

**TITLE 192 – (NAC) NEBRASKA ADMINISTRATIVE CODE  
NEBRASKA COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED  
CHAPTER 1 – SCOPE OF SERVICES for the BLIND AND COST CONTAINMENT**

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**001. GENERAL INFORMATION.**

001.01. LAWS AND REGULATIONS. The Nebraska Commission for the Blind and Visually Impaired (NCBVI) operates pursuant to the Rehabilitation Act, found in the United States Code, Title 29, Chapter 16, Section 701 et. seq.; 34 CFR Part 80 and Parts 360 et. seq.; Revised Nebraska Statutes 71-8601 through 71-8616; and, NCBVI State Plan, filed and updated every four years as part of the Nebraska Combined State Plan with the United States Department of Education/Rehabilitation Services Administration. The Federal and State laws, regulations, and State Plan are incorporated by reference. Copies of all documents are available for viewing at the Lincoln Office of NCBVI.

001.02. ADMINISTRATION. In accordance with Nebraska Revised Statutes, 71-8605, NCBVI is administered under the general supervision and direction of the Director. The Director is employed by NCBVI's governing board, in accordance with established personnel standards and on the basis of the Director's education, training, experience, and demonstrated ability in the field of vocational rehabilitation for the blind. The Director shall, with the approval of the Board, establish and maintain appropriate subordinate administrative units within the program.

001.03. NCBVI POLICIES. Any policies, manuals, or procedures issued by the Director or approved by the Board relating to the internal operation of the Commission for the Blind and Visually Impaired shall apply to all activities performed by the program.

001.04. PURPOSES. The purpose of NCBVI is to operate a comprehensive and coordinated program designed to assist individuals who are blind to gain remunerative employment, enlarge economic opportunities for blind persons, increase the range and diversity of available occupations for blind persons, stimulate other efforts enabling blind persons to become self-supporting, and provide services promoting greater independence for blind persons at home and in the community (Nebraska Revised Statutes, 71-8602).

001.05. SERVICES. NCBVI will provide services with two major areas of emphasis:

001.05A. VOCATIONAL REHABILITATION SERVICES. The program will provide services reasonable and necessary to achieve an employment outcome to eligible individuals who are blind, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice (34 CFR 361.48).

001.05B. INDEPENDENT LIVING services to assist blind individuals whose visual impairment or other disabling condition makes competitive employment extremely difficult to obtain but for whom independent living goals are feasible or for otherwise eligible blind persons for whom competitive employment is not a goal.

001.06. STAFF RESPONSIBILITIES. NCBVI staff members are responsible for all decisions concerning the eligibility for services; the nature and scope of available services; the provision of services; the determination that a recipient has achieved an employment or independent living outcome consistent with his or her personal strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice; and, the allocation and ex-

penditure of NCBVI funds. These responsibilities may not be delegated to any other organization or individual.

**001.07. INDIVIDUAL RESPONSIBILITIES.** Individuals participating in the vocational rehabilitation or independent living program as either an applicant or a recipient have the following responsibilities:

**001.07A.** To maximize the prospect for a successful service outcome resulting from the provision of vocational rehabilitation or independent living services consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choices;

**001.07B.** To cooperate, which includes keeping scheduled appointments on time, following medical and other professional advice including advice provided by NCBVI staff, and completing all assignments and other tasks on time;

**001.07C.** To assume primary responsibility for identifying their employment outcomes, planning their vocational rehabilitation services, and carrying out their individualized plans for employment, or independent living;

**001.07D.** To help pay for the costs of services received by seeking out, applying for, and using any comparable services and benefits for which they are eligible;

**001.07E.** To maintain regular contact with NCBVI staff regarding case progression, including to promptly inform NCBVI staff of changes in their personal and financial circumstances, and of problems encountered with services or service providers.

**001.08. FAILURE TO COMPLY WITH RESPONSIBILITIES.** Failure of an applicant or recipient to comply with any of these responsibilities may result in the termination of vocational rehabilitation or independent living services.

**001.09. CONFIDENTIALITY.** Personal information relating to applicants and recipients will be kept confidential according to applicable federal law, state law, and related regulations.

## **002. DEFINITIONS.**

**002.01. APPLICANT** shall mean an individual who has completed, signed, and submitted an application form to participate in services offered by NCBVI, , completed a common intake application form in a one-stop center requesting vocational rehabilitation services, or has otherwise requested services from NCBVI. Applications via email, telephone, letter, or other formats providing the required information are accepted. If appropriate, the applicant may have a parent, family member, guardian, advocate, or other authorized representative sign the application.

**002.02. BLIND PERSON** shall mean-

**002.02A.** A person having sight that is so defective as to seriously limit his or her ability to engage in the ordinary vocations and activities of life (Nebraska Revised Statute 71-8603), or

**002.02B.** A person, to be eligible and licensed as a blind vending facility operator (Nebraska Revised Statutes, Section 71-8611):

002.02B1. Having no greater than 20/200 central visual acuity in the better eye after correction, or

002.02B2. Having an equally disabling loss of the visual field in which the widest diameter subtends an angle no greater than 20 degrees.

002.03. BOARD shall mean the governing board of NCBVI, to be appointed by the Governor of Nebraska pursuant to (Nebraska Revised Statute 71- 8604).

002.04. COMPARABLE SERVICES AND BENEFITS shall mean services and benefits, including accommodations and auxiliary aids and services, that are:

002.04A. Provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits;

002.04B. Available to the recipient at the time needed to ensure progress of the individual toward achieving the employment outcome in his or her individualized plan for employment; and

002.04C. Commensurate to the services that the individual would otherwise receive from NCBVI.

002.04D. For the purposes of this definition, comparable services and benefits do not include awards and scholarships based on merit.

002.05. COMPETITIVE INTEGRATED EMPLOYMENT shall mean work that is performed on a full-time or part-time basis (including self-employment)-

002.05A. For which an individual is:

002.05A1. Compensated at a rate that:

002.05A1a. Shall be not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate specified in the applicable state or local minimum wage law; and

002.05A1b. Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or

002.05A2. In the case of an individual who is self-employed, yields an income that is comparable to the income received by individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills;

002.05B. Is eligible for the level of benefits provided to other employees;

002.05C. That is at a location where the employee interact with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employees) to the same extent that individuals who are

not individuals with disabilities and who are in comparable positions that interact with other persons; and

002.05D. That presents opportunities for advancement that are similar for those of other employees who are not individuals with disabilities and who have similar positions.

002.06. CUSTOMIZED EMPLOYMENT shall mean competitive integrated employment for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability, is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer, and is carried out through flexible strategies, such as:

002.06A. Job exploration by the individual,

002.06B. Working with an employer to facilitate placement, including-

002.06B1. Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs,

002.06B2. Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location.

002.06B3. Representation by a professional chosen by the individual, or self-representation of the individual, in working with an employer to facilitate placement, and

002.06B4. Providing services and supports at the job location.

002.07. DIRECTOR shall mean the Executive Director of NCBVI.

002.08. ELIGIBILITY shall mean the quality or state of being an individual with a visual disability who meets the requirements to participate in services offered by NCBVI. Such requirements are that:

002.08A. The individual has sight which is so defective as to seriously limit his or her ability to engage in the ordinary vocations and activities of life based on medical records for recipients of vocational rehabilitation services and based on counselor observations for recipients of independent living services, and

002.08B. The individual requires-

002.08B1. VOCATIONAL REHABILITATION services to prepare or, secure, retain, or regain employment; or

002.08B2. INDEPENDENT LIVING services to function, continue functioning, or move toward functioning independently in the family or community.

002.09. EMPLOYMENT OUTCOME shall mean with respect to an individual entering, advancing in, or retaining full-time or, if appropriate, part-time competitive integrated employment, as defined in 002.045 (including customized employment, self-employment, telecommuting, or business ownership), or supported employment as defined in 002.20 that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

002.10. INDEPENDENT LIVING SERVICES shall mean those services enabling Blind persons to function, continue functioning, or move toward functioning independently in the family or community.

002.11. AN INDIVIDUAL with a disability shall mean:

002.11A. Any individual:

002.11A1. Who has a physical or mental impairment including blindness whose impairment constitutes or results in a substantial impediment to employment and

002.11A2. Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services; or

002.11B. ANY INDIVIDUAL:

002.11B1. Who has a physical or mental impairment including blindness that substantially limits one or more major life activities;

002.11B2. Who has a record of such an impairment; and

002.11B3. Who is regarded as having such an impairment.

002.12. INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE) shall mean the written document prepared on forms provided by the vocational rehabilitation services program, containing descriptions of a specific employment outcome, the nature and scope of needed services and the entities to provide them, the criteria to evaluate progress toward achievement of outcome, and the responsibilities of the program and the recipient (34 CFR 361.45) and (34CFR 361.46).

002.12A. Before a recipient may begin program services, the plan must be agreed to and signed by the recipient or, if appropriate, a parent, a family member, a guardian, an advocate, or an authorized representative, and approved and signed by an NCBVI counselor.

002.12B. Before approving a recipient's individualized plan for employment, program staff must consider:

002.12B1. The availability of employment opportunities in the specific employment outcome in the recipient's local labor market to which the recipient has indicated his or her willingness to relocate;

002.12B2. The consistency between employer requirements for educational level, type of preparation and relevant work experience in the specific employment outcome and the recipient's educational level, type of preparation, and work experience;

002.12B3. The consistency between employer wages and benefits in the specific employment outcome and the recipient's needs to meet necessary costs of living, rehabilitation technology, impairment related work expenses, and health care and disability treatment;



002.12B4. The consistency between the typical work environment in the specific employment outcome and the recipient's work interests, values, and needs;

002.12B5. The consistency between the essential functions typically performed in the specific employment outcome and the recipient's functional abilities.

002.12B6. The recipient's ability to benefit from the specific vocational rehabilitation services included in the plan to the degree necessary to resolve all inconsistencies in Section 002.11B2 through 002.11B5.

002.12C. NCBVI staff may approve a recipient's individualized plan for employment if, after considering the factors in Section 002.11B, they determine that-

002.12C1. The specific employment outcome will be available to the recipient in the local labor market, or a labor market to which the individual is willing to relocate;

002.12C2. The specific employment outcome available to the recipient will provide the earnings and benefits necessary to meet the criteria for an employment outcome in Section 002.09;

002.12C3. The plan includes the vocational rehabilitation services necessary to resolve all inconsistencies between employer requirements and occupational characteristics associated with the specific employment outcome and the recipient's unique strengths, resources, priorities, concerns, abilities, capabilities, and interests and informed choice; and,

002.12C4. There is a service provider available (including program staff) for each of the necessary vocational rehabilitation services in the recipient's community or a community to which the individual is willing to relocate to receive services.

002.13. INDIVIDUALIZED PLAN FOR INDEPENDENT LIVING shall mean the written document prepared on forms provided by NCBVI describing required services enabling blind persons to function independently in the family or community.

002.14. INFORMED CHOICE shall mean the principle by which applicants and recipients, with support services as necessary, are provided a meaningful opportunity to participate in decisions with regard to the selection of an employment outcome, program services (including assessment services), and service providers, through the provision of, or assistance in the acquisition of, information relating to:

002.14A. The availability of employment opportunities;

002.14B. The availability and flexibility to provide potential services (including accessibility, duration, cost, and financial participation requirements, service provider past performance in achieving results or employment outcomes and the quality of those results or outcomes, and recipient satisfaction);

002.14C. The qualifications of potential service providers;

002.14D. The types of services offered by that provider; and

002.14E. The degree to which services are provided in integrated settings.

002.15. NCBVI shall mean Nebraska Commission for the Blind and Visually Impaired.

002.16 ORDER OF SELECTION shall mean the process whereby applicants are identified and categorized into priority groups based on the significance of their disabilities and served accordingly, when there are insufficient resources to provide vocational rehabilitation services to all individuals who apply for services. Implementation of order of selection shall be predicated on the demand for services exceeding the ability of the program to provide those services, as detailed in Section 009.

002.17. PHYSICAL OR MENTAL IMPAIRMENT shall mean:

002.17A. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body functions: neurological, muscular-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

002.17B. Any mental or psychological disorder such as intellectual disorder, organic brain syndrome, emotional or mental illness, or specific learning disabilities.

002.18. RECIPIENT shall mean an applicant who has met the eligibility requirements, is qualified for services, and is currently participating in active services. If Order of Selection is implemented, qualification will be pursuant to the categories defined within the order of selection.

002.19. SIGNIFICANT DISABILITY MEANS a severe physical, mental, cognitive, or sensory impairment that substantially limits an individual's ability to function independently in the family or community or to obtain, maintain, or advance in employment.

002.20. SUPPORTED EMPLOYMENT shall mean competitive integrated employment, including customized employment or employment in an integrated work setting in which an individual with a most significant disability is working on a short-term basis toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual including with ongoing support services for individuals with the most significant disabilities and

002.20A. For whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a disability; and

002.20B. Who because of the nature and severity of their disabilities, need intensive supported employment services and extended services after the transition from support provided by NCBVI in order to perform this work.

002.21. VOCATIONAL REHABILITATION SERVICES shall pursuant to Nebraska Revised Statutes 71-8609 and 71-8610 mean the determination that an individually planned and coordinated program of specific services is required for an individual to prepare for, secure, retain, or regain employment. In making this determination, considerations include:

002.21A. The individual's intent to maximize employment by achieving an employment outcome consistent with his or her unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice,

002.21B. The individual's need for specialized services, supported or accommodations, not typically used by the general public, and,

002.21C. The need for planning and coordination of multiple or complex services over a long duration to enable the individual to secure, retain, or regain employment.

### **003. SCOPE OF SERVICES.**

003.01. PROGRAM PURPOSE. NCBVI operates statewide programs that provide:

003.01A. VOCATIONAL REHABILITATION services which are-

003.01A1. An integral part of a statewide workforce development system; and

003.01A2. Designed to assess, plan, develop, and provide high-quality employment outcomes for individuals with disabilities, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice enabling them to prepare for and engage in competitive integrated employment and achieve economic self-sufficiency (34 CFR 367.1); and:

003.01B. INDEPENDENT LIVING SERVICES that will:

003.01B1. Enable blind and visually impaired persons to function, continue functioning, or move toward functioning independently in the family or community,

003.01B2. Conduct activities that will improve or expand services for blind people; and

003.01B3. Conduct activities to help improve public understanding of the challenges of blind people (34 CFR 367.1).

003.02. FEE SCHEDULES. NCBVI's fee schedule in Appendix A is designed to identify a reasonable cost to NCBVI for each vocational rehabilitation or independent living service purchased by NCBVI. The fee schedule applies to all services. If the recipient chooses an out-of-state or non-tax supported service, NCBVI is not responsible for those costs in excess of the costs of the in-state or tax-supported service.

003.03. EXCEPTIONS TO FEE SCHEDULES. The Commission's Deputy Director has the authority and discretion to make reasonable exceptions to the fee schedule based on individual circumstances. Exceptions may be granted if the Deputy Director determines there is no alternative to addressing a recipient's need for a vocational rehabilitation or independent living service necessary to complete an assessment for determining eligibility and need for services, or to achieve the goals on the recipient's approved individualized plan for employment or independent living.

003.04. FINANCIAL ASSISTANCE EXCLUSIONS. NCBVI will not provide financial assistance for fines, penalties, damages, and other settlements resulting from recipient violations

(or alleged violations) of, or failure of the recipient to comply with, federal, state, local, or Indian tribal laws and regulations. NCBVI also will not provide financial assistance toward the recipient's outstanding financial obligations or judgments resulting from civil or criminal legal proceedings, or for the costs of any travel outside the United States.

003.05. TREATMENT OF PHYSICAL AND MENTAL IMPAIRMENTS. NCBVI will provide financial assistance for the recipients of NCBVI services for the diagnosis and treatment of physical and mental impairments that constitute a substantial impediment to employment, to the extent that financial support is not readily available from a source other than the program (such as through health insurance of the individual or comparable services and benefits). The purpose of diagnosis and treatment of physical and mental impairments is to eliminate or substantially reduce, within a reasonable period of time, the impediment to employment caused by a stable or slowly progressive disabling condition.

003.06. CONDITIONS AND CRITERIA for providing financial assistance for the diagnosis and treatment of physical and mental impairments. Conditions and criteria are that:

003.06A. The physical or mental impairment must be stable or slowly progressive and constitute a substantial impediment to employment or threat placing the individual in a position of greater dependency on others;

003.06B. The necessary corrective surgery, therapeutic treatment, or other diagnosis and treatment of physical and mental impairments must reasonably be expected to eliminate or substantially reduce the impediment to employment or dependency on others within a reasonable length of time;

003.06C. Comparable services and benefits must be sought to pay for the costs of any diagnosis and treatment of impairments determined to be necessary as defined above (34 CFR 361.53[c]) and 34 CFR 367.3[b]).

003.07. MEDICAL SERVICES EXCLUDED. NCBVI will not provide financial resources for any medical services for injuries or acute illnesses which are unrelated to the recipients' disabling condition or which are not an impediment to his or her ability to achieve competitive integrated employment or greater personal independence, and/or could be covered by any comparable benefits.

#### **004. COMPARABLE SERVICES AND BENEFITS.**

004.01. NCBVI services and funds may supplement, but not supplant, those services and benefits available to a recipient and his or her family from any outside agency or entity. If comparable services and benefits are currently available and ready for immediate use, they must be used to meet, in whole or part, the cost of NCBVI services (34 CFR 361.53[c]).

004.02. If any public entity other than NCBVI is obligated under Federal or State law, or assigned responsibility under State policy, to provide or pay for any services that are also considered to be vocational rehabilitation services, then NCBVI funds cannot be used to provide or pay for such services. If NCBVI provides or pays for services that a responsible public entity fails to provide or pay for, NCBVI may claim reimbursement for the services from the public entity that failed to provide or pay for the services (34 CFR 361.53[e]).

004.03. Applicants for and recipients of NCBVI must apply for and accept any existing comparable service or benefit. NCBVI funds cannot be used to replace comparable services and benefits a recipient is eligible for, but refuses to apply for or accept.

004.04. The requirement to determine the availability of comparable services and benefits does not apply if this would interrupt or delay (34 CFR 361.53[a]):

004.04A. The provision of NCBVI services to any recipient who is at "extreme medical risk." Extreme medical risk is a probability of substantially increasing functional impairment or death if medical services are not provided expeditiously. The determination of extreme medical risk is based upon medical evidence provided by an appropriate licensed medical professional;

004.04B. An immediate job placement; or,

004.04C. The progress of recipient toward achieving the employment outcome on the recipient's approved individualized plan for employment or independent living.

## **005. PROCUREMENT OF GOODS AND SERVICES.**

005.01. SELECTION CRITERIA. Facilities, programs, and providers, whether public or private, are selected on the basis of:

005.01A. The ability to render the specific service or product required for the lowest cost;

005.01B. The qualifications of a professional and technical provider;

005.01C. The availability of adequate facilities, equipment, and services to meet the recipient's needs;

005.01D. Their past performance in achieving results or employment outcomes and the quality of results or employment outcomes achieved; and,

005.01E. The informed choice of the recipient.

005.02. LEAST EXPENSIVE ALTERNATIVE. Considering all available alternatives, including those services that can be provided directly by NCBVI staff without additional cost to NCBVI, NCBVI will procure the least expensive, comparable goods and services that meet the recipient's needs. Consistent with the principle of informed choice, recipients may choose those goods and services, service providers, or procurement methods which, in their judgment, best meet their needs. However, , if their choice exceeds the least expensive alternative or applicable cost containment provisions, the recipient must take the responsibility to pay for the excess costs incurred.

005.03. PRICE QUOTATIONS FOR GOODS. Price quotations are required for the purchase of goods costing over \$2,000. Price quotations may be obtained from websites, catalogs, advertisements, by telephone, or in writing from qualified vendors. Price quotes shall be obtained from a minimum of two (2) providers, unless there is only one qualified provider available or it is unreasonable to obtain quotations from more than one (1) provider. If there is only one (1) qualified provider available, a single quote may be used. NCBVI staff will in-

involve clients in identifying price quotations for all goods purchased, regardless of price, to the extent feasible. NCBVI staff has responsibility for assuring accuracy of such quotes.

005.04. PRICE QUOTES. The following will be considered in choosing which providers present the least expensive price quote:

005.04A. Provider qualifications;

005.04B. Cost;

005.04C. Quality of goods or services;

005.04D. Specific individual needs, including access to repairs or services;

005.04E. Individual preferences and informed choices regarding the provider; and,

005.04F. The past performance of the provider in achieving results or employment outcomes and the quality of results or employment outcomes achieved.

005.05. IN-STATE PROVIDERS. Preference will be given to comparable goods and services that can be procured from Nebraska service providers and businesses, with first preference given to those comparable services that can be provided directly by NCBVI staff without additional cost to the program. Use of out-of-state vendors is limited to situations in which an out-of-state vendor is geographically closer to the recipient, the good or service is not available in-state, or the total cost to NCBVI for the good or service is substantially less considering the actual cost of the good or service and the related costs associated with procuring the goods or participating in the service.

005.06. STANDARDS. Facilities used and providers of vocational rehabilitation services must meet the minimum standards in Appendix B.

005.07. REAL ESTATE. NCBVI funds cannot be used, either directly or indirectly, for the purchase of any land, or for the purchase or erection of any building.

005.08. EQUIPMENT OWNERSHIP. A recipient of services will have ownership of equipment purchased pursuant to a client's individualized plan for employment or independent living.

## **006. MAINTENANCE.**

006.01. Maintenance is a limited tool for program use when the circumstances of participating in a vocational rehabilitation or independent living service cause additional costs to the recipient for food, shelter, clothing, or other subsistence items.

006.02. Maintenance may be provided when participation in an assessment of eligibility and rehabilitation needs or while receiving a planned program service results in a cost to the recipient for food, clothing, shelter, or other subsistence items that exceeds his or her current subsistence expenses, including the costs of uniforms or other suitable clothing required for a recipient's training, job seeking, or job placement activities. Maintenance must be tied to other services being provided, and is intended to cover only the added costs of participating in rehabilitation, not everyday living expenses. Maintenance is a payment for additional liv-

ing expenses a recipient incurs while participating in programs or services coordinated by NCBVI.

006.03. Maintenance may be provided for room and board expenses while in training (including dormitory fees), and for subsistence expenses incurred during relocation, including required initial one-time costs, such as a security deposit or utility initiation charges.

## **007. VOCATIONAL TRAINING SUPPORT**

007.01. PURPOSE. Academic, vocational and other training services enable individuals with disabilities to acquire the qualifications required for employment in their employment goals. Such training is an appropriate service when it will enable the recipient to acquire necessary qualifications to enter employment in the trade, occupation, or profession that is the employment goal, and when it (alone or in combination with other vocational rehabilitation services) will resolve the recipient's impediments to employment. Employment qualifications include those academic requirements necessary to meet state or local registration, certification, or licensing requirements to practice the trade, occupation, or profession. Qualifications for employment or hire in the specific employment outcome in the recipient's approved individualized plan for employment determine the type and level of post-secondary training required.

007.02. VOCATIONAL TRAINING DEFINED. As used in this section, vocational training includes, but is not limited to, post-secondary training in institutions of higher education for which Federal student financial aid is available, including universities, colleges, community colleges, vocational schools, technical institutes, or hospital schools of nursing. Post-secondary training results in the award of a certificate, diploma, or an associate, bachelors, masters, or doctoral degree.

007.03. SCOPE. The scope of vocational training services includes, as appropriate to the recipient and the specific employment outcome in the recipient's approved individualized plan for employment, the provision of training services and related supports to prepare for and take licensing or certification examinations required for the practice of the trade, occupation, or profession and remedy deficiencies in prerequisite course requirements necessary for acceptance into post-secondary training programs.

007.04. EXPECTATION OF COMPLETION. The need for vocational training services must be established, based on an analysis of hiring qualification requirements for the employment goal in the local labor market or a labor market to which the recipient is willing to relocate, and the recipient's current level of vocational qualifications and functioning. In addition, there must be a reasonable expectation of successfully completing training, based on an analysis of indicators of training success such as past academic achievement or test results relating to the relevant field or skills area, or demonstrated motivation and commitment to accomplish the employment goal.

007.05. ADMISSION REQUIREMENTS. Recipients must meet academic and other established requirements for admission into a post-secondary training program.

007.06. GRADUATE TRAINING REQUIREMENTS. Before post-secondary training beyond the bachelor's level will be provided, recipients must apply for admission to both the school and the graduate program. Recipients who have been denied admission to the school

and/or the graduate program will not be eligible for program financial assistance, unless it is specific to courses necessary to qualify for the graduate degree program.

007.07. COMPARABLE SERVICES. There must be a full search for and use of comparable services and benefits. If training will be provided in an institution of higher education, there must be maximum efforts by NCBVI and the recipient to secure grant assistance in whole or in part from other sources. This requirement does not apply if it would cause interruptions or delays pursuant to Section 004.04. However, NCBVI's Deputy Director will have the authority and discretion to grant exceptions to individual situations with appropriate extenuating circumstances.

007.07A. The Pell Grant is a federal source of support for college students, which is considered to be a comparable benefit, therefore, all undergraduate post-secondary students must apply for the Pell Grant every year, with no exceptions, in order to receive academic support from NCBVI (34 CFR 361.53[c]).

007.07B. The letter of determination regarding the acceptance or denial of a Pell Grant application must be entered into the recipient's case file.

007.08. TIMELINES. To receive consideration for NCBVI financial assistance, recipients must have their individualized plans for employment containing post-secondary training services approved, and have submitted all financial aid application forms required by the institution they will attend at least sixty (60) days before the date on which they will begin the post-secondary training. Recipients who do not meet the sixty (60) day deadline will not receive NCBVI financial assistance until the next post-secondary training term. NCBVI's Deputy Director will have the authority and discretion to grant exceptions to individual situations with appropriate extenuating circumstances.

007.09. BASIC ACADEMIC EXPENSES AND OTHER NON-ACADEMIC EXPENSES. The program will provide academic expenses, maintenance, childcare, and transportation expenses exceeding what would be normal living expenses if the recipient were not pursuing vocational training, within the framework of Title 192, Chapter 1, as follows:

007.09A. The following services are considered as part of basic academic support extended to all clients receiving assistance from NCBVI for vocational training when applicable and otherwise not covered by comparable benefits: tuition, fees, textbooks, occupational tools and equipment (if required for participation in vocational training), registration, fees for reading services producing materials in alternative accessible formats, low vision aids and devices, assistive technology, and reader services (34 CFR 361.48[f]) and (34 CFR 361.53[a]);

007.09B. NCBVI will provide assistance with expenses that exceed the client's ability to pay and which prevent or threaten the initiation or continuation of vocational training. These are not typically regarded as part of basic academic support. These expenses may include but are not limited to: training related maintenance expenses (clothing, rent, food, etc.), childcare, and transportation.

007.10. REASONABLE PROGRESS. Recipients in vocational training programs must maintain reasonable progress, according to progress criteria stated in their individualized plans for employment.

007.10A. The following minimum progress criteria must be included as part of the recipient's individualized plan for employment:



007.10B. Complete at least:

007.10B1. Twenty-four (24) semester hours of credit during the academic year in a university or college that operates on a two semester and summer school system; or,

007.10B2. Thirty-six (36) hours of credit during the academic year in a university or college that operates on a trimester system; or,

007.10B3. Forty-eight (48) quarter hours of credit during the academic year in a technical school or community college that operates on a 4 quarter system; and,

007.10C. Maintain an overall cumulative minimum grade point average (GPA) equivalent to "C" (2.0) or better. At the graduate level, maintain an overall cumulative minimum GPA as required by the individual graduate program. The recipient must provide NCBVI with a copy of grades earned at the end of each term.

007.10D. If the recipient requires a reduced course load because of the disability or need to maintain employment or a comparable benefit, the number of hours to be completed each academic year must be stated in the progress criteria on the individualized plan for employment.

007.10E. If the recipient fails to maintain reasonable progress in a vocational training program, appropriate corrective actions should be taken, in cooperation with the training provider, to remedy the problem. Financial assistance with the cost of training may be continued for three months (or one academic term or semester for post-secondary training) to determine whether the recipient is able to make reasonable progress with the corrective actions. If reasonable progress is not achieved at the end of that period, financial assistance will be discontinued and the individualized plan for employment should be reviewed and revised to determine a more suitable vocational goal.

007.10F. If the recipient drops a course or courses, creating less than a full load during a semester or quarter, NCBVI will continue support as long as the required overall cumulative minimum grade point average is maintained (Section 007.10C). However, the cost of tuition and fees for the number of hours dropped will be subtracted from support for the tuition and fees in the subsequent semester.

007.11. FINANCIAL AID INFORMATION. Before the amount of vocational rehabilitation financial assistance can be determined and authorized, an award letter completed by the school's financial office must be available.

007.12. POST-SECONDARY TRAINING FINANCIAL ASSISTANCE RATES. Program financial assistance for training costs that include tuition, fees, textbooks and supplies (i.e. uniforms and specifically required supplies) shall be available at rates currently charged for residents in the Nebraska state system of post-secondary education (i.e. University of Nebraska-Lincoln). Financial assistance from NCBVI will fully cover rates for tuition and fees that are above the in-state level, if the degree program is not available within the state of Nebraska.

007.13. MAXIMUM CREDIT HOURS OF ASSISTANCE FOR POST-SECONDARY TRAINING. The maximum credit hours for which NCBVI will provide financial assistance will be set according to the requirements of the institution of higher education, for the specific degree or diploma program for completion or by a state authority issuing mandatory licenses.

007.14. REMEDIAL OR DEVELOPMENTAL CLASSES. Limited program financial assistance is available for remedial or developmental classes. Remedial or developmental classes shall mean those classes designed to increase the ability of a recipient to pursue a course of study leading to a certificate or degree. Program financial assistance will only be provided for a maximum of six (6) semester hours or nine (9) quarter hours for remedial or developmental class hours. Costs for all remedial or developmental class hours in excess of six (6) semester hours or nine (9) quarter hours will be the recipient's responsibility.

007.15. ACCESSIBLY-FORMATTED TEXTBOOKS. Recipients are encouraged to get needed textbooks or course-related materials into accessible formats as early as possible, for upcoming courses. NCBVI support will be provided to achieve this in a timely manner despite whether or not grades for the current term have been issued. Continued support of tuition and fees still depends upon the recipient achieving the minimum requirement of grades. This provision assures that accessible course-related materials will be available to students in a timely manner even when an institution delays issuance of grades.

007.16. READERS. NCBVI will pay up to five (5) hours per credit hour of reader services per semester or quarter used by a recipient in vocational training. The rate of pay for services will be the current minimum wage per hour unless it can be documented that readers are accorded a higher rate of pay at the institution the recipient is attending. Supervisors may make allowance for additional hours for programs requiring reading in excess of that generally experienced in most post-secondary programs.

007.17. STUDENT LOAN DEFAULTS. Students who have defaulted on a student loan will not be provided program support for vocational training. Students who apply for a Pell Grant will not be accepted for a Pell Grant if they have defaulted on a student loan. Denial of a Pell Grant for this reason will be indicated on the award letter issued by the financial aid office the student has applied to. If the student is refusing to pay back the loan that student will not be provided academic support, unless the existence of extenuating circumstances can be documented, such as poor health, exorbitant medical bill, or the inability to secure substantial employment, as determined by the Deputy Director.

007.18. EXCEPTIONS. Supervisors or the Deputy Director have the authority and discretion to make reasonable exceptions to the program financial assistance provisions in this section based on individual circumstances. Exceptions may be granted if the Supervisor or Deputy Director determines there is no alternative to addressing a recipient's need for vocational training necessary to achieve the employment outcome on the recipient's approved individualized plan for employment.

## **008. SELF EMPLOYMENT AND ESTABLISHING A SMALL BUSINESS OPERATION.**

008.01. PURPOSE. An individualized plan for employment with a goal of self-employment, jointly developed by the recipient and his or her counselor, can result in a successful employment outcome.

008.02. ASSESSMENT. Assessment of the individual's potential to succeed in self-employment. This assessment identifies the recipient's strong and weak characteristics and necessary disability-related accommodations, and highlights training or education that might need to be pursued.

008.03. BUSINESS PLAN. The recipient must present a comprehensive business plan. The plan must include a full description of enterprise objectives, client qualifications for the work, other participants in the enterprise, a full financial plan including investment necessary

to bring the business to opening day and who will pay for those investments, a full cash flow forecast for the first 2 years and a justification as to why NCBVI should support the enterprise.

**008.04. SERVICES AND FINANCIAL ASSISTANCE PROVIDED.** Training, personal assistance, and technology services are available to recipients with the goal of Self Employment. Services that may be provided when necessary to achieve an employment outcome of self-employment or establishing a small business operation are defined in policy, federal regulation, and in specified cases under the Randolph-Sheppard Act and its policy and regulations.

**008.05. EXCEPTIONS** to the limitation on the amount of financial assistance for the establishment and operation of a new business enterprise in accordance with NCBVI policy and federal and state regulations may be granted by the Executive Director or Deputy Director.

## **009. ORDER OF SELECTION**

**009.01. PURPOSE.** An Order of Selection gives priority to persons with significant disabilities when there are insufficient resources to provide vocational rehabilitation services to all eligible individuals who apply for services, statewide. After eligibility has been determined, each eligible individual is assigned to a category group that is ranked in priority order. Order of Selection is only to be implemented if NCBVI has insufficient resources 361.36[c]). The procedures identified below will apply only if a lack of fiscal and personnel resources result in implementation of Order of Selection.

**009.02. ELIGIBILITY.** NCBVI will set aside sufficient funds to determine eligibility. Applications for services will be accepted without restriction. All individuals with disabilities including eligible individuals who do not meet NCBVI criteria for receiving services under Order of Selection, will be provided with information and referral to assist them in preparing for, securing, retaining, or regaining employment.

**009.03. REFERRALS.** will be made to other appropriate Federal and State programs, including other components of the statewide workforce development system, that are best suited to address the specific employment needs of the individual. These referrals will include:

**009.03A.** A notice from the Commission to the agency carrying out the program;

**009.03B.** Information to identify the specific person to be contacted at the agency carrying out the program;

**009.03C.** Information and advice regarding the most suitable services that will help the individual prepare for, secure, retain, or regain employment.

**009.04. PRIORITY CATEGORIES.** The Order of Selection categories are based upon the requirements of the Rehabilitation Act (34 CFR 361.5[b][31]) and implementing regulations for vocational rehabilitation (Title I) and supported employment services (Title VI-C). After eligibility for services has been determined, the client will be assigned to the highest category for which the client is qualified, and a rationale will be documented in the case file. If a client's circumstances change, or new information has been acquired, the category assignment can be changed. Priority Categories are as follows:

009.04A. CATEGORY 1. Eligible individuals with the most significant disabilities.

009.04A1. An individual with a severe visual impairment or combination of visual, physical, or mental impairments which profoundly limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and

009.04A2. An individual whose vocational rehabilitation can be expected to require at least four extensive or intensive multiple core services for at least twelve months.

009.04B. CATEGORY 2. Eligible individuals with significant disabilities.

009.04B1. An individual with a severe visual impairment or combination of visual, physical, or mental impairments which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome.

009.04B2. An individual who will require multiple services (substantial amount of at least three core services) over an extended period of time (at least six months).

009.04C. CATEGORY 3. All other eligible individuals.

009.05. CORE SERVICES. Core vocational rehabilitation services, pursuant to the Rehabilitation Act, United States Code, Title 29, Section 701 et. seq. include:

009.05A. Assessment for determining eligibility and priority for services;

009.05B. Assessment for determining vocational rehabilitation needs;

009.05C. Vocational rehabilitation counseling and guidance;

009.05D. Referral;

009.05E. Physical and mental restoration services;

009.05F. Vocational and other training services;

009.05G. Maintenance;

009.05H. Transportation;

009.05I. Vocational rehabilitation services to family members;

009.05J. Interpreter services;

009.05K. Reader services, rehabilitation teaching services, and orientation and mobility services;

009.05L. Job-related services;

009.05M. Supported and/or customized employment services;

009.05N. Personal assistance services;

009.05O. Post-employment services;

009.05P. Occupational licenses, tools, equipment, initial stocks, and supplies;

009.05Q. Rehabilitation technology including vehicular modification, telecommunications, sensory, and other technological aids and devices;

009.05R. Transition services;

009.05S. Technical assistance and other consultation;

009.05T. Other goods and services determined necessary for an individual with a disability to achieve an employment outcome.

009.06. SSI OR SSDI ELIGIBILITY. An individual who is determined eligible for SSI (Supplemental Security Income) or SSDI (Social Security Disability Insurance) because of disability meets the criteria for the definition of a significant disability and would need to be assessed like all other individuals to determine whether or not he or she meets the definition of most significant disability.

009.07. WAITING LIST. In the event that vocational rehabilitation services cannot be provided to all eligible individuals in a given category, a waiting list will be established, based on date of application for services. Each category will have its own waiting list, if needed.

## **010. HOME MODIFICATIONS.**

010.01. PURPOSE. Home modifications are strictly limited to removal of barriers to access and function within the home environment and other limited modifications that are necessary to convert ordinary living space into space essential to achieve the employment outcome of the recipient.

010.02. PRICE QUOTATIONS. Price quotations are required for the purchase of home modifications costing over \$500. Price quotations may be according to the requirements in Section 005.02.

010.03. ERECTION OF STRUCTURES. Home modifications cannot constitute the erection of new rooms, units, or structures.

010.04. SCOPE. Scope and extent of home modifications include:

010.04A. ENTRANCE AND EGRESS. A single exterior ramp may be provided to enable the recipient to enter and leave the home, provided that the recipient will be engaging in services necessary to achieve an employment outcome. If circumstances such as small lot size, lot grades, excessive comparative costs, etc., preclude the use of a ramp, a single exterior stair glide or elevator may be provided instead.

010.04B. EXTERIOR AND INTERIOR DOORWAYS. A single interior doorway may be widened and the outer doors replaced, if necessary to permit the recipient to enter and leave the home. An interior doorway may be widened to permit the recipient to enter and leave rooms in the house essential to independent functioning and to achieve the goals on the individualized plan for employment; such as bathroom, kitchen, or personal bedroom.

010.04C. ROOM MODIFICATIONS. Modifications to rooms within the house is strictly limited to those which will be used for purposes directly related to enabling the recipient to function independently in self-care, daily living or housekeeping, and to achieve the goals on the recipient's individualized plan for employment.

010.04D. HEATING AND COOLING. Modifications to heating and cooling systems are strictly limited to those specifically required by the recipient's disabling condition and may include an air conditioner, air purifier, humidifier, and dehumidifier which attaches to the primary system or single room units sufficient for the room in which the recipient will perform most of the activities related to the individualized plan for employment.

010.04E. PLUMBING AND ELECTRICAL SYSTEMS. Home modifications involving plumbing and electrical systems are strictly limited to those required to connect disability related equipment and appliances, or relocated appliances and fixtures, into existing systems within the existing structure.

010.04F. BUILDING CODES AND SAFETY. All home modifications must conform to applicable local building codes and generally recognized design standards. However, in-home safety is the responsibility of the recipient or his or her family, not NCBVI. The recipient is responsible for providing smoke detectors, additional exits, and related personal safety features.

010.05. NEW HOME CONSTRUCTION. In situations where the recipient plans to, or is in the process of, constructing a new home or is building an addition to an existing home, assistance is strictly limited to the purchase of disability-related equipment. The recipient is responsible for all installation costs.

010.06. RENTAL OR LEASED PROPERTY. Accommodations or modifications to individually occupied rental or leased property may only be made if the owner refuses to make the modifications him/herself; the owner has given all appropriate clearances and approvals; building permits, and other pre-modification consents have been obtained; and, the recipient has no plans to move or otherwise vacate the premises.

010.07. EXCEPTIONS. NCBVI's Deputy Director has the authority and discretion to make reasonable exceptions to home modification regulations based on individual circumstances. Exceptions may be granted if he or she determines there is no alternative to accomplish the necessary accommodation in a safe manner.

## **011. VEHICLE MODIFICATIONS.**

011.01. PURPOSE. Vehicle modifications are strictly limited to those changes, adaptations, or adjustments to a recipient's vehicle that enable him or her to ride in the vehicle and are essential to achieve the employment outcome of the recipient.

011.02. VEHICLE REQUIREMENTS. Vehicle modifications are strictly limited to those vehicles that are in good working condition, have a reasonable expected life, and are suitable for the adaptations and modifications required by the recipient. If the vehicle age exceeds four (4) years or the vehicle mileage exceeds 50,000 miles, the recipient must provide a statement from a qualified mechanic showing that the vehicle is in good working condition. The recipient is responsible for the cost of any repairs needed to put the vehicle into good working condition.

011.03. TITLE AND INSURANCE. Vehicle modifications are strictly limited to those vehicles that are titled in the name of the recipient, his or her spouse, or his or her parent, and for which there is current full liability insurance coverage.

011.04. PRICE QUOTATIONS. Price quotations are required for the purchase of vehicle modifications costing over \$500. Price quotations may be obtained according to the requirements in Section 005.02.

011.05. EXCEPTIONS. Vehicle modifications expressly do not include servo or joystick controlled steering, braking systems, or any other system that replaces the stock steering, braking system, or major part of the stock system provided as original equipment by the manufacturer.

011.06. REPAIRS. Repairs may be provided to any of the aids and devices that are already installed on a vehicle for purposes identified in 011.01.

011.07. ACQUISITION OF VEHICLES. NCBVI does not provide assistance for the acquisition of manufacturer modified or used modified vehicles. This restriction includes, but is not limited to, assistance with purchase, lease, rental, or any other means of acquiring a vehicle. This restriction also includes, but is not limited to, financial assistance with down payments, leasing or rental charges, financing or licensing fees, sales and use taxes, insurance premiums, or any other costs incurred in connection with acquiring a vehicle.

011.08. FINANCIAL ASSISTANCE. NCBVI may provide assistance up to the estimated value of the necessary adaptations and modifications if the recipient is purchasing a new vehicle that is modified by the manufacturer or a manufacturer approved vendor, or a used vehicle that is already adapted and modified. Any such financial assistance cannot exceed the estimated current value of the modifications (based on present average costs, and depreciation of 20% for each year of use from the date the modifications went into use).

011.09. EXCEPTIONS. The Deputy Director of Services has the authority and discretion to make reasonable exceptions to any state imposed vehicle modification regulations based on individual circumstances. An exception may be granted if he or she determines there is no alternative to accomplish the necessary accommodation in a safe manner.

## **012. SERVICES TO GROUPS.**

012.01. SERVICES TO GROUPS are services for the benefit of groups of individuals with disabilities (34 CFR 361.49). NCBVI funds may be used for services to groups as follows:

012.01A. Special services to provide non-visual access to information for individuals who are blind; including a statewide digital voice delivery system and the use of tele-

communications, Braille, sound recordings, electronic accessibility via the internet, and other appropriate media;

012.01B. Technical assistance and support services to businesses and other components of the statewide workforce development system, which are best suited to address the specific employment needs of individuals who are blind or visually impaired;

012.01C. Services, goods, and other costs allowed pursuant to Section 71-8611, in the case of small business enterprises established under the Randolph-Sheppard Act, as amended (20 U.S.C. 107 et. Seq. [Title 192, Chapter 3 Blind Vendor Program]);

012.01D. Other goods and services that contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individualized plan for employment of any single individual; such as workshops on diabetes, technology, etc. or the purchase of equipment or instructional materials to benefit a group of applicants or eligible individuals;

012.01E. Technical assistance services to educational agencies in planning for and facilitating the transition of students who are blind and visually impaired from school to post-school life, including employment.

012.02. NCBVI will maintain written policies specific to each program or service provided as a service to groups. Individualized contractual agreements will be written where appropriate to provide the services and will be maintained by the Deputy Director or Program Specialist responsible for specific services to groups. Information will be maintained to ensure the proper and efficient administration of each service.



**APPENDIX A**

**FEE SCHEDULE FOR SERVICES PURCHASED BY NCBVI**

The program maintains a fee schedule for services purchased by NCBVI to contain cost and to assure the availability of program services to the largest number of individuals with significant disabilities. The intent of the schedule is to assure costs are the lowest reasonable cost for program services purchased from third party providers, while allowing for sufficient flexibility to meet an applicant's or recipient's needs. Copies of relevant fee schedules will be made available by contacting the Lincoln Office of NCBVI.

Service	Fee Schedule
Assistive technology devices (including wheelchairs), except eyeglasses and hearing aids	Cost determined by price quotes
Dental assessment and restoration	See Medicaid Dental Fee Schedule
Drugs	None--Use pharmacy billed charge
Eyeglasses purchase and repair	See Medicaid Visual Care Fee Schedule
Hearing aids-purchase and repair	See Medicaid Hearing Aid Services Fee Schedule
Hospitalization-assessment and restoration	See Medicaid Hospital Fee Schedule
Independent living training	Fees established in agreements with Centers for Independent Living or service agreements
Interpreters for hearing impaired	Fees established in individual contracts with service provider

Service	Fee Schedule
Interpreters foreign language	Fees established in individual contracts with service provider
Job coaching	Fees established in written agreements with cooperating agencies, community rehabilitation programs, or businesses
Job placement services	Fees established in written agreements with cooperating agencies, community rehabilitation programs, or businesses
Life skills training	Fees established in written agreements with cooperating agencies, community rehabilitation programs, or businesses
Maintenance	Cost for living expenses, such as food, shelter, clothing, and other subsistence items, that are in addition to normal subsistence expenses
Medical and psychological assessment and evaluation	See Medicaid Practitioner Fee Schedule
Mental restoration	See Medicaid Psychiatric Fee Schedule
Occupational therapy-including training	See Medicaid Practitioner Fee Schedule
On-the-job training	Fees established in agreements with employers
Physical restoration-medical, surgical, and allied health services	See Medicaid Practitioner Fee Schedule
Physical therapy-including training	See Medicaid Practitioner Fee Schedule
Prosthetics and orthotics	See Medicaid Durable Goods Fee Schedule
Rehabilitation engineering services, including assistive tech-	Fees established in written agreements with independent living center, cooperating agencies, community rehabilitation programs,

Service	Fee Schedule
nology services	or individuals
Speech therapy--including training	See Medicaid Practitioner Fee Schedule
Supported employment services	Fees established in written agreements with cooperating agencies, community rehabilitation programs, or businesses
Transportation	Coverage of mileage, lodging and meals will not exceed state rates.
Vocational assessment and evaluation	Fees established in written agreements with cooperating agencies, community rehabilitation programs, or businesses
Vocational training--institutions of higher education	See cost containment guidelines for vocational training at institutions of higher education in Section 011
Vocational training--other than in institutions of higher education	Fees established in written agreements with cooperating agencies, community rehabilitation programs, or businesses
Work adjustment training	Fees established in written agreements with cooperating agencies, community rehabilitation programs, or businesses
Customized employment services	Fees established in agreements with employers

## **APPENDIX B**

### **STANDARDS FOR FACILITIES AND SERVICE PROVIDERS**

To determine whether a facility, service, program, or provider meets minimum standards, NCBVI staff consider such factors as: their past performance in achieving results or employment outcomes and the quality of results or employment outcomes achieved, licensure, accreditation, certification, or registration from state authorities; accreditation or certification from nationally recognized accrediting organizations; education, training, and experience of personnel; and, compliance with the Americans With Disabilities Act and Section 504 of the Rehabilitation Act.

Hospitals and clinics must be licensed by the State of Nebraska. Hospitals accredited by the Commission on Accreditation of Rehabilitation Facilities are given preference for the provision of rehabilitation medicine and treatment of physical impairments.

Schools and other training institutions must be approved by a recognized accrediting body for the institution. Out-of-state schools must be approved by a nationally recognized accrediting agency or association.

Program services and goods may be purchased from any entity doing business in Nebraska, including businesses operated by independent contractors, for-profit sole proprietorships and partnerships, and those engaged in the construction or renovation of homes.

Medical or psychological diagnosis and treatment services in audiology and speech language pathology; chiropractic; dentistry; hearing aid instruments; dispensers and fitters; medicine and surgery; mental health; nursing; occupational therapy; optometry; physical therapy; podiatry; psychology; respiratory care; and, social work must be provided by professionals who are appropriately licensed, certified, or registered with the appropriate state examining board. Psychologists with clinical certification are given preference.

Prosthetic and orthotic services and appliances must be provided by professionals who are certified by the American Board of Certification for Prosthetic and Orthotic Appliance Industry Inc. or otherwise qualified by training and experience to perform the specific service required.

A qualified interpreter for the hearing impaired is an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary special-

ized vocabulary. Interpreters providing services for hearing impaired recipients must be appropriately qualified for the particular assignment.

All service providers must be at least 18 years of age.

Individuals who have been convicted of any felony or crime consisting of abuse of a child or vulnerable adult are disqualified to be selected as service providers.