



Nancy S. Grasmick
State Superintendent of Schools

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TO: Members of the State Board of Education
FROM: Nancy S. Grasmick *Nancy*
DATE: October 27, 2009
SUBJECT: COMAR 13A.11.01, .02, and .08 (AMEND)
Programs for Adults with Disabilities
ADOPTION

PURPOSE:

The purpose of this action is to request adoption of amendments to COMAR 13A.11.01, .02, and .08, Programs for Adults with Disabilities.

HISTORICAL BACKGROUND:

Amendments in Chapter .01, Vocational Rehabilitation Services have been proposed to: 1) update the sliding scale used to determine financial participation of eligible individuals in cost of services, and 2) update and incorporate by reference the Division's fee schedule.

DORS has a financial need policy which requires that consumers who have the ability to pay contribute to the cost of certain rehabilitation services, unless the consumer is a recipient of Social Security disability benefits. The consumer's contribution is based on a sliding scale which takes into account family income and the number of dependents. It is based on the Poverty Guidelines established annually by the United States Department of Health and Human Services.

The Division has a fee schedule which includes general fees for medical and rehabilitation services, fees paid to community rehabilitation programs for approved rehabilitation services, and fees which DORS charges for services provided at the Workforce & Technology Center.

Amendments in Chapter .02, Maryland Disability Employment Tax Credit have been proposed consistent with legislation passed by the Maryland General Assembly in 2009 regarding extension of this tax credit.

Amendments in Chapter .08, Workforce and Technology Center, have been proposed to provide technical updates and clarification regarding administration and service provision.



EXECUTIVE SUMMARY:

To comply with the Federal Regulations and the Rehabilitation Act Amendments of 1998 and to implement other technical changes and clarifications, revisions are being proposed in the following chapters:

Changes in Chapter 01, Vocational Rehabilitation Services

Regulation .03-1 Incorporation by Reference

- (1) The Division of Rehabilitation Services Fee Schedule, Rehabilitation Services Manual V (RSM V) has been updated as of May 2009. Updates reflect changes in fees paid by the Division for services for applicants and eligible individuals, and fees charged by the Division for services provided by its Workforce and Technology Center.

Regulation .15 Financial Participation Schedule.

- The sliding scale has been updated consistent with the 2009 Poverty Guidelines of the U.S. Department of Health and Human Services.

Changes in Chapter 02, Maryland Disability Employment Tax Credit

Regulation .06 Limitations on Claim of Credit by Employers

- Revisions have been made consistent with the 2009 Maryland General Assembly's extension of the Maryland Disability Employment Tax Credit until June 30, 2010.

Changes in Chapter 08, Workforce and Technology Center (WTC)

Regulation .08 Service Plan

- The revision in this section has been made to reflect that the written service plan of a WTC consumer may include certain listed items.

Regulation .10 Discharge

- The revision in this section clarifies that under certain circumstances, consumers appealing a discharge from WTC may not be permitted to remain at the WTC during the appeal.

Regulation .14 Career Assessment Services

- The minor revision proposed in this regulation reflects updated requirements for individualized written evaluation plans according to CARF, the international accrediting body for rehabilitation facilities. WTC is a CARF-accredited facility.

Regulation .15 Medical Services

- The amendment has been proposed for consistency with COMAR 10.07.14 related to the operation of the WTC Assisted Living Unit.

Regulation .18 Accrediting and Licensing

Updates reflect a change in CARF requirements related to required committees; the previous medical administrative staff committee and records committee are no longer required.

There will be a modest fiscal impact by these regulations. While the Tax Credit regulations have been updated, MSDE DORS only processes documentation for this credit; state regulations of the Maryland Department of Labor, Licensing and Regulation would speak to the cost of the credits.

The proposed regulations were published in the Maryland Register on August 28, 2009 (Attachment 1). The public comment period began August 28 and ended September 28, 2009. No comments were received.

ACTION:

I request adoption of the proposed amendments.

NSG:ph
Attachments

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:

COMAR 13A.11.01: The Division of Rehabilitation Services (DORS) provides services to individuals with disabilities through the Vocational Rehabilitation Programs. Changes in the DORS Fee Schedule have been made consistent with updates in the Medicare Fee Schedule for the Baltimore Metropolitan area. Updated rates will not have an economic effect on individuals with disabilities. Other changes are technical updates and clarifications that do not impact consumers of DORS services.

COMAR 13A.11.02: The Division of Rehabilitation Services provides services to individuals with disabilities through the Vocational Rehabilitation Programs with a goal of achievement of competitive employment. The Maryland Disability Employment Tax Credit, established in 1997, encourages businesses to give individuals with disabilities the opportunity to demonstrate their value as employees and can be expected to increase the number of individuals with significant disabilities who achieve employment. This recognizes the extension of the tax credit for another year.

COMAR 13A.11.08: The Division of Rehabilitation Services (DORS) provides services to individuals with significant disabilities through the Workforce and Technology Center to assist them in achieving employment, independence, and self-sufficiency. Changes are technical updates and clarifications that enhance services provided to consumers of DORS services at the Workforce and Technology Center.

Opportunity for Public Comment

Comments may be sent to Polly Huston, Director, Office of Program and Community Support, Division of Rehabilitation Services, 2301 Argonne Drive, Baltimore, MD 21218, or call 410-554-9437, or email to phuston@dors.state.md.us or fax to 410-554-9412. Comments will be accepted through September 28, 2009. A public hearing has not been scheduled.

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on October 27 and 28, 2009, at the Nancy S. Grasmick State Education Building, 200 West Baltimore Street, Baltimore, MD 21201.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on October 27 and 28, 2009, at the Nancy S. Grasmick State Education Building, 200 West Baltimore Street, Baltimore, MD 21201.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Division of Rehabilitation Services Fee Schedule, Rehabilitation Services Manual V (RSM V) (Maryland State Department of Education, updated through May 2009) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 36:3 Md. R. 194 (January 30, 2009), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

13A.11.01 Vocational Rehabilitation Services

Authority: Education Article, §§21-301 — 21-306 and 21-402 — 21-404,

Annotated Code of Maryland

03-1 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1) Division of Rehabilitation Services Fee Schedule, Rehabilitation Services Manual V (RSM V) (Maryland State Department of Education, updated through May [2007] 2009).

(2) (text unchanged)

.15 Financial Participation Schedule.

Annual Amount of Individual / Family Financial Participation

Number of Dependents

Available Income	1	2	3	4	5	6	7	8
\$22,000 and below	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
\$22,001 — \$26,000	210	0	0	0	0	0	0	0
\$26,001 — \$30,000	350	245	0	0	0	0	0	0
\$30,001 — \$34,000	520	400	0	0	0	0	0	0
\$34,001 — \$38,000	720	585	315	0	0	0	0	0
\$38,001 — \$42,000	950	800	500	0	0	0	0	0
\$42,001 — \$46,000	1,210	1,045	715	385	0	0	0	0
\$46,001 — \$50,000	1,500	1,320	960	600	0	0	0	0
\$50,001 — \$54,000	1,820	1,625	1,235	845	455	0	0	0
\$54,001 — \$58,000	2,170	1,960	1,540	1,120	700	0	0	0
\$58,001 — \$62,000	2,550	2,325	1,875	1,425	975	—525	0	0
\$62,001 — \$66,000	2,960	2,720	2,240	1,760	1,280	800	0	0
\$66,001 — \$70,000	3,400	3,145	2,635	2,125	1,615	1,105	595	0
\$70,001 — \$74,000	3,870	3,600	3,060	2,520	1,980	1,440	900	0
\$74,001 — \$78,000	4,370	4,085	3,515	2,945	2,375	1,805	1,235	665
\$78,001 — \$82,000	4,900	4,600	4,000	3,400	2,800	2,200	1,600	1,000
\$82,001 — \$86,000	5,460	5,145	4,515	3,885	3,255	2,625	1,995	1,365
\$86,001+*	6.5%	6.125%	5.375%	4.625%	3.875%	3.125%	2.375%	1.625%

* To determine amount of individual/family participation when the available income is above \$86,000, multiply the individual/family income times the percentage. The Financial Participation Scale is based on 2009 Poverty Guidelines of the U.S. Department of Health and Human Services.

13A.11.02 Maryland Disability Employment Tax Credit

Authority: Education Article, §21-309, Annotated Code of Maryland

.06 Limitations on Claim of Credit by Employers.

A. The Maryland disability employment tax credit shall be applicable to all taxable years beginning after December 31, 1996, but before January 1, [2012] 2013.

B. An employer may claim the credit only for employees hired on or after October 1, 1997, but before July 1, [2009] 2010.

C. — G. (text unchanged)

13A.11.08 Workforce and Technology Center

Authority: Education Article, §§21-301 — 21-304, Annotated Code of Maryland

.08 Service Plan.

A. Center services are provided consistent with the client's individualized plan for employment (IPE) developed in accordance with COMAR 13A.11.01.07. The case manager and the client may also develop and update, as necessary, an individualized, written service plan based on the request of the referral source. The service plan shall be developed upon the client's admission to the Center and [shall] may include the following:

(1) — (7) (text unchanged)

C. — F. (text unchanged)

.10 Discharge.

A. — B. (text unchanged)

C. Appeal.

(1) A client or a client's representative may request reconsideration by the Director of the decision to discharge of the Assistant Director within 3 days of being notified of the decision. The Director shall confirm or overturn the decision within 24 hours of the request[, during which time the client may remain at the Center and receive services].

(2) — (3) (text unchanged)

D. (text unchanged)

.14 Career Assessment Services.

A. — F. (text unchanged)

G. Based on referral information, the initial interview, and the stated purpose of the evaluation, a specific written evaluation plan shall be developed with each client which shall identify:

(1) — (2) (text unchanged)

(3) Methods to be used to address the referral questions; and

(4) [When appropriate, persons who may be involved in carrying out the plan; and] Reasonable accommodations and assistive technology needs and assistive technology strategies to be used.

[(5) Methods to review and modify the plan as necessary.]

H. (text unchanged)

.15 Medical Services.

[As provided in COMAR 10.07.14, the] The Medical Director shall be responsible for planning and managing the

clinical services provided by the Center in accordance with appropriate federal and State law, and regulations and standards established by accrediting organizations, including the Commission on Accreditation of Rehabilitation Facilities.

.18 Accreditation and Licensing.

A. (text unchanged)

B. The Director shall assure that the [following standing and special committees are] Monitoring Committee is established and maintained in accordance with applicable State laws and regulations and standards established by accrediting organizations[:

(1) Medical Administrative Staff Committee;

(2) Records Committee; and

(3) Monitoring Committee].

C. (text unchanged)

NANCY S. GRASMICK
State Superintendent of Schools

**Title 29
DEPARTMENT OF
STATE POLICE**

Subtitle 05 CRIME LABORATORY

29.05.02 Ballistic Fingerprinting

Authority: Public Safety Article, §§5-105 and 5-131, Annotated Code of Maryland

Notice of Proposed Action

[09-268-P]

The Department of State Police proposes to amend to Regulations .01 — .03 and .05 — .08 under COMAR 29.05.02 Ballistic Fingerprinting:

Statement of Purpose

The purpose of this action is to add three terms to the current list of definitions, replace "analysis" with "acquisition of profile," refer to data on shell casings as "profiling information," and add three identifiers to the current list of seven for specimen information.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Theresa Long, Director, Forensic Sciences Division, Department of State Police, 221 Millford Mill Road, Pikesville, MD 21208, or call 443-357-1302,