

By: Representative Moody

To: Public Health and
Welfare

HOUSE BILL NO. 1378

1 AN ACT TO AMEND SECTIONS 37-33-1, 37-33-13 THROUGH 37-33-29,
2 37-33-81, 37-33-152, 37-33-153, 37-33-53 THROUGH 37-33-63,
3 37-33-67 THROUGH 37-33-71, 43-3-3, 43-3-5, 43-3-9 THROUGH 43-3-13,
4 37-33-101 THROUGH 37-33-107 AND 37-33-121 THROUGH 37-33-133,
5 MISSISSIPPI CODE OF 1972, TO UPDATE THE TERMINOLOGY, REVISE
6 VARIOUS PROVISIONS AND CONFORM TO FEDERAL LAW THE VOCATIONAL
7 REHABILITATION LAW, THE VOCATIONAL REHABILITATION FOR THE BLIND
8 LAW AND THE SHELTERED WORKSHOP STATUTES ADMINISTERED BY THE STATE
9 DEPARTMENT OF REHABILITATION SERVICES; TO CREATE NEW SECTIONS
10 37-33-203 THROUGH 37-33-223, MISSISSIPPI CODE OF 1972, TO CREATE
11 THE SPECIAL DISABILITY PROGRAMS LAW TO BE ADMINISTERED BY THE
12 STATE DEPARTMENT OF REHABILITATION SERVICES; TO REPEAL SECTIONS
13 37-33-91 THROUGH 37-33-95, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
14 FOR REHABILITATION SERVICES TO ENABLE DISABLED PERSONS TO ATTAIN
15 INDEPENDENT LIVING; AND FOR RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1.** Section 37-33-1, Mississippi Code of 1972, is
18 amended as follows:

19 37-33-1. The State of Mississippi * * * accepts all of the
20 provisions and benefits of an act passed by the Congress of the
21 United States * * * entitled, "The Rehabilitation Act of 1973," as
22 amended.

23 **SECTION 2.** Section 37-33-13, Mississippi Code of 1972, is
24 amended as follows:

25 37-33-13. As used in the Vocational Rehabilitation Law:

26 (a) "Competitive employment" means work in the
27 competitive labor market that is performed on a full-time or
28 part-time basis in an integrated setting and for which an
29 individual is compensated at or above the minimum wage, but not
30 less than the customary wage and level of benefits paid by the
31 employer for the same or similar work performed by individuals who
32 are not disabled;



(b) "Department" or "agency" means the State Department of Rehabilitation Services;

(c) "Director" means the Director of the Office of Vocational Rehabilitation;

(d) "Executive director" means the Executive Director of the State Department of Rehabilitation Services;

(e) "Employment outcome" means, with respect to an individual entering or retaining full-time or, if appropriate part-time competitive employment in the integrated labor market to the greatest extent practicable; supported employment; or any other type of employment, including self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;

(f) " * * * Individual with a disability" means any individual who has a physical or mental impairment, whose impairment constitutes or results in a substantial impediment to employment, and who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services;

(g) "Maintenance" means 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 participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an individualized plan for employment;

(h) "Occupational license" means any license, permit or other written authority required by any governmental unit to be obtained in order to engage in an occupation;

(i) "Office" means the Office of Vocational Rehabilitation of the State Department of Rehabilitation Services;



65 (j) "Personal assistance services" means assistance in
66 a range of services provided by one or more persons designed to
67 assist an eligible individual with a disability to perform daily
68 living activities on or off the job that the individual would
69 typically perform without assistance. The services must be
70 designed to increase the individual's control in life and ability
71 to perform every day activities on or off the job. The services
72 must be necessary to the achievement of an employment outcome and
73 may be provided only while the individual is receiving other
74 vocational rehabilitation services. The services may include
75 training in managing, supervising, and directing personal
76 assistance services;

77 (k) "Physical restoration services" means (i)
78 corrective surgery or therapeutic treatment that is likely, within
79 a reasonable period of time, to correct or modify substantially a
80 stable or slowly progressive physical or mental impairment that
81 constitutes a substantial impediment to employment; (ii) diagnosis
82 of and treatment for mental or emotional disorders by qualified
83 personnel in accordance with state licensure laws; (iii)
84 dentistry; (iv) nursing services; (v) necessary hospitalization
85 (either inpatient or outpatient care) in connection with surgery
86 or treatment and clinic services; (vi) drugs and supplies; (vii)
87 prosthetic and orthotic devices; (viii) eyeglasses and visual
88 services, including visual training, and the examination and
89 services necessary for the prescription and provision of
90 eyeglasses, contact lenses, microscopic lenses, telescopic lenses,
91 and other special visual aids prescribed by personnel that are
92 qualified in accordance with state licensure laws; (ix) podiatry;
93 (x) physical therapy; (xi) occupational therapy; (xii) speech or
94 hearing therapy; (xiii) mental health services; (xiv) treatment of
95 either acute or chronic medical restoration services, or that are
96 inherent in the condition under treatment; (xv) special services



for the treatment of individuals with end-stage renal disease; and
(xvi) other medical or medically-related rehabilitation services;

(l) "Prosthetic appliance" means any artificial device
necessary to support, to take the place of a part of the body, or
to increase the acuity of a sense organ;

(m) "Regulations" means regulations made by the
executive director with the approval of the state board.

(n) "Rehabilitation engineering services" means the
systematic application of engineering sciences to design, develop,
adapt, test, evaluate, apply, and distribute technological
solutions to problems confronted by individuals with disabilities
in functional areas such as mobility, communications, hearing,
vision, and cognition, and in activities associated with
employment, independent living, education, and integration into
the community;

(o) "Rehabilitation training" means all necessary
training provided to an eligible individual with a disability to
enable him or her to overcome his or her employment handicap,
including, but not limited to, manual, preconditioning,
prevocational, vocational and supplementary training and training
provided for the purpose of developing occupational * * * skills
and capacities;

(p) "State board" means the State Board of
Rehabilitation Services;

(q) "Substantial impediment to employment" means that a
physical or mental impairment (in light of attendant medical,
psychological, vocational, educational, communication, and other
related factors) hinders an individual from preparing for,
entering into, engaging in, or retaining employment consistent
with the individual's abilities and capabilities;

(r) "Supported * * * employment services" means
ongoing support services and other appropriate services needed to
support and maintain an individual with a most significant



disability in supported employment that are provided by the
designated state unit (i) for a period of time not to exceed
eighteen (18) months, unless under special circumstances the
eligible individual and the rehabilitation counselor jointly agree
to extend the time to achieve the employment outcome identified in
the individualized plan for employment; and (ii) following
transition, as post-employment services that are unavailable from
an extended services provider and that are necessary to maintain
or regain the job placement or advance in employment;

(s) "Vocational rehabilitation" and "vocational
rehabilitation services" mean, for an eligible individual with a
disability, services as appropriate and required to assist in
preparing for, securing, retaining, or regaining an employment
outcome that is consistent with the individual's strengths,
resources, priorities, concerns, abilities, capabilities,
interests, and informed choice, including, but not limited to,
services in accordance with definitions in the most current
amendment of the Rehabilitation Act: (i) assessment for
determining eligibility and priority for services by qualified
personnel, including, if appropriate, an assessment by personnel
skilled in rehabilitation technology; (ii) assessment for
determining vocational rehabilitation needs by qualified
personnel, including, if appropriate, an assessment by personnel
skilled in rehabilitation technology; (iii) vocational
rehabilitation counseling and guidance, including information and
support services to assist an individual in exercising informed
choice; (iv) referral and other services necessary to assist
applicants and eligible individuals to secure needed services from
other agencies, including other components of the statewide
workforce investment system and to advise those individuals about
client assistance programs; (v) physical and mental restoration
services, to the extent that financial support is not readily
available from a source other than the State Department of



Rehabilitation Services (such as through health insurance or a comparable service or benefit); (vi) vocational and other training services, including personal and vocational adjustment training, books, tools, and other training materials, except that no training or training services in an institution of higher learning (universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing) may be paid for with funds under this law unless maximum efforts have been made by the state unit and the individual to secure grant assistance in whole or in part from other sources to pay for that training; (vii) maintenance; (viii) transportation in connection with the rendering of any vocational rehabilitation service; (ix) vocational rehabilitation services to family members of an applicant or eligible individual if necessary to enable the applicant or eligible individual to achieve an employment outcome; (x) interpreter services, including sign language and oral interpreter services, for individuals who are deaf or hard of hearing and tactile interpreting services for individuals who are deaf-blind provided by qualified personnel; (xi) reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind; (xii) job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services; (xiii) supported employment services; (xiv) personal assistance services; (xv) post-employment services; (xvi) occupational licenses, tools, equipment, initial stocks, and supplies; (xvii) rehabilitation technology including vehicular modification, telecommunications, sensory, and other technological aids and devices; (xviii) transition services; (xix) technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those resources are authorized to be provided through the statewide workforce investment system, to eligible individuals who



are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome; (xx) other goods and services determined necessary for the individual with a disability to achieve an employment outcome.

SECTION 3. Section 37-33-15, Mississippi Code of 1972, is amended as follows:

37-33-15. The Office of Vocational Rehabilitation established by Section 37-33-153 shall be administered by a director appointed by the executive director in conformity with policies adopted by the department. The Director of the Office of Vocational Rehabilitation shall devote his or her full time to the administration of vocational rehabilitation. In carrying out his or her duties under the Vocational Rehabilitation Law, the director:

(a) Shall, with the approval of the executive director, make regulations governing the protection of records and confidential information, the manner and form of filing applications, eligibility and investigations and determinations thereof for vocational rehabilitation services, procedures for fair hearings, and such other regulations as are found necessary to carry out the purposes of that law;

(b) Shall, with the approval of the executive director, establish appropriate subordinate administrative units within the office;

(c) Shall, with the approval of the executive director, recommend for appointment such personnel as may be necessary for the efficient performance of the functions of the office;

(d) Shall prepare and submit to the state board through the executive director annual reports of activities and expenditures and, before each regular session of the Legislature, shall submit estimates of sums required for carrying out the Vocational Rehabilitation Law and estimates of the amounts to be made available for this purpose from all sources;



(e) Shall, if the executive director so authorizes, make certifications on behalf of the executive director for the disbursement of funds available for vocational rehabilitation;

(f) Shall, with the approval of the executive director and the state board, appoint boards * * * as required by federal law and regulations;

(g) Shall, with the approval of the executive director and the state board, take such other action as he or she deems necessary or appropriate to carry out the purposes of the Vocational Rehabilitation Law;

(h) May, with the approval of the executive director and the state board, delegate to any officer or employee of the office such of his or her powers and duties, except the making of regulations and the making of recommendations for appointment of personnel, as he or she finds necessary to carry out the purposes of the Vocational Rehabilitation Law.

SECTION 4. Section 37-33-17, Mississippi Code of 1972, is amended as follows:

37-33-17. The director, with the approval of the executive director and the state board, may accept and use gifts and donations made unconditionally or otherwise for carrying out the purposes of the Vocational Rehabilitation Law, from either public or private sources. Gifts made under such conditions as in the judgment of the state board are proper and consistent with the provisions of that law may be so accepted and shall be held, invested, reinvested and used in accordance with the conditions of the gift. All monies received as gifts or donations, except conditional gifts requiring other treatments, shall be deposited in the State Treasury and shall constitute a permanent fund to be called the "Special Fund for the Vocational Rehabilitation of Individuals with Disabilities" and shall be used by the state board for such purposes. The state board shall make a report annually to the Legislature setting forth the condition of



vocational rehabilitation of eligible individuals with
disabilities in Mississippi, the expenditures made from state and
federal funds in carrying out the provisions of that law or its
purpose, and a detailed statement of all gifts and donations
offered and accepted, together with the names of donors and the
respective amounts prescribed by each and all the disbursements
made therefrom.

SECTION 5. Section 37-33-19, Mississippi Code of 1972, is
amended as follows:

37-33-19. Except as may be otherwise provided by law for the
vocational rehabilitation of the blind, the state board, through
the Office of Vocational Rehabilitation, shall provide vocational
rehabilitation services to eligible individuals with disabilities
determined by the director to be eligible therefor, and in
carrying out the purposes of the Vocational Rehabilitation Law,
the office is authorized among other things:

(a) To cooperate with other departments, agencies and
institutions, both public and private, in providing for the
vocational rehabilitation of eligible individuals with
disabilities, in studying the problems involved therein, and in
establishing, developing and providing, in conformity with the
purposes of that law, such programs, facilities and services as
may be necessary or desirable;

* * *

(b) To conduct research and compile statistics relating
to the vocational rehabilitation of eligible individuals with
disabilities;

(c) To prescribe and provide such courses of vocational
training as may be necessary for the vocational rehabilitation of
eligible individuals with disabilities.

SECTION 6. Section 37-33-21, Mississippi Code of 1972, is
amended as follows:



37-33-21. The state board, through the Office of Vocational Rehabilitation, shall cooperate under agreements with the federal government in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation, and may adopt such methods of administration as are found by the federal government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation and * * * comply with such conditions as may be necessary to secure the full benefits of those federal statutes and appropriations, * * * administer any legislation pursuant thereto enacted by the State of Mississippi, * * * direct the disbursement and administer the use of all funds provided by the federal government or this state for the vocational rehabilitation of individuals with disabilities of this state and * * * do all things necessary to insure the vocational rehabilitation of individuals with disabilities.

SECTION 7. Section 37-33-23, Mississippi Code of 1972, is amended as follows:

37-33-23. Vocational rehabilitation services may be provided to any eligible individuals with disabilities who are present in the state at the time of filing an application therefor and whose vocational rehabilitation, the director determines after full investigation, can be satisfactorily achieved * * *.

Except as otherwise provided by law or as specified in any agreement with the federal government with respect to classes of individuals certified to the state board under that agreement, the following rehabilitation services may be provided * * * to eligible individuals with disabilities found to require vocational rehabilitation services to achieve an employment outcome:

- (a) Physical restoration;
- (b) Transportation * * * for vocational rehabilitation services to the nature and extent of the services necessary;
- (c) Occupational licenses;
- (d) Placement equipment, tools, and supplies;



327 (e) Maintenance;

328 (f) Training books and materials.

329 **SECTION 8.** Section 37-33-25, Mississippi Code of 1972, is
330 amended as follows:

331 37-33-25. Any individual applying for or receiving
332 vocational rehabilitation who is aggrieved by any action or
333 inaction of the office shall be entitled, in accordance with
334 regulations promulgated by the state board, to a fair hearing.

335 **SECTION 9.** Section 37-33-27, Mississippi Code of 1972, is
336 amended as follows:

337 37-33-27. The right of eligible individuals with
338 disabilities to maintenance under the Vocational Rehabilitation
339 Law shall not be transferable or assignable at law or in equity
340 and shall be exempt from the claims of creditors.

341 **SECTION 10.** Section 37-33-29, Mississippi Code of 1972, is
342 amended as follows:

343 37-33-29. It shall be unlawful, except for purposes directly
344 connected with the administration of the vocational rehabilitation
345 program, for eligible individuals with disabilities, and in
346 accordance with regulations, for any person or persons to solicit,
347 disclose, receive, or make use of, or authorize, knowingly permit,
348 participate in, or acquiesce in the use of any list of, or names
349 of, or any information concerning persons applying for or
350 receiving vocational rehabilitation, directly or indirectly
351 derived from the records, papers, files, or communications of the
352 state or subdivisions or agencies thereof, or acquired in the
353 course of the performance of official duties, except in response
354 to summons, subpoena or other order of a court. Any violation of
355 this section shall be a misdemeanor and punishable accordingly.

356 **SECTION 11.** Section 37-33-81, Mississippi Code of 1972, is
357 amended as follows:

358 37-33-81. (1) The Office of Vocational Rehabilitation of
359 the State Department of Rehabilitation Services may enter into



contracts with appropriate post-secondary educational institutions in the state for the purpose of implementing and maintaining programs of services for hearing-impaired students.

(2) Those programs shall be funded from funds appropriated to the office by the Legislature or from any other resource identified and accessed by the office. The office shall continue to administer those programs for each year deemed suitable by the office.

* * *

SECTION 12. Section 37-33-152, Mississippi Code of 1972, is amended as follows:

37-33-152. It is declared to be the policy of this state to provide rehabilitation services, to the extent needed and feasible within resources available, to eligible * * * individuals with disabilities throughout the state, to the end that they may engage in useful and remunerative occupations and live independently to the extent of their capabilities, thereby increasing their social and economic well-being and that of their families, and the productive capacity of this state and nation, also thereby reducing the burden of dependency on families and taxpayers.

SECTION 13. Section 37-33-153, Mississippi Code of 1972, is amended as follows:

37-33-153. In order to provide for rehabilitation, habilitation and other services to eligible individuals with disabilities, their families and the community, there is created the State Department of Rehabilitation Services. The department shall be composed of the following offices:

- (a) The Office of Vocational Rehabilitation;
- (b) The Office of Disability Determination Services;
- (c) The Office of Special Disability Programs; and
- (d) The Office of Vocational Rehabilitation for the Blind.



SECTION 14. Section 37-33-53, Mississippi Code of 1972, is amended as follows:

37-33-53. As used in the Vocational Rehabilitation for the Blind Law:

(a) "Department" or "agency" * * * means the State Department of Rehabilitation Services;

(b) "Director" * * * means the Director of the Office of Vocational Rehabilitation for the Blind;

(c) "Executive director" * * * means the Executive Director of the State Department of Rehabilitation Services;

(d) "Independent living services" includes, but are not limited to, the following services in accordance with definitions in the most current amendment of the Rehabilitation Act: (i) independent living core services (information and referral services, independent living skills training, peer counseling including cross-disability peer counseling, and individual and systems advocacy) and: (ii) counseling services, including psychological, psychotherapeutic, and related services; (iii) services related to securing housing or shelter, including services related to community group living, and supportive of the purposes of the Rehabilitation Act and of the titles of the Rehabilitation Act, and adaptive housing services (including appropriate accommodations to and modifications of any space used to serve, or occupied by, individuals with disabilities); (iv) rehabilitation technology; (v) mobility training; (vi) services and training for individuals with cognitive and sensory disabilities, including life skills training, and interpreter and reader services; (vii) personal assistance services, including attendant care and the training of personnel providing such services; (viii) surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services; (ix) consumer information programs on rehabilitation and independent



425 living services available under the Rehabilitation Act, especially
426 for minorities and other individuals with disabilities who have
427 traditionally been unserved or underserved by programs under the
428 Rehabilitation Act; (x) education and training necessary for
429 living in a community and participating in community activities;
430 (xi) supported living; (xii) transportation, including referral
431 and assistance for that transportation and training in the use of
432 public transportation vehicles and systems; (xiii) physical
433 rehabilitation; (xiv) therapeutic treatment; (xv) provision of
434 needed prostheses and other appliances and devices; (xvi)
435 individual and group social and recreational services; (xvii)
436 training to develop skills specifically designed for youths who
437 are individuals with disabilities to promote self-awareness and
438 esteem, develop advocacy and self-empowerment skills, and explore
439 career options; (xviii) services for children; (xix) services
440 under other federal, state, or local programs designed to provide
441 resources, training, counseling, or other assistance, of
442 substantial benefit in enhancing the independence, productivity,
443 and quality of life of individuals with disabilities; (xx)
444 appropriate preventive services to decrease the need of
445 individuals assisted under the Rehabilitation Act for similar
446 services in the future; (xxi) community awareness programs to
447 enhance the understanding and integration into society of
448 individuals with disabilities; and (xxii) such other services as
449 may be necessary and not inconsistent with the provisions of the
450 most current amendment of the Rehabilitation Act;

451 (e) " * * * Individual who is blind" * * * means any
452 person with insufficient vision to perform vocational independent
453 living tasks for which sight is essential;

454 (f) "Maintenance" * * * means monetary support provided
455 to an individual for expenses, such as food, shelter, and
456 clothing, that are in excess of the normal expenses of the
457 individual and that are necessitated by the individual's



participation in an assessment for determining eligibility and
vocational rehabilitation needs or the individual's receipt of
vocational rehabilitation services under an individualized plan
for employment;

(g) "Physical restoration services" * * * means (i)
corrective surgery or therapeutic treatment that is likely, within
a reasonable period of time, to correct or modify substantially a
stable or slowly progressive physical or mental impairment that
constitutes a substantial impediment to employment; (ii) diagnosis
of and treatment for mental or emotional disorders by qualified
personnel in accordance with state licensure laws; (iii)
dentistry; (iv) nursing services; (v) necessary hospitalization
(either inpatient or outpatient care) in connection with surgery
or treatment and clinic services; (vi) drugs and supplies; (vii)
prosthetic and orthotic devices; (viii) eyeglasses and visual
services, including visual training, and the examination and
services necessary for the prescription and provision of
eyeglasses, contact lenses, microscopic lenses, telescopic lenses,
and other special visual aids prescribed by personnel that are
qualified in accordance with state licensure laws; (xix) podiatry;
(x) physical therapy; (xi) occupational therapy; (xii) speech or
hearing therapy; (xiii) mental health services; (xiv) treatment of
either acute or chronic medical complications and emergencies that
are associated with or arise out of the provision of physical and
mental restoration services, or that are inherent in the condition
under treatment; (xv) special services for the treatment of
individuals with end-stage renal disease, including
transplantation, dialysis, artificial kidneys, and supplies; and
(xvi) other medical or medically related rehabilitation services;

(h) "Prosthetic appliance" * * * means any artificial
device necessary to support, to take the place of, a part of the
body, or to increase the acuity of a sense organ;



490 (i) "Occupational licenses" * * * means any license,
491 permit or other written authority required by any government unit
492 to be obtained in order to engage in an occupation;

493 (j) "Office" * * * means the Office of Vocational
494 Rehabilitation for the Blind;

495 (k) "Regulations" * * * means regulations made by the
496 director with the approval of the executive director and the state
497 board, including regulations pertaining to independent living
498 services;

499 (l) "Rehabilitation engineering services" means the
500 systematic application of engineering sciences to design, develop,
501 adapt, test, evaluate, apply, and distribute technological
502 solutions to problems confronted by individuals with disabilities
503 in functional areas, such as mobility, communications, hearing,
504 vision, and cognition, and in activities associated with
505 employment, independent living, education, and integration into
506 the community;

507 (m) "Rehabilitation training" * * * means all necessary
508 training provided to an individual who is blind to enable him or
509 her to overcome his or her substantial impediment to
510 employment * * *, including, but not limited to, manual,
511 preconditioning, prevocational, vocational, and supplementary
512 training and training provided for the purpose of developing
513 occupational skills and capacities;

514 (n) "Supported employment services" means ongoing
515 support services and other appropriate services needed to support
516 and maintain an individual with a most significant disability in
517 supported employment that are provided by the department (i) for a
518 period of time not to exceed eighteen (18) months, unless under
519 special circumstances the eligible individual and the
520 rehabilitation counselor or coordinator jointly agree to extend
521 the time to achieve the employment outcome identified in the
522 individualized plan for employment; and (ii) following transition,



as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment;

(o) "State board" * * * means the State Board of Rehabilitation Services;

(p) "Substantial impediment to employment" means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's abilities and capabilities;

(q) "Vocational rehabilitation" and "vocational rehabilitation services" * * * mean, for an individual who is blind, services available to assist an individual with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including, but not limited to, services in accordance with definitions in the most current amendment of the Rehabilitation Act: (i) assessment for determining eligibility and priority for services by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology; (ii) assessment for determining vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology; (iii) vocational rehabilitation counseling and guidance, including information and support services to assist an individual in exercising informed choice; (iv) referral and other services necessary to assist applicants and eligible individuals to secure needed services from other agencies, including other components of the statewide workforce investment system and to advise those individuals about client assistance programs; (v) physical and mental restoration



556 services, to the extent that financial support is not readily
557 available from a source other than the State Department of
558 Rehabilitation Services (such as through health insurance or a
559 comparable service or benefit); (vi) vocational and other training
560 services, including personal and vocational adjustment training,
561 books, tools, and other training materials, except that no
562 training or training services in an institution of higher
563 education (universities, colleges, community or junior colleges,
564 vocational schools, technical institutes, or hospital schools of
565 nursing) may be paid for with funds under this law unless maximum
566 efforts have been made by the state unit and the individual to
567 secure grant assistance in whole or in part from other sources to
568 pay for that training; (vii) maintenance; (viii) transportation in
569 connection with the rendering of any vocational rehabilitation
570 service; (ix) vocational rehabilitation services to family members
571 of an applicant or eligible individual if necessary to enable the
572 applicant or eligible individual to achieve an employment outcome;
573 (x) interpreter services, including sign language and oral
574 interpreter services, for individuals who are deaf or hard of
575 hearing and tactile interpreting services for individuals who are
576 deaf-blind provided by qualified personnel; (xi) reader services,
577 rehabilitation teaching services, and orientation and mobility
578 services for individuals who are blind; (xii) job-related
579 services, including job search and placement assistance, job
580 retention services, follow-up services, and follow-along services;
581 (xiii) supported employment services; (xiv) personal assistance
582 services; (xv) post-employment services; (xvi) occupational
583 licenses, tools, equipment, initial stocks, and supplies; (xvii)
584 rehabilitation technology including vehicular modification,
585 telecommunications, sensory, and other technological aids and
586 devices; (xviii) transition services; (xix) technical assistance
587 and other consultation services to conduct market analyses,
588 develop business plans, and otherwise provide resources, to the



589 extent those resources are authorized to be provided through the
590 statewide workforce investment system, to eligible individuals who
591 are pursuing self-employment or telecommuting or establishing a
592 small business operation as an employment outcome; (xx) other
593 goods and services determined necessary for the individual with a
594 disability to achieve an employment outcome.

595 **SECTION 15.** Section 37-33-55, Mississippi Code of 1972, is
596 amended as follows:

597 37-33-55. The Office of Vocational Rehabilitation for the
598 Blind established by Section 37-33-153 shall be administered by
599 the director under supervision of the executive director and the
600 state board, in conformity with federal policies adopted by the
601 department. The director shall be selected by the executive
602 director in accordance with established personnel standards and on
603 the basis of his or her education, training, experience and
604 administrative ability. The director shall devote his or her full
605 time to the administration of vocational rehabilitation. In
606 carrying out his or her duties under the Vocational Rehabilitation
607 for the Blind Law, the director:

608 (a) Shall, with the approval of the executive director,
609 make regulations in conformity with the most recent amendment of
610 the Federal * * * Rehabilitation Act and its associated
611 regulations governing the protection of records and confidential
612 information, the manner and form of filing applications,
613 eligibility and investigations and determinations thereof
614 for * * * rehabilitation services, procedures for fair hearings,
615 and such other regulations as are found necessary to carry out the
616 purposes of that law;

617 (b) Shall, with the approval of the executive director,
618 establish appropriate subordinate administrative units within the
619 office for providing vocational rehabilitation, independent
620 living, supported employment, rehabilitation engineering and other



621 services to children, adolescents and adults under federal and
622 state regulatory guidelines;

623 (c) Shall, with the approval of the executive director,
624 recommend for appointment of such personnel as may be necessary
625 for the efficient performance of the functions of the office;

626 (d) Shall prepare and submit to the state board through
627 the executive director annual reports of activities and
628 expenditures and, before each regular session of the Legislature,
629 shall submit estimates of sums required for carrying out the
630 Vocational Rehabilitation for the Blind Law and estimates of the
631 amounts to be made available for this purpose from all sources;

632 (e) Shall, if the executive director so authorizes,
633 make certifications on behalf of the executive director for the
634 disbursement of funds available for vocational rehabilitation for
635 individuals who are blind;

636 (f) Shall, with the approval of the executive director
637 and the state board, take such other action as he or she deems
638 necessary or appropriate to carry out the purposes of the
639 Vocational Rehabilitation for the Blind Law;

640 (g) May, with the approval of the executive director
641 and the state board, delegate to any officer or employee of the
642 office such of his or her powers and duties, except the making of
643 regulations and the making of recommendations for appointment of
644 personnel, as he or she finds necessary to carry out the purposes
645 of the Vocational Rehabilitation for the Blind Law;

646 (h) Shall, with the approval of the executive director
647 and the state board, appoint committees to serve as the governing
648 authority for independent living centers or other entities as
649 required by federal law.

650 * * *

651 **SECTION 16.** Section 37-33-57, Mississippi Code of 1972, is
652 amended as follows:



653 37-33-57. The director, with the approval of the executive
654 director and the state board, may accept and use gifts and
655 donations made unconditionally or otherwise for carrying out the
656 purposes of the Vocational Rehabilitation for the Blind Law, from
657 either public or private sources. Gifts made under such
658 conditions as in the judgment of the state board are proper and
659 consistent with the provisions of that law may be so accepted and
660 shall be held, invested, reinvested and used in accordance with
661 the conditions of the gift. All monies received as gifts or
662 donations, except conditional gifts requiring other treatment,
663 shall be deposited in the State Treasury and shall constitute a
664 permanent fund to be called the "Special Fund for the * * *
665 Rehabilitation of Individuals who are Blind * * *," and to be used
666 by the state board for those purposes. The state board shall
667 report annually to the State Legislature, setting forth the
668 condition of * * * rehabilitation of individuals who are
669 blind * * * in Mississippi, the expenditures made from state and
670 federal funds in carrying out the provisions of that law or its
671 purpose, and a detailed statement of all gifts and donations
672 offered and accepted, together with the names of donors and the
673 respective amounts prescribed by each and all the disbursements
674 made therefrom.

675 **SECTION 17.** Section 37-33-59, Mississippi Code of 1972, is
676 amended as follows:

677 37-33-59. The department shall provide * * * rehabilitation
678 services to individuals who are blind who are determined by the
679 department to be eligible therefor, and in carrying out the
680 purposes of the Vocational Rehabilitation for the Blind Law, the
681 department is authorized among other things:

682 (a) To cooperate with other departments, agencies and
683 institutions, both public and private, in providing for the * * *
684 rehabilitation of individuals who are blind * * *, in studying the
685 problems involved therein, and in establishing, developing and



686 providing, in conformity with the purposes of that law, such
687 programs, facilities and services as may be necessary or
688 desirable;

689 * * *

690 (b) To conduct research and compile statistics relating
691 to the * * * rehabilitation of individuals who are blind * * *;

692 (c) To prescribe and provide such courses of * * *
693 training as may be necessary for the * * * rehabilitation of
694 individuals who are blind * * *.

695 **SECTION 18.** Section 37-33-61, Mississippi Code of 1972, is
696 amended as follows:

697 37-33-61. The department, through the office, shall
698 cooperate, under agreements with the federal government, in
699 carrying out the purposes of any federal statutes pertaining to
700 vocational rehabilitation of individuals who are blind, and is
701 authorized to adopt such methods of administration as are found by
702 the federal government to be necessary for the proper and
703 efficient operation of those agreements or plans for vocational
704 rehabilitation and to comply with such conditions as may be
705 necessary to secure the full benefits of those federal statutes
706 and appropriations, to administer any legislation under those
707 federal statutes and appropriations that is enacted by the State
708 of Mississippi, to direct the disbursement and administer the use
709 of all funds provided by the federal government or this state for
710 the vocational rehabilitation of individuals who are blind in this
711 state, and to do all things necessary to insure the vocational
712 rehabilitation of individuals who are blind * * *.

713 **SECTION 19.** Section 37-33-63, Mississippi Code of 1972, is
714 amended as follows:

715 37-33-63. (1) Vocational rehabilitation services shall be
716 provided to any individual who is blind * * *, (i) who is a
717 resident of the state at the time of filing his or her application
718 therefor and whose vocational rehabilitation the director



719 determines after full investigation can be satisfactorily
720 achieved, or (ii) who is eligible therefor under the terms of an
721 agreement with another state or with the federal government.
722 Except as otherwise provided by law or as specified in any
723 agreement with the federal government with respect to classes of
724 individuals certified to the agency under that agreement, the
725 following rehabilitation services shall be provided to blind
726 individuals, utilizing available financial resources. These may
727 include state, federal and/or personal funds. The services shall
728 include:

- 729 (a) Physical restoration;
- 730 (b) Transportation not provided to determine the
731 eligibility of the individual for vocational rehabilitation
732 services and the nature and extent of the services necessary;
- 733 (c) Occupational licenses;
- 734 (d) Placement equipment, tools and supplies;
- 735 (e) Maintenance;
- 736 (f) Training books and materials;
- 737 (g) Supported employment services, rehabilitation
738 engineering services and independent living services.

739 (2) No person shall be determined ineligible because of
740 financial status.

741 **SECTION 20.** Section 37-33-67, Mississippi Code of 1972, is
742 amended as follows:

743 37-33-67. The right of an individual who is blind * * * to
744 maintenance under the Vocational Rehabilitation for the Blind Law
745 shall not be transferable or assignable at law or in equity and
746 shall be exempt from the claims of creditors.

747 **SECTION 21.** Section 37-33-69, Mississippi Code of 1972, is
748 amended as follows:

749 37-33-69. It shall be unlawful, except for purposes directly
750 connected with the administration of the * * * rehabilitation
751 program for individuals who are blind, and in accordance with



752 regulations, for any person or persons to solicit, disclose,
753 receive, or make use of, or authorize, knowingly permit,
754 participate in, or acquiesce in the use of any list of, or names
755 of, or any information concerning persons applying for or
756 receiving * * * rehabilitation services, directly or indirectly
757 derived from the records, papers, files, or communications of the
758 state or subdivisions or agencies thereof, or acquired in the
759 course of the performance of official duties, except in response
760 to summons, subpoena or other order of a court. Any violation of
761 this section shall be a misdemeanor and punishable accordingly.

762 **SECTION 22.** Section 37-33-71, Mississippi Code of 1972, is
763 amended as follows:

764 37-33-71. The State Treasurer is * * * designated as the
765 custodian of all funds received by the state from appropriations
766 made by the Congress of the United States, or from other sources
767 for the purpose of carrying out any state or federal statutes
768 pertaining to * * * rehabilitation for individuals who are blind.
769 The State Treasurer is authorized to receive and provide for the
770 proper custody of those funds, establish such special funds and
771 accounts as may be necessary, and shall make disbursements from
772 those funds and accounts for * * * rehabilitation purposes upon
773 requisition by the executive director and upon the issuance of
774 warrants * * * by the State Fiscal Officer.

775 **SECTION 23.** Section 43-3-3, Mississippi Code of 1972, is
776 amended as follows:

777 43-3-3. It is * * * declared that the state public welfare
778 demands and the state public policy requires that a state facility
779 be built and a state program be established that can teach and
780 assist individuals who are blind * * * to adjust to and become a
781 useful part of * * * society * * *; that in addition to existing
782 facilities and vocational and rehabilitation programs for
783 individuals who are blind * * * in Mississippi, an Adjustment
784 Center for Individuals who are Blind * * * is needed to assist



785 those persons in adopting attitudes, behavior patterns, and
786 otherwise becoming acclimated for a full, more useful and
787 productive life.

788 **SECTION 24.** Section 43-3-5, Mississippi Code of 1972, is
789 amended as follows:

790 43-3-5. The directors of the University of Mississippi
791 Medical School and Teaching Hospital, with the direction of the
792 Office of Vocational Rehabilitation for the Blind of the State
793 Department of Rehabilitation Services, may establish, maintain
794 and supervise an Adjustment Center for Individuals who are
795 Blind * * * at the University of Mississippi Medical Center in
796 Jackson, Mississippi, and shall jointly govern the facility.

797 The governing authorities shall appoint a director and shall
798 employ such other technical, professional and clerical assistance
799 as may be required from time to time and fix their duties and
800 compensation. All employees and other personnel must be qualified
801 by education and experience.

802 **SECTION 25.** Section 43-3-9, Mississippi Code of 1972, is
803 amended as follows:

804 43-3-9. The directors, professors, physicians, and all other
805 personnel employed at the University of Mississippi Medical School
806 and Teaching Hospital shall offer full cooperation to the Office
807 of Vocational Rehabilitation for the Blind of the State Department
808 of Rehabilitation Services in carrying out the intent of Sections
809 43-3-1 through 43-3-15.

810 **SECTION 26.** Section 43-3-11, Mississippi Code of 1972, is
811 amended as follows:

812 43-3-11. The agencies named or referred to are authorized
813 separately or collectively to cooperate with any agency or
814 instrumentality of the state or of the United States government in
815 acquiring public funds for use in the constructing and equipping
816 of the Adjustment Center for Individuals who are Blind * * * and
817 for use in the subsequent administration and operation incidental



818 to carrying out the provisions of Sections 43-3-1 through 43-3-15.
819 Grants or donations to the center may be accepted from
820 individuals, firms, corporations, foundations and other interested
821 organizations and societies.

822 **SECTION 27.** Section 43-3-13, Mississippi Code of 1972, is
823 amended as follows:

824 43-3-13. The Department of Finance and Administration
825 is * * * authorized to build a suitable facility, and payment for
826 construction of that building shall be made from any money made
827 available for this purpose.

828 Any funds appropriated or granted from any source for
829 purposes of Sections 43-3-1 through 43-3-15 shall be deposited
830 into a fund in * * * the State Treasury to be designated "The
831 Adjustment Center for Individuals who are Blind * * * Fund."

832 **SECTION 28.** Section 37-33-101, Mississippi Code of 1972, is
833 amended as follows:

834 37-33-101. In addition to the authority now vested in the
835 State Department of Rehabilitation Services, it may establish and
836 operate by any means, including incorporation under the nonprofit
837 laws of this state, a system of community rehabilitation programs
838 in the several counties of the state for the general purposes of
839 training, rehabilitating, retraining and developing * * *
840 individuals with disabilities to become more productive citizens,
841 including, but not limited to training and job coaching, in order
842 to obtain the maximum degree of independent living.

843 **SECTION 29.** Section 37-33-103, Mississippi Code of 1972, is
844 amended as follows:

845 37-33-103. The Executive Director of the State Department of
846 Rehabilitation Services, through the Director of the Office of
847 Vocational Rehabilitation, may, within budgetary limitations,
848 purchase and operate motor vehicles for the purpose of
849 transporting material, products and clients, and may employ
850 program coordinating, supervising, support and production



851 personnel to properly effectuate the purposes for which community
852 rehabilitation programs are established under Section 37-33-101.
853 The director may designate a member of his or her staff to execute
854 and enter into, on behalf of the office, contracts and
855 subcontracts with any industry, manufacturer or other party for
856 the production and the manufacture of goods or provision of
857 services in the community rehabilitation program; however, the
858 director must approve the general terms and conditions thereof.
859 The director may authorize community rehabilitation programs to
860 manufacture items and/or provide services for sale to jobbers or
861 directly to the general public.

862 **SECTION 30.** Section 37-33-105, Mississippi Code of 1972, is
863 amended as follows:

864 37-33-105. All proceeds from community rehabilitation
865 program contracts or other funds paid for services, fees or items
866 sold shall be deposited in a special fund in an established local
867 county or central state depository and shall be subject to audit
868 by the State Auditor. All expenditures from the special fund
869 shall be made on the signatures of the community rehabilitation
870 program staff as designated by the Director of the Office of
871 Vocational Rehabilitation. The earnings of all * * *
872 client-trainee persons and all production personnel shall be paid
873 from that fund. Instructor-supervisors and support personnel may
874 be paid in whole or in part from that fund. The director, on
875 behalf of the State Department of Rehabilitation Services, is
876 authorized to apply for and accept gifts, grants or other personal
877 or real property to be used for the purposes of Section 37-33-101.

878 **SECTION 31.** Section 37-33-107, Mississippi Code of 1972, is
879 amended as follows:

880 37-33-107. The board of supervisors and the governing
881 authorities of municipalities may, in their discretion, * * * make
882 reasonable appropriations from the general fund of the
883 municipality or county for the support of community rehabilitation



884 programs established by Section 37-33-101, to train, rehabilitate,
885 retrain, and develop more productive lives for individuals with
886 disabilities within the respective counties.

887 **SECTION 32.** Section 37-33-121, Mississippi Code of 1972, is
888 amended as follows:

889 37-33-121. The purpose of Sections 37-33-121 through
890 37-33-131 is to improve rehabilitation services for * * * severely
891 disabled individuals in Mississippi by providing for the
892 development and continuation of community rehabilitation programs.

893 **SECTION 33.** Section 37-33-123, Mississippi Code of 1972, is
894 amended as follows:

895 37-33-123. For the purposes of Sections 37-33-121 through
896 37-33-131, a community rehabilitation program means a program that
897 provides directly or facilitates the provision of services to
898 individuals with disabilities to enable them to maximize their
899 opportunities for employment. These specialized programs provide
900 paid, time-limited work experiences to clients with disabilities
901 through the manufacture of goods or provision of services sold to
902 industry or other parties as the primary means in rendering
903 realistic work based evaluation and training services designed to
904 enable clients with disabilities to attain the necessary work
905 skills, habits, behaviors, and experience required to successfully
906 obtain and maintain competitive employment. Additional services
907 provided by the community rehabilitation program to enhance and
908 facilitate the employability of clients with disabilities include,
909 but are not limited to, vocational evaluation/career exploration
910 and planning, counseling and guidance, job readiness and job
911 seeking skills training, on the job evaluation and other
912 therapeutic or work training services that support or contribute
913 to the ultimate employment of clients with disabilities.

914 **SECTION 34.** Section 37-33-125, Mississippi Code of 1972, is
915 amended as follows:



916 37-33-125. Funds for the purpose of providing grants to
917 assist in the establishing and operating of community
918 rehabilitation programs for * * * severely disabled individuals
919 may be received by the Office of Vocational Rehabilitation, State
920 Department of Rehabilitation Services from appropriations by the
921 Legislature, from grants from other state agencies, departments,
922 divisions, commissions and boards having funds available for this
923 purpose, and from the federal government. The Office of
924 Vocational Rehabilitation, State Department of Rehabilitation
925 Services, shall promulgate and publish rules and regulations that
926 shall govern the distribution of those grants and the matching
927 basis incumbent thereto.

928 **SECTION 35.** Section 37-33-127, Mississippi Code of 1972, is
929 amended as follows:

930 37-33-127. (1) Any city, county, nonprofit corporation,
931 state-supported institution, or any combination thereof, may apply
932 to the Director of the Office of Vocational Rehabilitation of the
933 State Department of Rehabilitation Services for assistance in
934 establishing or operating, or both establishing and operating, a
935 community rehabilitation program. Applications for that
936 assistance shall be on forms supplied by the Office of Vocational
937 Rehabilitation. Each applicant shall annually submit to the
938 Director of the Office of Vocational Rehabilitation its plan and
939 budget for the next fiscal year. No applicant shall be eligible
940 for a grant under this section unless its plan and budget have
941 been approved by the director.

942 (2) In order to provide the necessary funds for a community
943 rehabilitation program, the governing body of any city or county
944 may expend any money in the general fund of the city or county for
945 that purpose. Any city, county, nonprofit corporation and
946 state-supported institution may accept gifts or grants from any
947 source for the community rehabilitation program. Any money



received as a gift or nonfederal grant may be used to match federal funds.

SECTION 36. Section 37-33-129, Mississippi Code of 1972, is amended as follows:

37-33-129. (1) Every city, county, nonprofit corporation, state-supported institution, or combination thereof establishing a community rehabilitation program shall appoint a community rehabilitation program board of directors of not less than nine (9) members before becoming eligible for the assistance provided by Sections 37-33-121 through 37-33-131. When any city or county singly establishes such a community rehabilitation program, the board shall be appointed by the governing authorities of the city or county. When any combination of cities, counties, state-supported institutions, or nonprofit corporations establishes such a community rehabilitation program, the governing authorities of the county, city, or nonprofit corporations and directors of state-supported institutions shall appoint the board. If a nonprofit corporation singly establishes such a community rehabilitation program, the corporation shall appoint the board of directors. Membership on a board shall be representative of the community served and shall include an individual with a disability. One-third (1/3) to one-half (1/2) of the board shall be representative of lay associations for individuals with disabilities, labor, the general public and education, welfare, medical and health professions. Nothing in Sections 37-33-121 through 37-33-131 shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring nonprofit corporation to the board, so long as representation described above is preserved.

(2) The term of office of each member of the community rehabilitation program board shall be for four (4) years, measured from the first day of the year of appointment, except as follows: Of the members first appointed, at least three (3) shall be



981 appointed for a term of two (2) years, at least three (3) for a
982 term of three (3) years, and at least three (3) for a term of four
983 (4) years. Vacancies shall be filled for the unexpired term in
984 the same manner as original appointments. Any member of a board
985 may be removed by the appointing authority for neglect of duty,
986 misconduct, or malfeasance in office, after being given written
987 statement of charges and an opportunity to be heard on the
988 charges.

989 (3) Subject to the provisions of Sections 37-33-121 through
990 37-33-131 and the rules and regulations of the Office of
991 Vocational Rehabilitation of the State Department of
992 Rehabilitation Services, each community rehabilitation program
993 board shall:

994 (a) Review and evaluate the need for a community
995 rehabilitation program provided by Sections 37-33-121 through
996 37-33-131 and report thereon to the Director of the Office of
997 Vocational Rehabilitation, the administrator of the local program,
998 and, when indicated, the public, together with recommendations for
999 additional services and facilities;

1000 (b) Recruit and promote local financial support for the
1001 program from private sources such as united funds, business,
1002 industrial and private foundations, voluntary agencies and other
1003 lawful sources and promote public support for municipal and county
1004 appropriations;

1005 (c) Promote, arrange and implement working agreements
1006 with other educational and social service agencies both public and
1007 private and any other allied agencies;

1008 (d) Advise the local administrator of the community
1009 rehabilitation program on the adoption and implementation of
1010 policies to stimulate effective community relations;

1011 (e) Review the annual plan and budget and make
1012 recommendations thereon;



(f) When so determined by the authority establishing the program, act as the local administrator of the program.

SECTION 37. Section 37-33-131, Mississippi Code of 1972, is amended as follows:

37-33-131. (1) The Director of the Office of Vocational Rehabilitation, on behalf of the State Department of Rehabilitation Services, may make grants to assist cities, counties, nonprofit corporations and state-supported institutions, or any combination thereof in the establishment, operation and expansion of community rehabilitation programs. The director may accept federal grants or aids on behalf of the State Department of Rehabilitation Services and shall cooperate with federal agencies in any reasonable manner necessary to qualify for those federal grants or aids for community rehabilitation programs.

(2) At the beginning of each fiscal year, the director shall allocate funds, as available for this program, to community rehabilitation programs for disbursement during the fiscal year in accordance with their approved plans or budgets. The director shall from time to time during the fiscal year review the budgets and expenditures of the various programs.

* * *

(3) The Director of the Office of Vocational Rehabilitation, with the approval of the Executive Director of the State Department of Rehabilitation Services, shall have the authority to promulgate rules and regulations in regard to the following matters:

(a) State certification of all community rehabilitation programs;

(b) Eligibility of community rehabilitation programs to receive state grants or be designated as a qualified provider of community rehabilitation program services;



(c) Standards for qualification of personnel, salary schedule, quality of professional service, in-service training and educational leave programs for personnel;

(d) Regulatory fees for consultation services;

(e) Standards as to types and kinds of severely disabled individuals eligible for those services; and

(f) Such other rules and regulations as he or she deems necessary to carry out the purposes of Sections 37-33-121 through 37-33-131.

SECTION 38. Section 37-33-133, Mississippi Code of 1972, is amended as follows:

37-33-133. Any funds obtained by the State Department of Rehabilitation Services as a result of the manufacture of goods shall be used and accounted for separately from any funds received by the department through appropriations from the Legislature. All nonappropriated funds generated by community rehabilitation program facilities shall not be subject to appropriation by the Legislature, but must be used in accordance with the federal regulations set forth by The Rehabilitation Act of 1973, as amended.

SECTION 39. The following shall be codified as Section 37-33-203, Mississippi Code of 1972:

37-33-203. Sections 37-33-203 through 37-33-223 shall be known as the "Special Disability Programs Law of Mississippi."

SECTION 40. The following shall be codified as Section 37-33-205, Mississippi Code of 1972:

37-33-205. (a) "Department" or "agency" means the State Department of Rehabilitation Services;

(b) "Director" means the Director of the Office of Special Disability Programs;

(c) "Executive director" means the Executive Director of the State Department of Rehabilitation Services;



1076 (d) "Independent living services" includes, but is not
1077 limited to, the following services in accordance with definitions
1078 in the most current amendment of the Rehabilitation Act ("the
1079 Act"): (i) information and referral services, independent living
1080 skills training, peer counseling including cross-disability peer
1081 counseling, and individual and systems advocacy; (ii) counseling
1082 services, including psychological, psychotherapeutic and related
1083 services; (iii) services related to securing housing or shelter,
1084 including services related to community group living, and
1085 supportive of the purposes of the Act and of the titles of the
1086 Act, and adaptive housing services (including appropriate
1087 accommodations to and modifications of any space used to serve, or
1088 occupied by, individuals with disabilities); (iv) rehabilitation
1089 technology; (v) mobility training; (vi) services and training for
1090 individuals with cognitive and sensory disabilities, including
1091 life skills training, and interpreter and reader services; (vii)
1092 personal assistance services, including attendant care and the
1093 training of personnel providing such services; (viii) surveys,
1094 directories, and other activities to identify appropriate housing,
1095 recreation opportunities, and accessible transportation and other
1096 support services; (ix) consumer information programs on
1097 rehabilitation and independent living services available under the
1098 Special Disability Programs Law, especially for minorities and
1099 other individuals with disabilities who have traditionally been
1100 unserved or underserved by programs under the Special Disability
1101 Programs Law; (x) education and training necessary for living in a
1102 community and participating in community activities; (xi)
1103 supported living; (xii) transportation, including referral and
1104 assistance for that transportation and training in the use of
1105 public transportation vehicles and systems; (xiii) physical
1106 rehabilitation; (xiv) therapeutic treatment; (xv) provision of
1107 needed prostheses and other appliances and devices; (xvi)
1108 individual and group social and recreational services; (xvii)



1109 training to develop skills specifically designed for youths who
1110 are individuals with disabilities to promote self-awareness and
1111 esteem, develop advocacy and self-empowerment skills, and explore
1112 career options; (xviii) services for children; (xix) services
1113 under other federal, state or local programs designed to provide
1114 resources, training, counseling or other assistance, of
1115 substantial benefit in enhancing the independence, productivity
1116 and quality of life of individuals with disabilities; (xx)
1117 appropriate preventive services to decrease the need of
1118 individuals assisted under the Special Disability Programs Law for
1119 similar services in the future; (xxi) community awareness programs
1120 to enhance the understanding and integration into society of
1121 individuals with disabilities; and (xxii) such other services as
1122 may be necessary and not inconsistent with the provisions of the
1123 most current amendment of the Rehabilitation Act.

1124 (e) "Special disability services" includes, but not be
1125 limited to those services otherwise provided as independent living
1126 services.

1127 (f) "Office" means the Office of Special Disability
1128 Programs;

1129 (g) "Regulations" means regulations made by the
1130 executive director with the approval of the state board, including
1131 regulations pertaining to special disability services;

1132 (h) "Rehabilitation engineering" means the systematic
1133 application of technologies, engineering methodologies, or
1134 scientific principles to meet the needs of and address the
1135 barriers confronted by individuals with disabilities in areas that
1136 include education, rehabilitation, employment, transportation,
1137 independent living and recreation.

1138 (i) "Rehabilitation engineering services" means
1139 applying engineering principles to the design, modification,
1140 customization and/or fabrication of assistive technology for
1141 persons with disabilities. An assistive technology device is any



1142 item, piece of equipment or product system, whether acquired
1143 commercially off the shelf, modified or customized, that is used
1144 to increase or improve functional capabilities of individuals with
1145 disabilities. The areas of practice for rehabilitation
1146 engineering typically encompasses job accommodations, computer
1147 access, vehicle modifications, architectural modifications and
1148 home modifications, augmentative/alternative communications,
1149 environmental controls, positioning devices, seating and mobility,
1150 sensory aids and learning accommodations.

1151 (j) "State Board" means the State Board of
1152 Rehabilitation Services.

1153 **SECTION 41.** The following shall be codified as Section
1154 37-33-207, Mississippi Code of 1972:

1155 37-33-207. The Office of Special Disability Programs
1156 established by Section 37-33-153 shall be administered by a
1157 director appointed by the executive director in conformity with
1158 policies adopted by the department. In carrying out his or her
1159 other duties under the Special Disability Programs Law, the
1160 director:

1161 (a) Shall, with the approval of the executive director,
1162 make regulations governing the protection of records and
1163 confidential information, the manner and form of filing
1164 applications, eligibility and investigations and determinations
1165 thereof for rehabilitation services through special disability
1166 programs, procedures for fair hearings and such other regulations
1167 as are found necessary to carry out the purposes of that law;

1168 (b) Shall, with the approval of the executive director,
1169 establish appropriate subordinate administrative units within the
1170 office;

1171 (c) Shall, with the approval of the executive director,
1172 recommend for appointment such personnel as may be necessary for
1173 the efficient performance of the functions of the office;



1174 (d) Shall prepare and submit to the state board,
1175 through the executive director, annual reports of activities and
1176 expenditures and, before each regular session of the Legislature,
1177 shall submit estimates of sums required for carrying out the
1178 Special Disability Programs Law and estimates of the amounts to be
1179 made available for this purpose from all sources;

1180 (e) Shall, if the executive director so authorizes,
1181 make certifications on behalf of the executive director for the
1182 disbursement of funds available for rehabilitation services;

1183 (f) Shall, with the approval of the executive director,
1184 appoint boards to serve as the governing authority of centers for
1185 independent living or other entities as required by federal law
1186 and regulations;

1187 (g) Shall, with the approval of the executive director,
1188 take such other action as he or she deems necessary or appropriate
1189 to carry out the purposes of the Special Disability Programs Law;

1190 (h) May, with the approval of the executive director,
1191 delegate to any officer or employee of the office such of his or
1192 her powers and duties, except the making of regulations and the
1193 making of recommendations for appointment of personnel, as he or
1194 she finds necessary to carry out the purposes of the Special
1195 Disability Programs Law.

1196 **SECTION 42.** The following shall be codified as Section
1197 37-33-209, Mississippi Code of 1972:

1198 37-33-209. The director, with the approval of the executive
1199 director, may accept and use gifts and donations made
1200 unconditionally or otherwise for carrying out the purposes of the
1201 Rehabilitation Law, from either public or private sources. Gifts
1202 made under such conditions as in the judgment of the director,
1203 with the approval of the executive director, are proper and
1204 consistent with the provisions of that law may be so accepted and
1205 shall be held, invested, reinvested and used in accordance with
1206 the conditions of the gift. All monies received as gifts or



1207 donations, except conditional gifts requiring other treatments,
1208 shall be deposited in the State Treasury and shall constitute a
1209 permanent fund to be called the "Special Fund for the
1210 Rehabilitation of Individuals with Disabilities through Special
1211 Disability Services" and shall be used by the office for such
1212 purposes. The director shall prepare and submit a report annually
1213 to the Legislature, through the executive director, setting forth
1214 the condition of rehabilitation of disabled persons in
1215 Mississippi, the expenditures made from state and federal funds in
1216 carrying out the provisions of that law or its purpose, and a
1217 detailed statement of all gifts and donations offered and
1218 accepted, together with the names of donors and the respective
1219 amounts prescribed by each and all the disbursements made
1220 therefrom.

1221 **SECTION 43.** The following shall be codified as Section
1222 37-33-211, Mississippi Code of 1972:

1223 37-33-211. (1) The Office of Special Disability Programs
1224 shall assist individuals with the most severe disabilities
1225 determined to be eligible and in carrying out the purposes of the
1226 Rehabilitation Act is authorized among other things:

1227 (a) To cooperate with other departments, agencies and
1228 institutions, both public and private, in providing rehabilitation
1229 services, in studying the problems involved therein, and in
1230 establishing, programs and services as may be necessary or
1231 desirable; and

1232 (b) To conduct research and compile statistics relating
1233 to the provision of rehabilitation services to individuals with
1234 disabilities.

1235 (2) The Office of Special Disability Programs shall utilize
1236 federal grant money through Title VII of the most current
1237 amendment of the federal Rehabilitation Act to assist those
1238 individuals with the most severe disabilities. The office will
1239 work to provide medical equipment, home modifications, vehicle



1240 modifications and other independent living services to assist
1241 those individuals determined to be eligible according to the
1242 regulations of Title VII of the most current amendment of the
1243 Rehabilitation Act to remain in or return to mainstream society.

1244 (3) The State Attendant Care Program created by the
1245 Mississippi Legislature in 1985 to provide personal care services
1246 for people who are severely disabled shall function under the
1247 Office of Special Disability Programs. Personal care services
1248 will be provided to those individuals determined to be eligible by
1249 the office in accordance with policies established by the
1250 department.

1251 (4) The Office of Special Disability Programs shall provide
1252 special disability services through programs developed with other
1253 state and federal agencies. The individuals and services provided
1254 shall be in conformity with any program policies and eligibility
1255 categories established by the programs.

1256 **SECTION 44.** The following shall be codified as Section
1257 37-33-213, Mississippi Code of 1972:

1258 37-33-213. The department, through the office, shall
1259 cooperate, under agreements with the federal government, in
1260 carrying out the purposes of any federal statutes pertaining to
1261 special disability programs, and may adopt such methods of
1262 administration as are found by the federal government to be
1263 necessary for the proper and efficient operation of those
1264 agreements or plans for special disability programs and comply
1265 with such conditions as may be necessary to secure the full
1266 benefits of those federal statutes and appropriations, administer
1267 any legislation under federal statutes and appropriations that is
1268 enacted by the State of Mississippi, direct the disbursement and
1269 administer the use of all funds provided by the federal government
1270 or this state for the persons of this state, and do all things
1271 necessary to ensure the provision of services to the person served
1272 by the special disability programs.



1273 **SECTION 45.** The following shall be codified as Section
1274 37-33-215, Mississippi Code of 1972:

1275 37-33-215. The Office of Special Disability Programs shall
1276 provide services to any individual who is determined to meet the
1277 eligibility criteria for receiving services through one or more
1278 special disability programs. The services provided through the
1279 Office of Special Disability Programs shall be those defined as
1280 special disability services and independent living services.

1281 **SECTION 46.** The following shall be codified as Section
1282 37-33-217, Mississippi Code of 1972:

1283 37-33-217. Any individual applying for or receiving services
1284 provided by the Office of Special Disability Programs who is
1285 aggrieved by any action or inaction of the office shall be
1286 entitled, in accordance with regulations promulgated by the
1287 department, to a fair hearing.

1288 **SECTION 47.** The following shall be codified as Section
1289 37-33-219, Mississippi Code of 1972:

1290 37-33-219. The right of an individual to maintenance under
1291 the Office of Special Disability Programs shall not be
1292 transferable or assignable at law or in equity and shall be exempt
1293 from the claims of creditors.

1294 **SECTION 48.** The following shall be codified as Section
1295 37-33-221, Mississippi Code of 1972:

1296 37-33-221. It shall be unlawful, except for purposes
1297 directly connected with the administration of the Office of
1298 Special Disability Programs and in accordance with regulations,
1299 for any person or persons to solicit, disclose, receive, or make
1300 use of, or authorize, knowingly permit, participate in, or
1301 acquiesce in the use of any list of, or names of, or any
1302 information concerning persons applying for or receiving services
1303 under the Office of Special Disability Programs, directly or
1304 indirectly derived from the records, papers, files, or
1305 communications of the state or subdivisions or agencies thereof,



1306 or acquired in the course of the performance of official duties,
1307 except in response to summons, subpoena or other order of a court.
1308 Any violation of this section shall be a misdemeanor and
1309 punishable accordingly.

1310 **SECTION 49.** The following shall be codified as Section
1311 37-33-223, Mississippi Code of 1972:

1312 37-33-223. The Department of Rehabilitation Services shall
1313 promulgate rules and regulations necessary for the proper
1314 administration of the Office of Special Disability Programs and
1315 shall establish guidelines for eligibility, services, training and
1316 evaluation under the program. The State Department of
1317 Rehabilitation Services may accept funds from public and private
1318 sources for the implementation of Sections 37-33-203 through
1319 37-33-223.

1320 **SECTION 50.** Sections 37-33-91, 37-33-93 and 37-33-95,
1321 Mississippi Code of 1972, which provide for rehabilitation
1322 services to enable disabled persons to attain independent living,
1323 are repealed.

1324 **SECTION 51.** This act shall take effect and be in force from
1325 and after July 1, 2002.

