

By: Representative Moody

To: Public Health and
WelfareCOMMITTEE SUBSTITUTE
FOR
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;



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

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

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

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

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

52 (g) "Maintenance" means monetary support provided to an
53 individual for expenses, such as food, shelter, and clothing, that
54 are in excess of the normal expenses of the individual and that
55 are necessitated by the individual's participation in an
56 assessment for determining eligibility and vocational
57 rehabilitation needs or the individual's receipt of vocational
58 rehabilitation services under an individualized plan for
59 employment;

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

63 (i) "Office" means the Office of Vocational
64 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



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

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

202 37-33-15. The Office of Vocational Rehabilitation
203 established by Section 37-33-153 shall be administered by a
204 director appointed by the executive director in conformity with
205 policies adopted by the department. The Director of the Office of
206 Vocational Rehabilitation shall devote his or her full time to the
207 administration of vocational rehabilitation. In carrying out his
208 or her duties under the Vocational Rehabilitation Law, the
209 director:

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

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

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

223 (d) Shall prepare and submit to the state board through
224 the executive director annual reports of activities and
225 expenditures and, before each regular session of the Legislature,
226 shall submit estimates of sums required for carrying out the
227 Vocational Rehabilitation Law and estimates of the amounts to be
228 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



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

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

(f) "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;

(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; (ix) 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 for
614 vocational 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 Vocational
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 vocational 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 vocational
678 rehabilitation services to individuals who are blind who are
679 determined by the department to be eligible therefor, and in
680 carrying out the purposes of the Vocational Rehabilitation for the
681 Blind Law, the 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 vocational rehabilitation of individuals who are blind * * *, in
685 studying the problems involved therein, and in establishing,



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

689 * * *

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

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

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

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

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

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



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

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

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

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

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

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

750 37-33-69. It shall be unlawful, except for purposes directly
751 connected with the administration of the vocational rehabilitation



program for individuals who are blind, and in accordance with regulations, for any person or persons to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any list of, or names of, or any information concerning persons applying for or receiving vocational rehabilitation services, directly or indirectly derived from the records, papers, files, or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties, except in response to summons, subpoena or other order of a court. Any violation of this section shall be a misdemeanor and punishable accordingly.

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

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

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

43-3-3. It is * * * declared that the state public welfare demands and the state public policy requires that a state facility be built and a state program be established that can teach and assist individuals who are blind * * * to adjust to and become a useful part of * * * society * * *; that in addition to existing



785 facilities and vocational and rehabilitation programs for
786 individuals who are blind * * * in Mississippi, an Adjustment
787 Center for Individuals who are Blind * * * is needed to assist
788 those persons in adopting attitudes, behavior patterns, and
789 otherwise becoming acclimated for a full, more useful and
790 productive life.

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

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

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

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

807 43-3-9. The directors, professors, physicians, and all other
808 personnel employed at the University of Mississippi Medical School
809 and Teaching Hospital shall offer full cooperation to the Office
810 of Vocational Rehabilitation for the Blind of the State Department
811 of Rehabilitation Services in carrying out the intent of Sections
812 43-3-1 through 43-3-15.

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

815 43-3-11. The agencies named or referred to are authorized
816 separately or collectively to cooperate with any agency or
817 instrumentality of the state or of the United States government in



818 acquiring public funds for use in the constructing and equipping
819 of the Adjustment Center for Individuals who are Blind * * * and
820 for use in the subsequent administration and operation incidental
821 to carrying out the provisions of Sections 43-3-1 through 43-3-15.
822 Grants or donations to the center may be accepted from
823 individuals, firms, corporations, foundations and other interested
824 organizations and societies.

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

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

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

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

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

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

848 37-33-103. The Executive Director of the State Department of
849 Rehabilitation Services, through the Director of the Office of
850 Vocational Rehabilitation, may, within budgetary limitations,



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

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

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

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



883 37-33-107. The board of supervisors and the governing
884 authorities of municipalities may, in their discretion, * * * make
885 reasonable appropriations from the general fund of the
886 municipality or county for the support of community rehabilitation
887 programs established by Section 37-33-101, to train, rehabilitate,
888 retrain, and develop more productive lives for individuals with
889 disabilities within the respective counties.

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

892 37-33-121. The purpose of Sections 37-33-121 through
893 37-33-131 is to improve rehabilitation services for * * * severely
894 disabled individuals in Mississippi by providing for the
895 development and continuation of community rehabilitation programs.

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

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



915 therapeutic or work training services that support or contribute
916 to the ultimate employment of clients with disabilities.

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

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

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

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

945 (2) In order to provide the necessary funds for a community
946 rehabilitation program, the governing body of any city or county
947 may expend any money in the general fund of the city or county for



948 that purpose. Any city, county, nonprofit corporation and
949 state-supported institution may accept gifts or grants from any
950 source for the community rehabilitation program. Any money
951 received as a gift or nonfederal grant may be used to match
952 federal funds.

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

955 37-33-129. (1) Every city, county, nonprofit corporation,
956 state-supported institution, or combination thereof establishing a
957 community rehabilitation program shall appoint a community
958 rehabilitation program board of directors of not less than nine
959 (9) members before becoming eligible for the assistance provided
960 by Sections 37-33-121 through 37-33-131. When any city or county
961 singly establishes such a community rehabilitation program, the
962 board shall be appointed by the governing authorities of the city
963 or county. When any combination of cities, counties,
964 state-supported institutions, or nonprofit corporations
965 establishes such a community rehabilitation program, the governing
966 authorities of the county, city, or nonprofit corporations and
967 directors of state-supported institutions shall appoint the board.
968 If a nonprofit corporation singly establishes such a community
969 rehabilitation program, the corporation shall appoint the board of
970 directors. Membership on a board shall be representative of the
971 community served and shall include an individual with a
972 disability. One-third (1/3) to one-half (1/2) of the board shall
973 be representative of lay associations for individuals with
974 disabilities, labor, the general public and education, welfare,
975 medical and health professions. Nothing in Sections 37-33-121
976 through 37-33-131 shall be construed to preclude the appointment
977 of elected or appointed public officials or members of the board
978 of directors of the sponsoring nonprofit corporation to the board,
979 so long as representation described above is preserved.



980 (2) The term of office of each member of the community
981 rehabilitation program board shall be for four (4) years, measured
982 from the first day of the year of appointment, except as follows:
983 Of the members first appointed, at least three (3) shall be
984 appointed for a term of two (2) years, at least three (3) for a
985 term of three (3) years, and at least three (3) for a term of four
986 (4) years. Vacancies shall be filled for the unexpired term in
987 the same manner as original appointments. Any member of a board
988 may be removed by the appointing authority for neglect of duty,
989 misconduct, or malfeasance in office, after being given written
990 statement of charges and an opportunity to be heard on the
991 charges.

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

997 (a) Review and evaluate the need for a community
998 rehabilitation program provided by Sections 37-33-121 through
999 37-33-131 and report thereon to the Director of the Office of
1000 Vocational Rehabilitation, the administrator of the local program,
1001 and, when indicated, the public, together with recommendations for
1002 additional services and facilities;

1003 (b) Recruit and promote local financial support for the
1004 program from private sources such as united funds, business,
1005 industrial and private foundations, voluntary agencies and other
1006 lawful sources and promote public support for municipal and county
1007 appropriations;

1008 (c) Promote, arrange and implement working agreements
1009 with other educational and social service agencies both public and
1010 private and any other allied agencies;



1011 (d) Advise the local administrator of the community
1012 rehabilitation program on the adoption and implementation of
1013 policies to stimulate effective community relations;

1014 (e) Review the annual plan and budget and make
1015 recommendations thereon;

1016 (f) When so determined by the authority establishing
1017 the program, act as the local administrator of the program.

1018 **SECTION 37.** Section 37-33-131, Mississippi Code of 1972, is
1019 amended as follows:

1020 37-33-131. (1) The Director of the Office of Vocational
1021 Rehabilitation, on behalf of the State Department of
1022 Rehabilitation Services, may make grants to assist cities,
1023 counties, nonprofit corporations and state-supported institutions,
1024 or any combination thereof in the establishment, operation and
1025 expansion of community rehabilitation programs. The director may
1026 accept federal grants or aids on behalf of the State Department of
1027 Rehabilitation Services and shall cooperate with federal agencies
1028 in any reasonable manner necessary to qualify for those federal
1029 grants or aids for community rehabilitation programs.

1030 (2) At the beginning of each fiscal year, the director shall
1031 allocate funds, as available for this program, to community
1032 rehabilitation programs for disbursement during the fiscal year in
1033 accordance with their approved plans or budgets. The director
1034 shall from time to time during the fiscal year review the budgets
1035 and expenditures of the various programs.

1036 * * *

1037 (3) The Director of the Office of Vocational Rehabilitation,
1038 with the approval of the Executive Director of the State
1039 Department of Rehabilitation Services, shall have the authority to
1040 promulgate rules and regulations in regard to the following
1041 matters:

1042 (a) State certification of all community rehabilitation
1043 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;



1077 (c) "Executive director" means the Executive Director of the
1078 State Department of Rehabilitation Services;

1079 (d) "Independent living services" includes, but is not
1080 limited to, the following services in accordance with definitions
1081 in the most current amendment of the Rehabilitation Act: (i)
1082 information and referral services, independent living skills
1083 training, peer counseling including cross-disability peer
1084 counseling, and individual and systems advocacy; (ii) counseling
1085 services, including psychological, psychotherapeutic and related
1086 services; (iii) services related to securing housing or shelter,
1087 including services related to community group living, and
1088 supportive of the purposes of the Rehabilitation Act and of the
1089 titles of the Rehabilitation Act, and adaptive housing services
1090 (including appropriate accommodations to and modifications of any
1091 space used to serve, or occupied by, individuals with
1092 disabilities); (iv) rehabilitation technology; (v) mobility
1093 training; (vi) services and training for individuals with
1094 cognitive and sensory disabilities, including life skills
1095 training, and interpreter and reader services; (vii) personal
1096 assistance services, including attendant care and the training of
1097 personnel providing such services; (viii) surveys, directories,
1098 and other activities to identify appropriate housing, recreation
1099 opportunities, and accessible transportation and other support
1100 services; (ix) consumer information programs on rehabilitation and
1101 independent living services available under the Rehabilitation
1102 Act, especially for minorities and other individuals with
1103 disabilities who have traditionally been unserved or underserved
1104 by programs under the Rehabilitation Act; (x) education and
1105 training necessary for living in a community and participating in
1106 community activities; (xi) supported living; (xii) transportation,
1107 including referral and assistance for that transportation and
1108 training in the use of public transportation vehicles and systems;
1109 (xiii) physical rehabilitation; (xiv) therapeutic treatment; (xv)



1110 provision of needed prostheses and other appliances and devices;
1111 (xvi) individual and group social and recreational services;
1112 (xvii) training to develop skills specifically designed for youths
1113 who are individuals with disabilities to promote self-awareness
1114 and esteem, develop advocacy and self-empowerment skills, and
1115 explore career options; (xviii) services for children; (xix)
1116 services under other federal, state or local programs designed to
1117 provide resources, training, counseling or other assistance, of
1118 substantial benefit in enhancing the independence, productivity
1119 and quality of life of individuals with disabilities; (xx)
1120 appropriate preventive services to decrease the need of
1121 individuals assisted under the Rehabilitation Act for similar
1122 services in the future; (xxi) community awareness programs to
1123 enhance the understanding and integration into society of
1124 individuals with disabilities; and (xxii) such other services as
1125 may be necessary and not inconsistent with the provisions of the
1126 most current amendment of the Rehabilitation Act;

1127 (e) "Special disability services" includes, but not be
1128 limited to those services otherwise provided as independent living
1129 services;

1130 (f) "Office" means the Office of Special Disability
1131 Programs;

1132 (g) "Regulations" means regulations made by the executive
1133 director with the approval of the state board, including
1134 regulations pertaining to special disability services;

1135 (h) "Rehabilitation engineering" means the systematic
1136 application of technologies, engineering methodologies, or
1137 scientific principles to meet the needs of and address the
1138 barriers confronted by individuals with disabilities in areas that
1139 include education, rehabilitation, employment, transportation,
1140 independent living and recreation;

1141 (i) "Rehabilitation engineering services" means applying
1142 engineering principles to the design, modification, customization



1143 and/or fabrication of assistive technology for individuals with
1144 disabilities. An assistive technology device is any item, piece
1145 of equipment or product system, whether acquired commercially off
1146 the shelf, modified or customized, that is used to increase or
1147 improve functional capabilities of individuals with disabilities.
1148 The areas of practice for rehabilitation engineering typically
1149 encompasses job accommodations, computer access, vehicle
1150 modifications, architectural modifications and home modifications,
1151 augmentative/alternative communications, environmental controls,
1152 positioning devices, seating and mobility, sensory aids and
1153 learning accommodations;

1154 (j) "State Board" means the State Board of Rehabilitation
1155 Services.

1156 **SECTION 41.** The following shall be codified as Section
1157 37-33-207, Mississippi Code of 1972:

1158 37-33-207. The Office of Special Disability Programs
1159 established by Section 37-33-153 shall be administered by a
1160 director appointed by the executive director in conformity with
1161 policies adopted by the department. In carrying out his or her
1162 other duties under the Special Disability Programs Law, the
1163 director:

1164 (a) Shall, with the approval of the executive director,
1165 make regulations governing the protection of records and
1166 confidential information, the manner and form of filing
1167 applications, eligibility and investigations and determinations
1168 thereof for rehabilitation services through special disability
1169 programs, procedures for fair hearings and such other regulations
1170 as are found necessary to carry out the purposes of that law;

1171 (b) Shall, with the approval of the executive director,
1172 establish appropriate subordinate administrative units within the
1173 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 Special Disability Programs 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 rehabilitation services;

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

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

(h) May, with the approval of the executive director, 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 Special Disability Programs Law.

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

37-33-209. The director, with the approval of the executive director, may accept and use gifts and donations made unconditionally or otherwise for carrying out the purposes of the Rehabilitation Law, from either public or private sources. Gifts made under such conditions as in the judgment of the director, with the approval of the executive director, are proper and



1207 consistent with the provisions of that law may be so accepted and
1208 shall be held, invested, reinvested and used in accordance with
1209 the conditions of the gift. All monies received as gifts or
1210 donations, except conditional gifts requiring other treatments,
1211 shall be deposited in the State Treasury and shall constitute a
1212 permanent fund to be called the "Special Fund for the
1213 Rehabilitation of Individuals with Disabilities through Special
1214 Disability Services" and shall be used by the office for such
1215 purposes. The director shall prepare and submit a report annually
1216 to the Legislature, through the executive director, setting forth
1217 the condition of rehabilitation of disabled persons in
1218 Mississippi, the expenditures made from state and federal funds in
1219 carrying out the provisions of that law or its purpose, and a
1220 detailed statement of all gifts and donations offered and
1221 accepted, together with the names of donors and the respective
1222 amounts prescribed by each and all the disbursements made
1223 therefrom.

1224 **SECTION 43.** The following shall be codified as Section
1225 37-33-211, Mississippi Code of 1972:

1226 37-33-211. (1) The Office of Special Disability Programs
1227 shall assist individuals with the most severe disabilities
1228 determined to be eligible and in carrying out the purposes of the
1229 Rehabilitation Act is authorized among other things:

1230 (a) To cooperate with other departments, agencies and
1231 institutions, both public and private, in providing rehabilitation
1232 services, in studying the problems involved therein, and in
1233 establishing, programs and services as may be necessary or
1234 desirable; and

1235 (b) To conduct research and compile statistics relating
1236 to the provision of rehabilitation services to individuals with
1237 disabilities.

1238 (2) The Office of Special Disability Programs shall utilize
1239 federal grant money through Title VII of the most current



1240 amendment of the federal Rehabilitation Act to assist those
1241 individuals with the most severe disabilities. The office will
1242 work to provide medical equipment, home modifications, vehicle
1243 modifications and other independent living services to assist
1244 those individuals determined to be eligible according to the
1245 regulations of Title VII of the most current amendment of the
1246 Rehabilitation Act to remain in or return to mainstream society.

1247 (3) The State Attendant Care Program created by the
1248 Mississippi Legislature in 1985 to provide personal care services
1249 for people who are severely disabled may function under the Office
1250 of Special Disability Programs. Personal care services will be
1251 provided to those individuals determined to be eligible by the
1252 office in accordance with policies established by the department.

1253 (4) The Office of Special Disability Programs shall provide
1254 special disability services through programs developed with other
1255 state and federal agencies. The individuals and services provided
1256 shall be in conformity with any program policies and eligibility
1257 categories established by the programs.

1258 **SECTION 44.** The following shall be codified as Section
1259 37-33-213, Mississippi Code of 1972:

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



1273 necessary to ensure the provision of services to the person served
1274 by the special disability programs.

1275 **SECTION 45.** The following shall be codified as Section
1276 37-33-215, Mississippi Code of 1972:

1277 37-33-215. The Office of Special Disability Programs shall
1278 provide services to any individual who is determined to meet the
1279 eligibility criteria for receiving services through one or more
1280 special disability programs. The services provided through the
1281 Office of Special Disability Programs shall be those defined as
1282 special disability services and independent living services.

1283 **SECTION 46.** The following shall be codified as Section
1284 37-33-217, Mississippi Code of 1972:

1285 37-33-217. Any individual applying for or receiving services
1286 provided by the Office of Special Disability Programs who is
1287 aggrieved by any action or inaction of the office shall be
1288 entitled, in accordance with regulations promulgated by the
1289 department, to a fair hearing.

1290 **SECTION 47.** The following shall be codified as Section
1291 37-33-219, Mississippi Code of 1972:

1292 37-33-219. The right of an individual to maintenance under
1293 the Office of Special Disability Programs shall not be
1294 transferable or assignable at law or in equity and shall be exempt
1295 from the claims of creditors.

1296 **SECTION 48.** The following shall be codified as Section
1297 37-33-221, Mississippi Code of 1972:

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



1306 indirectly derived from the records, papers, files, or
1307 communications of the state or subdivisions or agencies thereof,
1308 or acquired in the course of the performance of official duties,
1309 except in response to summons, subpoena or other order of a court.
1310 Any violation of this section shall be a misdemeanor and
1311 punishable accordingly.

1312 **SECTION 49.** The following shall be codified as Section
1313 37-33-223, Mississippi Code of 1972:

1314 37-33-223. The Department of Rehabilitation Services shall
1315 promulgate rules and regulations necessary for the proper
1316 administration of the Office of Special Disability Programs and
1317 shall establish guidelines for eligibility, services, training and
1318 evaluation under the program. The State Department of
1319 Rehabilitation Services may accept funds from public and private
1320 sources for the implementation of Sections 37-33-203 through
1321 37-33-223.

1322 **SECTION 50.** Sections 37-33-91, 37-33-93 and 37-33-95,
1323 Mississippi Code of 1972, which provide for rehabilitation
1324 services to enable disabled persons to attain independent living,
1325 are repealed.

1326 **SECTION 51.** This act shall take effect and be in force from
1327 and after July 1, 2002.

