

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 403
SENATE BILL 423

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

The General Assembly of North Carolina enacts:

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 (a) G.S. 143-545 is repealed.

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

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

(a) Policy. Recognizing that disability is a natural part of human experience, the State establishes as its policy that individuals with physical and mental disabilities should be able to participate to the maximum extent of their abilities in the economic, educational, cultural, social, and political activities available to all citizens of the State. To implement this policy, the Department of Human Resources shall establish and operate comprehensive and accountable programs of vocational rehabilitation and independent living for persons with disabilities. These programs are to be administered by the Division of Vocational Rehabilitation Services in collaboration with the Division of Services for the Blind, which conducts vocational rehabilitation and independent living programs for individuals who are blind or visually impaired, pursuant to Chapter 111 of the General Statutes and the rules of the Commission for the Blind adopted pursuant to G.S. 143B-157. The programs so provided shall be administered according to the following principles:

- (1) The opportunity and ability to work and to live independently are important activities that enhance not only the lives of individuals with disabilities but also the greater society in which they live. These activities fulfill the need to be productive, promote self-esteem, and allow for participation in the full array of activities of daily living;
- (2) Eligible individuals with disabilities shall be provided individualized training, independent living services, and educational and support services that prepare them for independent living and competitive employment opportunities in integrated settings with reasonable accommodations;
- (3) Individuals with disabilities shall be active participants in their own vocational rehabilitation/independent living programs and shall be involved in making meaningful and informed choices about

vocational/independent living goals and objectives and the related services they receive; and

- (4) As full partners in their vocational rehabilitation and independent living programs, participants in the programs shall provide information required by the Department to determine eligibility and the nature of their disabilities, shall use other resources that are available to assist in their programs, and shall assume joint responsibility with departmental staff for planning and implementing their programs.

(b) Services:

- (1) Vocational rehabilitation and independent living services provided by the Department shall address comprehensively the needs of each individual to the maximum extent possible within available resources. These services shall contain labor force development and training components and services that enhance the independence and full participation of citizens with disabilities in community life. Specific services shall include assessment services to determine eligibility and rehabilitation needs; counseling, guidance, and referral services; physical and mental restoration services; reader services; vocational and other training services; job development and job placement services; interpreter services; on-the-job or other related personal assistance services including attendant care services; mobility and rehabilitation technology services; training services necessary for living in the community; and supported employment services.
- (2) The Secretary of the Department of Human Resources shall adopt rules to establish eligibility for services, the nature and scope of services to be provided, standards for community rehabilitation programs and qualified personnel to provide services and conditions, criteria, and procedures under which services may be provided including financial need for services. The following services shall not be conditioned on the client's or applicant's ability to pay for the cost of those services:
- a. Evaluation of rehabilitation potential, except for those vocational rehabilitation services other than of a diagnostic nature that are provided under an extended evaluation of rehabilitation potential;
- b. Counseling, guidance, and referral services; and
- c. Placement.
- (3) The Secretary of the Department of Human Resources or, when appropriate, the Commission for the Blind, shall establish by rule a formula for a schedule of rates and fees to be paid by clients and other third party purchasers for services.
- (4) The Secretary of the Department of Human Resources or, when appropriate, the Commission for the Blind, shall establish formal appeals procedures that are consistent with those required by federal

regulations so that any applicant for or client of vocational rehabilitation or independent living services who is dissatisfied with any determinations made by rehabilitation counselors or coordinators concerning the furnishing or denial of services may request a timely review of those determinations. The appeal procedures shall be the same regardless of whether federal funds are included in the particular services."

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

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

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

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

- (1) Ensure the cooperation of other divisions in the Department of Human Resources in implementing the provisions of this Article;
- (2) Cooperate with other departments, agencies, and institutions, both public and private, in providing for the vocational rehabilitation and independent living of individuals with disabilities, in studying the problems involved, and in establishing, developing, and providing the programs, facilities, and services necessary to implement this Article;
- (3) Conduct research and gather statistical data related to the vocational rehabilitation and independent living needs of individuals with disabilities; and
- (4) Administer the expenditure of funds made available by appropriations by the General Assembly by grants from the federal government, and by gifts, grants, or reimbursements from private or public sources, or other sources, and any combination thereof for vocational rehabilitation and independent living services. Gifts or donations, from either public or private sources, as may be offered unconditionally or under conditions that are proper and consistent with this Article, shall be deposited in the State treasury in a fund to be known as the 'Vocational Rehabilitation and Independent Living State Program Fund'.

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

- (1) Cooperate with the Federal Rehabilitation Services Administration or its successor agency in the administration of the Rehabilitation Act of 1973, as amended;
- (2) Administer vocational rehabilitation and independent living services provided in cooperation with the Federal Rehabilitation Services Administration or its successor agency through an approved State plan;

(3) Adopt rules as required by the Rehabilitation Act of 1973, as amended, and federal regulations promulgated pursuant to it."

Sec. 3. This act becomes effective July 15, 1995.

In the General Assembly read three times and ratified this the 10th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives