation Act of
11 1973, as amended;
12 **(2)** Administer vocational rehabilitation and independent living services
13 provided in cooperation with the Federal Rehabilitation Services
14 Administration or its successor agency through an approved State plan;
15 **(3)** Adopt rules as required by the Rehabilitation Act of 1973, as amended,
16 and federal regulations promulgated pursuant to it."

17 Sec. 3. This act becomes effective July 1, 1995.