

STATE BOARD OF EDUCATION

Consent Item

September 14, 2018

SUBJECT: Amendments to Rules 6A-25.006, 6A-25.008, and 6A-25.009, Pertaining to the Division of Vocational Rehabilitation

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1001.02, Florida Statutes

EXECUTIVE SUMMARY

The Division of Vocational Rehabilitation proposes to amend its rules to authorize the provision of job retention services outside the order of selection, remove the outdated prior approval procedures for authorizations, and authorize the provision of pre-employment transition services to students with disabilities beginning at age 14.

Supporting Documentation Included: Proposed Rules 6A-25.006, 6A-25.008, and 6A-25.009, F.A.C.

Facilitator/Presenter: Allison Flanagan, Director, Division of Vocational Rehabilitation

6A-25.006 Ability to Serve All Eligible Individuals and Order of Selection for Services.

(1) through (5) No Change.

(6) Job Retention. An eligible individual who requires specific services or equipment to retain existing employment may receive such services or equipment regardless of their placement in one of the priority classifications set forth above.

Rulemaking Authority 413.22, 1001.02 FS. Law Implemented 413.24, 413.28, 413.30 FS. History—New 5-14-12,

Amended

6A-25.008 Authorization for Services.

(1) The division shall not pay for goods or services unless such goods or services are listed in the Individualized Plan for Employment (IPE) ~~or Individualized Plan for Extended Evaluation (IPEE)~~, or an amendment thereto, or are part of the assessment for determining eligibility and vocational rehabilitation needs and:

(a) The goods or services were authorized in writing by the division prior to the time they were provided; or

(b) The goods or services were provided under emergency circumstances subsequent to verbal authorization by the division.

~~(2) Prior Approval. Certain vocational rehabilitation services must be approved at the state office or area office level prior to being initiated.~~

~~(a) Services that require prior approval at the state office level are:~~

~~1. All transplants;~~

~~2. All procedures to be performed on persons with cancer;~~

~~3. Cochlear implants and other implantable hearing devices;~~

~~4. Gastrointestinal procedures (e.g., stomach stapling) for morbid obesity;~~

~~5. Hyperbaric oxygen treatments for any condition;~~

~~6. Intrathecal baclofen infusion for cerebral palsy (cerebral dystonia);~~

~~7. Brain surgery;~~

~~8. Comprehensive inpatient/outpatient pain management programs conducted by a multi-specialty team or by an individual physician;~~

~~9. Penis prosthesis;~~

- ~~10. Any cosmetic/reconstructive surgery;~~
- ~~11. Any medical conditions with uncertain prognosis or outcome;~~
- ~~12. Sterilization, abortion, sex change operations or treatment;~~
- ~~13. Bone stimulator; or~~
- ~~14. Treatment to be provided out of state except in southern Georgia or Alabama when in close proximity to the individual's home. The determination of whether an individual lives in close proximity is based on the individual's needs, which may include availability of transportation and availability of services.~~

~~(b) Services that require prior approval at the area office level are:~~

- ~~1. Services to Division of Vocational Rehabilitation staff and family members;~~
- ~~2. Services on an IPE or IPE amendment for eligible individuals with brain and spinal cord injury which can reasonably be expected to require expenditures of totaling \$30,000 or more. Approval will be required for each increment of \$20,000 thereafter. For all other eligible individuals, services on an IPE or IPE amendment which can reasonably be expected to require expenditures totaling \$20,000 or more. Approval will be required for each increment of \$10,000 thereafter;~~

~~3. Training to be provided out of state except in southern Georgia or Alabama when in close proximity to the individual's home. The determination of whether an individual lives in close proximity is based on the individual's needs, which may include availability of transportation and availability of services;~~

- ~~4. Graduate level training;~~
- ~~5. Maintenance payments greater than \$500 per month;~~
- ~~6. Other goods and services over \$500 provided and not classified as maintenance;~~
- ~~7. Waivers of maintenance in extenuating circumstance; and,~~
- ~~8. Purchase of non-adaptive computers and related equipment of \$3,000 or more.~~

~~(3) Exceptions. The division shall pay an amount based on prevailing market rates for necessary and customary services incidental to surgery, hospitalization or medical diagnosis when such services were not authorized at the time of authorization of a primary service.~~

~~(3)(4) The division's highest allowable fee for health care services is the amount payable for such services in Florida under the Medicare Part B system or, for hospital per diem payments, the amount payable under the Medicaid system. In setting its highest allowable fee for all other services, the division shall ensure such fee is not~~

set so low as to deny individuals the right to make informed choices among service providers. The providers of choice shall agree to accept as payment for the service rendered no more than the division's highest allowable fee. If an individual chooses a service provider that charges in excess of the division's highest permitted fee, the individual shall be solely responsible to fully pay such excess, and a signed statement to that effect shall be placed in the case record.

Rulemaking Authority 413.22, 1001.02 FS. Law Implemented 413.24, 413.28, 413.30 FS. History—New 5-14-12,

Amended

6A-25.009 Scope of Vocational Rehabilitation Services.

(1) Maintenance. Maintenance is defined in 34 C.F.R. §361.5 ~~(c)(34)(b)(35)~~. Maintenance does not mean support for the discharge of court-ordered obligations or indebtedness of any kind incurred prior to or subsequent to an application for rehabilitation services.

(2) through (6) No change.

(7) Pre-Employment Transition Services. Pre-employment transition services, as defined in 34 C.F.R. §361.5(c)(42) and 34 C.F.R. §361.48(a), may be provided to students with disabilities beginning at age fourteen (14).

Rulemaking Authority 413.22, 1001.02 FS. Law Implemented 413.24, 413.28, 413.30, 413.32, 413.731 FS. History—New 5-14-12,

Amended 8-20-17,

