

TO: Members of the Education Policy Committee

FROM: Carey M. Wright, Ed.D., State Superintendent of Schools

DATE: September 10, 2026

SUBJECT: COMAR 13A.11.03 Independent Living Services (Regulations .01–.14);
COMAR 13A.11.02 Maryland Disability Employment Tax Credit (Regulations .03 and .04);
COMAR 13A.11.06 Records of Services (Regulations .11 and .16); and COMAR 13A.11.08
Workforce and Technology Center (Regulations .02, .04–.15, .17, and .18)
Permission to Publish

Purpose

The purpose of this item is to request permission to publish amendments to the Code of Maryland Regulation (COMAR) COMAR 13A.11.03 Independent Living Services (Regulations .01–.14); COMAR 13A.11.02 Maryland Disability Employment Tax Credit ((Regulations .03 and .04); 13A.11.06 Records of Services (Regulations .11 and .16); and COMAR 13A.11.08 Workforce and Technology Center (Regulations .02, .04–.15, .17, and .18)).

These amendments align COMAR with the Code of Federal Regulations listed in 34 CFR Part 361: State Vocational Rehabilitation Services Program along with Agency operations and policy as written in DORS Rehabilitation Service Manual (RSM).

Executive Summary

COMAR 13A.11.03 Independent Living Services (Regulations .01–.14)

The drafted amendments:

- Clarify that Division-provided Independent Living services are limited to individuals 55+ with visual impairments, now classified as Independent Living Older Blind (ILOB) services.
- Remove outdated service descriptions that fall outside the current ILOB scope.
- Add specific service categories and items dedicated to supporting the ILOB program.

13A.11.02 Maryland Disability Employment Tax Credit (Regulations .03 and .04)

The drafted amendments:

- Remove outdated references to deemed agencies.
- Update language in alignment with Maryland Department of Labor.

13A.11.06 Records of Services (Regulations .11 and .16)

The drafted amendments:

- Require written consent to disclose personal information with agencies or rehabilitation service providers.
- Update records retention in alignment with Social Security Administration requirements.

COMAR 13A.11.08 Workforce and Technology Center (Regulations .02, .04–.15, .17, and .18)

The drafted amendments:

- Remove references to Discontinued WTC responsibilities and duties.
- Include WTC program that is now handled by the DORS Program Income Unit.
- Remove references to hard-copy records; electronic records are maintained in the agency's electronic case management system.
- Update references to the Employer Advisory Board.
- Update references to recreation services, which are now known as Enrichment services.

Action

DORS is requesting that the State Board of Education grant permission to publish amendments to COMAR 13A.11.03 Independent Living Services (Regulations .01–.14); 13A.11.02 Maryland Disability Employment Tax Credit (Regulations .03 and .04); 13A.11.06 Records of Services (Regulations .11 and .16); COMAR 13A.11.08 Workforce and Technology Center (Regulations .02, .04–.15, .17, and .18)

Attachments

COMAR 13A.11.03 Independent Living Services (Regulations .01–.14)

COMAR 13A.11.02 Maryland Disability Employment Tax Credit (Regulations .03 and .04)

COMAR 13A.11.06 Records of Services (Regulations .11 and .16)

COMAR 13A.11.08 Workforce and Technology Center (Regulations .02, .04–.15, .17, and .18)



Vocational Rehabilitation Services: COMAR 13A.11.02, 13A.11.03, 13A.11.06, and 13A.11.08 Regulation Updates

DIVISION OF REHABILITATION SERVICES (DORS)

Dr. Erik D. Bonner, Assistant State Superintendent



MSDE Strategic Plan Goals

1

Every child has access to a high-quality early childhood program.

PILLAR 1: EARLY CHILDHOOD EDUCATION



Every student is matched with the resources they need to ensure their success.

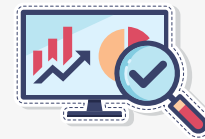
PILLAR 4: MORE RESOURCES FOR STUDENT SUCCESS

4

2

Every school has high-quality and diverse teachers and leaders.

PILLAR 2: HIGH-QUALITY & DIVERSE TEACHERS AND LEADERS



Every school and district receives a rating of ____ or higher.

PILLAR 5: GOVERNANCE AND ACCOUNTABILITY

5

3

Every student graduates high school college and career ready.

PILLAR 3: COLLEGE AND CAREER READINESS



Visit the Maryland State Department of Education website to learn more about the Strategic Plan!

strategicplan.marylandpublicschools.org



STRATEGIC PLAN ALIGNMENT



Every student is matched with the resources they need to ensure their success.

Independent Living Services Overview

- Independent Living Older Blind: (Regulation .01 and throughout chapter)
 - New IL Service Criteria: Adults aged 55+ requiring support for visual impairments
- Definitions: (Regulation .02 and throughout chapter)
 - Independent Living Services renamed to Independent Living Older Blind (ILOB)
 - Added references to blindness and/or low vision and visual disabilities
- Referral and Application: (Regulation .03)
 - Removed reference to IL services no longer available.
- Independent Living Services: (Regulation .06)
 - Updated available ILOB services.
- Record of Services Closure: (Regulation .12)
 - Removed: 12-month ineligibility review requirement.

Maryland Disability Employment Tax Credit Regulation Updates

- **Certification Procedure: (Regulation .03)**
 - Removed outdated references to deemed agencies.
- **Amount of Credit: (Regulation .11)**
 - Updated Qualified Disabled Employee Wage Credit and Childcare/Transportation Tax Credit in alignment with Maryland Department of Labor

Records of Services Regulation Updates

- **Circumstances Under Which Written Consent Is Not Required to Disclose Personal Information (Regulation .11)**
 - Written consent now required to disclose personal information with agencies or rehabilitation service providers.
- **Retention of Records of Services: (Regulation .16)**
 - Updated records retention in alignment with Social Security Administration cost reimbursement requirements.

Workforce and Technology Center (WTC) Regulation Updates

- **Definitions: (Regulation .02 and throughout chapter)**
 - Removed medical rehabilitation, career assessment, and related staff positions.
 - Updated terminology: Business Advisory Board and Enrichment services.
- **Admission Criteria: (Regulation .04)**
 - Updated residential service determination process for the Supported Residence Dormitory (SRD).
- **Financial Participation: (Regulation .06)**
 - Updated financial participation at the WTC is managed by DORS Program Income Unit.
- **Career Assessment Services: (Regulation .13) and Medical Services: (Regulation .14)**
 - Removed regulations for discontinued services
- **Records: (Regulation .15)**
 - Removed references to hard-copy records
- **Administrative Operations: (Regulation .18)**
 - Removed discontinued DORS Police and official duties.



DIVISION OF
REHABILITATION SERVICES



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Title 13A
STATE BOARD OF EDUCATION
Subtitle 11 PROGRAMS FOR ADULTS WITH DISABILITIES
Chapter 02 Maryland Disability Employment Tax Credit

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

.01 Scope.

These regulations implement Education Article, §21-309, Annotated Code of Maryland, which establishes a tax credit for businesses which employ individuals with disabilities.

.02 Definitions.

A. In this chapter, the following words have the meanings indicated.

B. Terms Defined.

(1) "Business entity" means:

(a) A person conducting or operating a trade or business in Maryland; or

(b) An organization operating in Maryland that is exempt from taxation under §501(c)(3) or (4) of the Internal Revenue Code.

(2) "Deemed agency" means a public organization with whom the Division and the Maryland Department of Labor, have developed a memorandum of understanding regarding identification of qualified employees with disabilities who may benefit from the tax credit.

(3) "Division" means the Division of Rehabilitation Services of the Maryland State Department of Education.

(4) "Maryland Department of Labor" means the State agency responsible for administration of the Maryland disability employment tax credit.

(5) "Qualified child care or transportation expenses" means:

(a) State-regulated child care expenses that are incurred by a business entity to enable a qualified employee with a disability to be gainfully employed; or

(b) Transportation expenses that are incurred by a business entity to enable a qualified employee with a disability to travel to and from work.

(6) Qualified Employee With a Disability.

(a) "Qualified employee with a disability" means an individual who:

(i) Meets the definition of an individual with a disability as defined by the Americans with Disabilities Act;

(ii) Has a disability that presently constitutes an impediment to obtaining or maintaining employment or to transitioning from school to work;

(iii) Is ready for employment; and

(iv) Has been determined by the Division or the Maryland Department of Labor, in consultation with the Division, as having met the criteria of a qualified employee with a disability established under this section.

(b) "Qualified employee with a disability" does not mean an employee who has been found by the Division as having the particular skills necessary for a particular job.

(c) "Qualified employee with a disability" includes an individual who has been certified by the Maryland Department of Labor in consultation with the United States Department of Veterans Affairs, as having been discharged or released from active duty in the armed forces of the United States for a service-connected disability.

(d) "Qualified employee with a disability" includes any individual meeting the definition in §B(6)(a) of this regulation, regardless of whether the individual receives services from the Division.

(f) "Ready for employment" means a person who is willing to accept an offer of employment.

(g) "Wages" means wages that are paid by a business entity to an employee for services performed in a trade or business of the employer, within the meaning of §51(c)(1), (2), and (3) of the Internal Revenue Code with regard to §51(c)(4) of the Internal Revenue Code.

.03 Certification Procedure.

A. Issuance of Vouchers—Potential Eligibility for Tax Credit.

(1) Individuals who are served by the Division[, **or** the Department of Veterans Affairs[, **or deemed agencies**]] shall apply to those agencies for a tax credit voucher. The Division[, **or** the Department of Veterans Affairs[, **or the deemed agency**]] shall issue a voucher to individuals meeting the definition of qualified employee with a disability under Regulation .02B of this chapter.

(2) Individuals not served by the Division[, **or** the Department of Veterans Affairs[, **or deemed agencies**]] shall apply to a local Division of Rehabilitation Services office and provide supporting documentation that they meet the definition of individual with a disability as defined under Regulation .02B(6) of this chapter. The Division shall issue a voucher to individuals meeting the definition of qualified employee with a disability.

(3) The individual may take the voucher on interviews for employment and present it to the potential employer.

B. Applicant Information. The Division[, **or** the Department of Veterans Affairs[, **or the deemed agency**]] shall complete the necessary applicant characteristics form and submit the original copy to the Maryland Department of Labor.

C. Certification by the Maryland Department of Labor.

(1) Upon hiring a person presenting a voucher, the employer shall complete the employer's portion of the voucher and return it to the Maryland Department of Labor.

(2) The Maryland Department of Labor shall review the applicant information and information provided on the voucher by the employer. If the Maryland Department of Labor approves the application material and information, the Department shall return a certificate of eligibility for the Maryland disability employment tax credit to the employer.

(3) The employer shall keep the certificate in its files as justification for including the tax credit on its tax return.

.04 Amount of Credit.

A. Wages.

(1) For individuals hired before July 1, 2000, for the first and second years of employment of a qualified employee with a disability, the credit is 20 percent of up to the first \$6,000 of wages paid to that employee.

(2) For individuals hired on or after **December 31, 2014 [July 1, 2000]**, the credit is 30 percent of up to the first **\$15,000 [\$6,000]** of wages paid to the qualified employee with a disability for **each of the first two years of employment. [the first year of employment. For the second year of employment, the credit is 20 percent of up to the first \$6,000 of wages paid to the qualified employee with a disability.]**

B. Child Care or Transportation Expenses.

(1) For the first **two** years of employment of a qualified employee with a disability, the credit is up to **\$900 [\$600]** of the child care or transportation expenses paid for that employee.

[(2) For the second year of employment of a qualified employee with a disability, the credit is up to \$500 of the child care or transportation expenses for that employee.]

.05 Calculation and Carryover of Credit.

The calculation and carryover of the credit is governed by regulations promulgated by the Comptroller, the Department of Assessments and Taxation, and the Insurance Commissioner.

.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.

B. An employer may claim the credit only for employees hired on or after October 1, 1997.

C. A business entity may not claim the credit for an employee:

(1) Who is hired to replace a laid-off employee or to replace an employee who is on strike; or

(2) For whom the business entity simultaneously receives federal or State employment training benefits.

D. A business entity may not claim the credit until it has received a certificate in accordance with Regulation .03C of this chapter.

E. A business entity may claim the credit as follows even if an employee's employment lasts less than 1 year:

(1) The business entity may claim a tax credit of 20 percent of up to the first \$6,000 of wages paid to the employee in the course of employment if the employee voluntarily terminates employment with the employer, if employment began prior to July 1, 2000;

(2) If employment began on or after July 1, 2000, the business entity may claim a tax credit of 30 percent of up to the first \$6,000 of wages paid to the employee in the course of employment if the employee voluntarily terminates employment with the employer.

(3) The business entity may claim a tax credit in proportion to the amount of time worked if the employee works less than a full year because of an inability to continue employment due to a further disability or death, or if the employee is terminated for cause.

F. The same tax credit may not be applied more than once against different taxes by the same taxpayer.

CAREY M. WRIGHT, Ed.D.
State Superintendent of Schools

Title 13A STATE BOARD OF EDUCATION

Subtitle 11 PROGRAMS FOR ADULTS WITH DISABILITIES

Chapter 03 Independent Living *Older Blind* Services

Authority: Education Article, §§21-301—21-306, Annotated Code of Maryland

.01 Scope.

This chapter implements the Rehabilitation Act of 1973, as amended, 34 CFR 76, 77, and 365, and Education Article, §§21-301—21-303, Annotated Code of Maryland, which establish a program of rehabilitation services to assist **[transitioning students, consistent with Regulation .03A of this chapter, and]** adults *age 55 or older with a visual impairment which limits the individual's ability to function independently in the family or community.* **[with significant disabilities to function independently.]**

.02 Definitions.

A. In this chapter, the following words have the meanings indicated.

B. Terms Defined.

(1) "Applicant" means an individual who has:

- (a) Requested independent living *older blind* services provided by the Division;
- (b) Completed and signed the Division's application form or provided equivalent information; and
- (c) Provided information necessary to initiate an assessment to determine eligibility.

(2) "Client" means an applicant for or recipient of independent living *older blind* services provided by the Division.

(3) "Client Assistance Program" has the meaning stated in COMAR 13A.11.01.03.

(4) "Customary charge" has the meaning stated in COMAR 13A.11.01.03.

(5) "Division" means the Division of Rehabilitation Services, the State agency designated to administer the Independent Living *Older Blind* Program.

(6) "Eligible individual" means an individual who meets the criteria in Regulation .04 of this chapter.

(7) "Family member" has the meaning stated in COMAR 13A.11.01.03.

(8) Independent Living Plan.

(a) "Independent living plan" means the Division form identifying the independent living goal, services, and financial contribution of the individual.

(b) "Independent living plan" also encompasses other written documentation of the independent living goal, services, and financial contribution of the individual if the individual waives the requirements of an independent living plan.

(9) "Independent living *older blind* services" means those services listed under Regulation .06 of this chapter.

(10) **[Individual with significant disabilities" means an individual with a severe physical or mental impairment whose ability to function independently in family or community, or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move towards functioning independently in the family or community, or to continue in employment, respectively.]** *Older individuals who are blind means an individual aged fifty-five or older whose severe visual impairment makes competitive employment extremely difficult to obtain but for who independent living goals are feasible.*

(11) "Individual's representative" has the meaning stated in COMAR 13A.11.01.03.

(12) "Personal assistance services" means a range of services:

(a) Provided by one or more persons;

(b) Designed to assist an *older blind* individual **[with a disability]** to perform daily living activities **[on or off the job that the individual would typically perform if the individual did not have a disability; and]** *at home or in the community.*

(c) Designed to increase the individual's control in life and ability to perform everyday activities. **[on or off the job].**

(13) "Physical or mental impairment" has the meaning stated in COMAR 13A.11.01.03.

(14) "Preauthorized" has the meaning stated in COMAR 13A.11.01.03.

- (15) "Prescription" has the meaning stated in COMAR 13A.11.01.03.
- (16) "Provider" has the meaning stated in COMAR 13A.11.01.03.
- (17) "Purchase order" has the meaning stated in COMAR 13A.11.01.03.
- (18) "Purchasing card" has the meaning stated in COMAR 13A.11.01.03.
- (19) "Rehabilitation technology" has the meaning stated in COMAR 13A.11.01.03.

(20) "Transportation" means necessary travel in connection with an **older blind** individual **[with a significant disability]** engaging in **[or maintaining employment]** or improving the individual's ability to carry out independent living activities within family or community.

.03 Referral and Application.

A. An individual may apply for independent living **older blind** services by contacting the Division directly or upon referral by individuals, organizations, public or private agencies, and other sources. **{Students with disabilities shall be referred by local education agencies not later than the fall semester of the next to last year before the student's anticipated exit from school.}**

B. The individual or referral source shall, to the extent possible, make available to the Division medical, social, and **[vocational] psychological** information to assist in the determination of eligibility for independent living services under Regulation .04 of this chapter.

C. The Division shall schedule an interview with the individual upon initial contact or referral to:

(1) Explain the Independent Living **Older Blind** Program, the individual's rights, including the right to pursue mediation and the right to an appeal hearing under COMAR 13A.11.07, and the availability of the resources within the Client Assistance Program; and

(2) Invite the individual to complete an application for services.

D. The Division shall conduct an assessment of independent living **older blind** potential for each individual with a significant **blindness and/or low vision** disability who applies for independent living **older blind** services. The assessment:

(1) Is limited to that information necessary to determine whether the individual is eligible to be provided independent living **older blind** services and to determine which independent living services are needed;

(2) Takes into consideration any relevant information available from Division files or from other agencies;

(3) Is sufficient in scope to determine which services will best meet the current and future needs of the individual for functioning more independently in family or community **[or engaging or continuing in employment]**.

E. The Division shall conduct an assessment specifically for purposes of determining eligibility for independent living **older blind** services only if already available information is not complete, relevant, or current.

.04 Eligibility.

A. The eligibility requirements shall be applied by the Division without regard to sex, race, creed, color, age, national origin, residence, physical or mental disability, or political affiliation.

B. An applicant's eligibility for **older blind** independent living services shall be based upon:

(1) **[The presence of a significant physical or mental disability]** *The individual is age 55 or older with a visual impairment which limits the individual's ability to function independently in the family or community;* and

(2) **The presence of a substantial limitation in ability to function independently in family or community or to engage or continue in employment; and** *The delivery of independent living older blind services will improve the ability of the individual to function, continue functioning or move toward functioning independently in the family or community.*

(3) A presumption that the delivery of independent living **older blind** services will improve the individual's ability to function or move toward functioning independently in family or community. **[or to engage or continue in employment.]**

C. For purposes of determining an applicant's eligibility for independent living **older blind** services, improvement in ability to function independently in family or community refers to a demonstration in functional and behavioral terms of an individual's greater independence or maintenance of independence in areas such as:

- (1) Self-care;
- (2) Activities of daily living;
- (3) Access to personal transportation;

- (4) Using public transportation;
- (5) Shopping;
- (6) Housekeeping;
- (7) Communicating; or
- (8) Living more independently.

D. The Division shall certify in writing the reasons for finding an individual eligible for independent living *older blind* services and shall have pertinent documentation supporting the certification. The certification of eligibility shall be dated and signed by the rehabilitation counselor.

E. If the individual has an employment goal and is eligible for vocational rehabilitation services, the individual shall be served through the vocational rehabilitation program (COMAR 13A.11.01).

.05 Independent Living Plan.

A. An independent living plan shall be initiated and periodically updated for each eligible individual who is provided independent living *older blind* services unless the individual waives the requirement of the independent living plan in writing. If the independent living plan is waived, services to be provided shall be documented by the rehabilitation counselor in the record of services. The independent living plan shall be developed jointly by the rehabilitation counselor and the eligible individual or, as appropriate, individual and the individual's representative. Independent living *older blind* services shall be provided in accordance with the independent living plan.

B. The Division shall provide a copy of the independent living plan and any amendments to the eligible individual or, as appropriate, the individual and the individual's representative and shall advise the eligible individual or, as appropriate, the individual's representative, of the procedures and requirements affecting the development and review of the independent living plan.

C. The independent living plan shall be initiated after the certification of eligibility under Regulation .04 of this chapter.

D. The independent living plan shall include, as appropriate:

- (1) A determination of whether the eligible individual wishes to waive the requirement of the independent living plan;
- (2) The independent living goal;
- (3) The specific independent living services to be provided to achieve the established goal;
- (4) The provider of and projected date for the initiation of each independent living service;
- (5) The amount of the eligible individual's participation in the cost of services, if any;
- (6) The comments of the eligible individual or, as appropriate, the individual and the individual's representative, concerning the independent living plan; and
- (7) A description of the availability of the resources within the Client Assistance Program and a statement of the eligible individual's rights and the means by which the individual may express and seek remedy for any dissatisfaction, including the right to pursue mediation and the right to an appeal hearing under COMAR 13A.11.07.

E. The independent living plan shall be reviewed as often as necessary but at least on an annual basis to determine whether services should be continued, modified, or discontinued, or whether the individual should be referred to a program of vocational rehabilitation services under COMAR 13A.11.01 or to any other program of assistance. The eligible individual, or, as appropriate, the individual and the individual's representative, shall be given an opportunity to review the program and, if necessary, jointly redevelop and agree by signature to its terms.

F. The eligible individual or, as appropriate, the individual and the individual's representative, shall sign the independent living plan and any amendments indicating that the:

- (1) Independent living plan was jointly developed; and
- (2) Individual agrees to the terms of the independent living plan.

[G. The development of the independent living plan for transitioning students shall be coordinated to the maximum extent possible with the individualized education program for the individual prepared under Individuals with Disabilities Education Act, as amended.]

.06 Independent Living Services.

Independent living services are any goods or services necessary to assist an eligible individual in becoming more independent and include:

A. Independent living core services;

- (1) Information and referral services,
- (2) Independent living skills training,
- (3) Peer counseling, **[including cross-disability peer counseling,]** and
- (4) Individual and systems advocacy;

B. **Independent Living Older Blind services include the independent living core services above and:**

(1) Services to help correct blindness, such as outreach services, visual screening, and treatment to prevent, correct or modify disabling eye conditions

(2) Provision of eyeglasses and other visual aids.

(3) Provision of services and equipment to assist an older individual who is blind to become more mobile and more self-sufficient. (As it relates to vision loss)

(4) Mobility training, Braille instruction, and other services and equipment to help an older individual who is blind adjust to blindness.

(5) Guide services, reader services, and transportation necessary for assessment or in support of services reflected on Independent Living Plan.

(6) Any other appropriate service designed to assist an older individual who is blind in coping with daily living activities, including supportive services and rehabilitation teaching services.

(7) Independent living skills training, information and referral services, peer counseling, and individual advocacy training.

B. Evaluation of independent living **older blind** potential, including diagnostic and related services incidental to the determination of eligibility for, and the nature and scope of, services to be provided;

C. Counseling services, including psychological, psycho-therapeutic, and related services;

[D. Services related to securing housing or shelter, including services related to community group living that promote independence, and adaptive housing services, including appropriate accommodations to and modifications of any space used to serve, or to be occupied by, individuals with significant disabilities;]

E. Personal assistance services, including attendant care and the training of personnel providing these services;

F. Transportation, including referral and assistance for transportation;

G. Rehabilitation technology;

H. Services and training for individuals with cognitive and sensory disabilities, including life skills training and interpreter and reader services;

I. Individual and group social and recreational services;

J. **[Mobility training.] Braille instruction, and other services and equipment to help an older individual who is blind adjust to blindness.;**

K. Surveys, directories, and other activities to identify appropriate housing, recreation opportunities, accessible transportation, and other support services;

L. Consumer information programs on rehabilitation and independent living services available under the Rehabilitation Act, especially for minorities and other individuals with significant **visual** disabilities who have traditionally been unserved or underserved;

M. Education and training necessary for living in a community and participating in community activities;

[N. Supported living;]

O. Physical rehabilitation;

P. Therapeutic treatment;

Q. Provision of needed **[prostheses and other]** appliances and devices;

R. 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 significant disabilities;

S. Community awareness programs to enhance the understanding and integration into society of individuals with significant **visual** disabilities;

T. Any appropriate preventive services necessary to decrease the future needs of individuals with significant disabilities assisted under this program for similar services; and

U. Any other vocational rehabilitation services available under COMAR 13A.11.01, which are appropriate to the independent living needs of an individual with a significant disability.

.07 Comparable Services and Benefits.

The regulations under COMAR 13A.11.01.09 apply.

.08 Financial Participation.

The regulations under COMAR 13A.11.01.10 apply.

.09 Financial Participation Schedule.

The schedule under COMAR 13A.11.01.15 applies.

.10 Accident or Injury Claims.

The regulations under COMAR 13A.11.01.11 apply.

.11 Confidentiality and Disclosure of Records.

The regulations under COMAR 13A.11.06 apply.

.12 Record of Services Closure.

A. The decision to close a record of services shall be made only with the full participation of the applicant or eligible individual, or, as appropriate, the individual and the individual's representative, unless the individual has refused to participate, is no longer present in the State, or cannot be located. The views of the individual or, as appropriate, the individual and the individual's representative, shall be recorded in the record of services.

B. Whenever a record of services is closed, the Division shall give the applicant or eligible individual or, as appropriate, the individual and the individual's representative, written notice of the:

(1) Reasons for the decision;

(2) Individual's rights and means by which the individual may express and seek remedy for any dissatisfaction, including the opportunity for an appeal hearing under COMAR 13A.11.07; and

(3) Availability of the resources within the Client Assistance Program.

C. **[If a record of services is closed based on a determination that independent living services will not significantly assist the individual to improve the individual's ability to function independently in family or community or to engage or continue in employment, the Division shall review the decision within 12 months after the determination has been made.]** The individual shall be given written notice and opportunity to participate in the review, unless the individual refused a review, is no longer present in the State, or the individual's whereabouts are unknown. The Division shall conduct subsequent reviews at the request of the individual.

D. Criteria for Closing a Record of Services.

(1) A record of services shall be closed when:

(a) The individual has been determined ineligible under Regulation .04 of this chapter or because the provision of independent living services under an independent living plan has demonstrated that the individual is not capable of functioning more independently in family or community **[or engaging or continuing in employment;]**

(b) The individual has declined services or failed to cooperate with the independent living **older blind** program;

(c) The individual has moved out of the State or cannot be located; or

(d) The independent living goal of the individual included on the independent living plan has been achieved.

(2) A certification of ineligibility indicating the reasons for the determination in §D(1)(a) of this regulation shall be completed, dated, and signed by the counselor.

(3) When the record of services is closed, there shall be documentation describing the way in which the individual has benefited from independent living **older blind** services and has significantly improved the ability **[to engage or continue in employment or]** to function independently in family or community.

.13 Payment for Services.

The provisions of COMAR 13A.11.01.16 apply.

.14 Payment for Goods.

The provisions of COMAR 13A.11.01.17 apply.

Title 13A
STATE BOARD OF EDUCATION
Subtitle 11 PROGRAMS FOR ADULTS WITH DISABILITIES
Chapter 06 Records of Services

Authority: Education Article, §§21-304—21-306 and 21-308, Annotated Code of Maryland

.01 Scope.

A. This chapter implements the following:

- (1) Education Article, §21-307, Annotated Code of Maryland;
- (2) State Government Article, §§10-611—10-628, Annotated Code of Maryland;
- (3) Health-General Article, §§4-302 and 4-305, Annotated Code of Maryland;
- (4) Executive Order 01.01.1983.18; and 34 CFR §361.49 governing the collection, use, and disclosure of personal information about Division clients.

B. The regulations governing the collection, use, and disclosure of personal information by the Disability Determination Service are set forth at 20 CFR 401.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Client" has the same meaning as defined in COMAR 13A.11.01.03.
- (2) "Client's representative" has the same meaning as defined in COMAR 13A.11.01.03.
- (3) "Disclose" or "disclosure" means the communication of personal information about an applicant or eligible individual or the release of records containing personal information about an applicant or eligible individual.
- (4) "Division" has the same meaning as defined in COMAR 13A.11.01.03. As used in this chapter, the term "Division" includes employees of the Division.
- (5) "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind and any partnership, firm, association, corporation, agency, or other organization.
- (6) "Personal information" means any information about an individual and includes, but is not limited to, name, address, identification number, and financial, educational, employment, family, or medical information.
- (7) "Record" or "record of services" means the original or copy of any documentary material that is made or received by the Division in connection with the operation or administration of the program.

.03 Confidentiality of Personal Information.

Personal information about an applicant or eligible individual, whether obtained directly from the applicant or eligible individual or from another person, shall be kept confidential and may not be disclosed except in accordance this chapter.

.04 Notice to Applicants and Eligible Individuals.

A. The Division shall notify each applicant or eligible individual who is requested to provide personal information about:

- (1) The authority under which the information is collected;
- (2) The principal purpose for which the information is intended to be used;
- (3) Whether provision of the information is mandatory or voluntary and the specific consequences of not providing the information;
- (4) The individual's right to:
 - (a) Inspect and obtain copies of records which contain personal information about the individual, and
 - (b) Amend or correct any records which contain inaccurate or incomplete information; and
- (5) The requirements of this chapter regarding obtaining written consent from the individual before personal information is disclosed to another person and the circumstances under which written consent is not required.

B. The notice under §A of this regulation shall be given in writing and explained in the applicant or eligible individual's primary language or mode of communication, including braille.

.05 Right of the Applicant or Eligible Individual to Inspect and Obtain Copies of Records.

A. Subject to Regulation .06 of this chapter, when requested by an applicant or eligible individual or an individual's representative, the Division shall permit the individual or the individual's representative to inspect and obtain copies of any records in the custody of the Division which contain personal information about the individual.

B. A request to inspect and obtain copies of records shall be in writing, signed by the applicant or eligible individual or the individual's representative, and identify the records which are the subject of the request.

C. Records of minors, that is, individuals younger than 18 years old, which relate to or reveal substance abuse diagnosis or treatment may not be released to the individual's representative, including a parent or guardian, without the explicit written consent of the individual, in accordance with federal alcohol and drug abuse confidentiality regulations, 42 CFR 2.

D. The Division shall comply with a request to inspect and obtain copies of records within a reasonable period, but not to exceed 30 days after receipt of the request.

E. If the requested records are unavailable or have been destroyed or lost, the Division shall notify the applicants or eligible individual or the individual's representative within 10 working days after receipt of the request.

.06 Restrictions on Disclosure of Personal Information to an Applicant or Eligible Individual.

A. Medical, psychological, or other personal information which the Division believes may be harmful to an applicant or eligible individual may not be disclosed directly to the individual but shall be provided to a person chosen by the individual or, if applicable, pursuant to Health-General Article, §4-302, Annotated Code of Maryland.

B. Persons preparing reports which contain information which may be harmful to the applicant or eligible individual should clearly identify this on the face of the report.

C. When the Division has obtained personal information from another person, the information shall be disclosed only by, or under the conditions established by, the other person. If the Division is not permitted to disclose the information, the Division shall inform the individual of the identity of the person who provided the information and any procedure for contacting the person directly to obtain the information.

.07 Right of the Applicant or Eligible Individual to Amend or Correct Records.

A. An applicant or eligible individual or an individual's representative may request the Division to amend or correct any records in the custody of the Division which contain inaccurate or incomplete information about the individual.

B. A request to amend or correct records shall be in writing, signed by the applicant or eligible individual or the individual's representative, and:

- (1) Identify the records which are the subject of the request;
- (2) Describe the requested change precisely; and
- (3) State the reasons for the change.

C. Within 30 days after receiving a request to amend or correct records, the Division shall:

- (1) Make or refuse to make the requested change;
- (2) Give the applicant or eligible individual or the individual's representative written notice of the action taken; and
- (3) If the requested change is refused, state the reasons for the refusal. The Division may refuse to amend or correct records because, among other reasons, the records were not created by the Division.

D. If the Division refuses to make the requested change and the applicant or eligible individual or the individual's representative disagrees with the Division's action, the applicant or eligible individual or the individual's representative may file with the Division a concise statement that, in five pages or less, states the reasons for the requested change and for disagreement with the Division's action. The statement of disagreement shall be attached to the disputed record and the Division shall provide a copy of the statement whenever the disputed record is disclosed to another person.

.08 Appeals.

A. An applicant or eligible individual or an individual's representative may request an appeal hearing if the Division takes any of the following actions with respect to any records in the custody of the Division which contain personal information about the individual:

- (1) Denies a request to inspect and obtain copies of the records;

- (2) Denies a request to amend or correct records;
- (3) Fails to attach a statement of disagreement to a disputed record; or
- (4) Fails to provide a statement of the disagreement when a disputed record is disclosed to another person.

B. The appeal hearing shall be conducted in accordance with COMAR 13A.11.07.

.09 Written Consent Required to Disclose Personal Information.

A. Except as provided in Regulation .11 of this chapter, the Division shall obtain written consent from an applicant or eligible individual or the individual's representative before disclosing personal information to another person.

B. The written consent to disclose personal information shall be dated and signed by the applicant or eligible individual or the individual's representative, and shall:

- (1) Identify the person to whom the information is to be disclosed;
- (2) State the purpose of the disclosure; and

(3) Identify the information or records to be disclosed (medical, psychological, and other evaluation reports shall be specifically identified in the written consent).

C. The written consent to disclose personal information shall be valid for 45 days from the date consent is given unless otherwise specified in writing or revoked in writing by the applicant or eligible individual.

D. Upon receiving written consent from the applicant or eligible individual or the individual's representative to disclose personal information to another person, the Division shall disclose only the information or records specified in the written consent, subject to the restrictions in Regulation .06 of this chapter.

E. The Division shall maintain a copy of the applicant or eligible individual's written consent in the individual's record of services.

.10 Notice to Accompany Disclosure.

The Division shall attach the following statement to each disclosure made with the eligible individual's written consent: This information has been disclosed to you from records whose confidentiality is protected by federal and State law (see COMAR 13A.11.06). Federal regulations prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains or as otherwise permitted by such regulations. A general authorization for the release of information is NOT sufficient for this purpose. Medical, psychological, or other information which may be harmful to the individual may not be disclosed directly to the individual but must be provided to a third party chosen by the individual unless a representative has been appointed by a court to represent the individual, in which case the information must be released to the court-appointed representative. Information about individuals who are minors, i.e., under 18 years old, which relates to or reveals substance abuse diagnosis or treatment may not be released to the individual's representative, including a parent or guardian, without the explicit written consent of the individual, in accordance with federal alcohol and drug abuse confidentiality regulations, 42 CFR 2. The information should be managed in a manner to protect confidentiality and to protect against unauthorized disclosure. Any person who willfully and knowingly discloses or uses confidential information in violation of the law may be liable to the individual for actual and punitive damages, attorneys' fees, and litigation costs, and may also be subject to criminal penalties (see State Government Article, §§10-626 and 19-627, Annotated Code of Maryland).

.11 Circumstances Under Which Written Consent Is Not Required to Disclose Personal Information.

A. The Division may disclose personal information without obtaining written consent from the applicant or eligible individual or the individual's representative when the disclosure is:

[(1) To agencies, organizations, or individuals with whom the Division has formal cooperative agreements or from whom the individual is requesting or receiving services connected with the individual's rehabilitation program, or both;]

(2) To an employee of Disability Determination Services and concerns an individual served by both the Division and its component, Disability Determination Services;

(3) Subject to Regulation .12 of this chapter, in connection with an administrative or judicial proceeding to review an action of the Division affecting the individual;

(4) Subject to Regulation .13 of this chapter, to comply with a judicial order or lawfully issued subpoena;

(5) Subject to Regulation .14 of this chapter, in connection with an audit, evaluation, or research;

(6) To a third-party resource who initiated the referral for the service and who is responsible for payment;

(7) In response to a law enforcement, fraud, or abuse investigation, unless expressly prohibited by federal or State laws or regulations;

(8) Necessary to protect an applicant or eligible individual or other persons when the applicant or eligible individual poses a threat to the applicant's or eligible individual's own safety or the safety of the other persons;

(9) Required by State or federal law or regulation.

B. Except for disclosures made pursuant to §A(1) and (2) of this regulation, the Division shall maintain a record within the applicant's or eligible individual's record of services of each disclosure made without the written consent of the individual.

.12 Disclosure of Personal Information in Administrative or Judicial Proceeding.

When personal information is disclosed in connection with an administrative or judicial proceeding to review an action of the Division affecting the applicant or eligible individual, the Division shall:

A. Request that the information be placed under seal when such procedure is available; or

B. Take other appropriate action to protect the confidentiality of the information.

.13 Disclosure of Personal Information to Comply with Judicial Order or Lawfully Issued Subpoena.

A. When the Division receives a judicial order or lawfully issued subpoena to disclose personal information, the Division shall make a reasonable effort to notify the applicant or eligible individual or the individual's representative of the order or subpoena in advance of compliance, and request the individual to consent in writing to disclosure of the information.

B. If the eligible individual consents to disclosure of the information, the Division shall comply with the order or a subpoena.

C. If the eligible individual does not consent to disclosure of the information, the Division may comply with the order or subpoena if the:

(1) Individual has been informed of the individual's right to seek a protective order from a court of law;

(2) Information requested is relevant to the subject matter involved in the case;

(3) Information is not privileged; and

(4) Person requesting the information provides written assurance that:

(a) The information will be disclosed only to persons directly involved in the preparation or trial of the case,

(b) The information will be managed in a manner to protect confidentiality and to prevent unauthorized disclosure,

(c) If the information is used in an administrative or judicial proceeding, the information will be placed under seal when this procedure is available, and

(d) The information will be destroyed when no longer needed for the case.

D. The applicant or eligible individual is responsible for asserting any privileges which may exist as to any information in the custody of the Division and requesting an appropriate order from the court to prevent disclosure of the information. If the individual files a timely motion with the court to prevent disclosure of any information in the custody of the Division, the Division may not disclose the information until the court rules on the motion.

.14 Disclosure of Personal Information in Connection with Audit, Evaluation, or Research.

A. The Division may disclose personal information in connection with an audit or evaluation for purposes directly related to the administration of the Division's programs if the person conducting the audit or evaluation assures that the information will:

(1) Be used only for the purposes for which it is provided and will be disclosed only to persons officially connected with the audit or evaluation;

(2) Be managed in a manner to protect confidentiality and to prevent unauthorized disclosure;

(3) Not be disclosed to the applicant or eligible individual; and

(4) Not be disclosed in any report without the informed written consent of the applicant or eligible individual.

B. Disclosure of Personal Information in Connection with Research.

(1) The Division may disclose personal information in connection with research which would significantly improve the quality of life for persons with disabilities.

(2) The person conducting the research:

(a) Shall submit a written request to the Division which describes:

- (i) The purpose of the research,
- (ii) Whether the findings will be published,
- (iii) The nature of the personal information requested, and
- (iv) The safeguards that shall be taken to protect the confidentiality of the information;

(b) May not contact any applicant or eligible individual unless the Division approves and monitors the contact.

(3) In addition to giving assurances required under §A of this regulation, the Division shall require the person conducting the research to make an agreement to protect the confidentiality of personal information in accordance with State Government Article, §10-624(c), Annotated Code of Maryland.

.15 Fees.

A. The Division may charge a reasonable fee for copying records if reproduction is made by a photocopying machine within the Division, or the actual cost of reproduction if reproduction is made by a photocopying machine outside the Division or if the record is not susceptible to photocopying (for example, microfilm, X-rays, etc.). A charge may not be made if the total amount of the fee is \$1 or less.

B. The Division may charge a reasonable fee for the time beyond the first 2 hours expended searching for requested records and preparing the records for inspection and copying. The fee may be prorated for fractions of an hour.

C. The Division may charge for the cost of postage to mail copies of records.

D. Before copying records, the Division shall:

(1) Estimate the cost of reproduction, including research, preparation time, and postage; and

(2) Either obtain the agreement of the person requesting copies of the records to pay the cost or demand prepayment of any estimated fee before reproducing the records.

E. Upon request, the Division may waive or reduce any fee charged pursuant to this regulation if the Division determines that the waiver or reduction is in the public interest. The Division shall consider, among other relevant factors, the ability of the person requesting copies of the records to pay the fee.

.16 Retention of Records of Services.

Records of services shall be maintained for a minimum of 3 years following the closure of a record of services, and then destroyed. **[, except for] Records held by the Workforce and Technology Center [and those approved by the Social Security Administration for reimbursement, which]** shall maintain records for a minimum of 5 years pursuant to Health-General Article, §4-403, Annotated Code of Maryland. *In the event of a case being filed for cost reimbursement, records shall be maintained by the Social Security Unit, Program Income Branch, for six years after the close of the federal fiscal year in which a payment was made by Social Security Administration, pursuant to SSA's Vocational Rehabilitation Providers Handbook. For potential cost reimbursement claims with SSA, records will be retained for a period of ten years.*

.17 Civil and Criminal Liability.

A. Under State Government Article, §10-626, Annotated Code of Maryland, a person who willfully and knowingly discloses or uses personal information about an applicant or eligible individual in violation of the law may be liable to the individual for actual and punitive damages, attorneys' fees, and litigation costs.

B. Under State Government Article, §10-627, Annotated Code of Maryland, a person who willfully or knowingly discloses or uses personal information about an applicant or eligible individual in violation of the law, or by false pretenses, bribery, or theft gains access to or obtains a copy of a record containing personal information about an applicant or eligible individual whose disclosure is not authorized by law to the person, may be charged with a misdemeanor and upon conviction may be subject to a fine not exceeding \$1,000.

CAREY M. WRIGHT, Ed.D.
State Superintendent of Schools

Title 13A
STATE BOARD OF EDUCATION
Subtitle 11 PROGRAMS FOR ADULTS WITH DISABILITIES
Chapter 08 Workforce and Technology Center

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

.01 Scope.

These regulations govern the operations of the Workforce and Technology Center, an organizational unit of the Division of Rehabilitation Services, Maryland State Department of Education, a facility which provides comprehensive rehabilitation services in support of the vocational and independent living goals of individuals with disabilities.

.02 Definitions.

A. In these regulations, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Admission" means the date a person is formally admitted to the Center.
- (2) "Admission committee" means the management team delegated final responsibility to review and approve or deny applications for admission to the Center.
- (3) "Admission criteria" means the standards applied by the Center to determine its capacity and capability to provide the services requested by an applicant and the applicant's capability to benefit from services.
- (4) "Appeal hearing" has the same meaning as defined in COMAR 13A.11.07.02.
- (5) "Assistive technology" means the application of technological methods and principles and the provision of devices and aids to meet the needs of and address the barriers confronted by individuals with disabilities.
- (6) **["Career assessment" means a systematic, organized study of a consumer that is made to identify vocational options, assets, limitations, and behaviors, considering the interests, capabilities, and priorities of the individual, in the context of work environments in which the individual might function.]**
- (7) "Case manager" means the staff person assigned primary responsibility for planning, initiating, coordinating, and monitoring a program of services in conjunction with the individual client.
- (8) "Center" means the Workforce and Technology Center, a facility operated by the Maryland State Department of Education, Division of Rehabilitation Services, for the purpose of providing vocational rehabilitation and independent living services to individuals with disabilities.
- (9) "Client" means an individual who is accepted for services and admitted to the Center.
- (10) "Client Assistance Program" has the same meaning as defined in COMAR 13A.11.01.03.
- (11) "Client's representative" has the same meaning as "individual's representative" as defined in COMAR 13A.11.01.03.
- (12) "Commission on Accreditation of Rehabilitation Facilities (CARF)" means the private, nonprofit organization formed in 1966 which has established standards of quality for rehabilitation services and which accredits those who provide these services.
- (13) "Department" means the Maryland State Department of Education.
- (14) "Director" means the chief administrator who is responsible for the operation of the Center.
- (15) "Discharge" means termination of a program of services being provided for a client of the Center.
- (16) "Division" has the same meaning as defined in COMAR 13A.11.01.03.
- (17) **["[Employer] Business advisory board" means a group of [citizens] employers who voluntarily provide advice, consultation, and recommendations associated with vocational courses offered at the Center.**
- (18) "Employment skills training" means a program offered by the Center designed to provide a client with these skills necessary to achieve employment in a specific occupation.
- (19) "Functional limitations" means conditions resulting from a disability which prevent or impair an individual's ability to perform independent living or vocationally related activities.
- (20) **["Medical director" means the licensed physician who directs, manages, and coordinates medical services provided at the Center.]**

(21) "[**Medical functional evaluation**] *Functional Capacity Evaluation*" means a systematic study of a person to assess and identify the need for physical restoration services, functional assets and limitations, and readiness for vocational rehabilitation or independent living services.

(22) **"Medical rehabilitation services" means the provision of one or more of the following services to clients:**

- (a) Physical therapy;**
- (b) Occupational therapy;**
- (c) Audiology;**
- (d) Speech-language therapy;**
- (e) Rehabilitation nursing;**
- (f) Medical management;**
- (g) Psychiatric or psychological evaluation, or both, and psychiatric or psychological treatment, or both;**
- (h) Therapeutic recreation; and**
- (i) Related services.**

(23) **"Medical staff" means those persons appointed to professional positions within the medical department of the Center in accordance with the credentialing process required by COMAR 10.07.01.24.**

(24) **"Physiatrist" means an individual licensed to practice medicine in Maryland who, by virtue of training and experience, specializes in physical medicine and rehabilitation.**

(25) **"Physician" means an individual licensed to practice medicine in Maryland who has been appointed to the medical staff of the Center.]**

(26) "Program" means a structured set of activities designed to achieve specific objectives established for the client.

(27) "Record" means the official repository of electronic **[and hard copy]** documentation concerning an individual served by the Center.

(28) "Residential services" means the provision of room, board, **[recreation]** *enrichment services*, and other support services in the **[dormitory of the Center or the]** supported residence dormitory.

(29) "Restriction" means a procedure designed to reduce or eliminate maladaptive or inappropriate behavior as part of a progressive disciplinary action program.

(30) "Risk management" means a program developed to identify, evaluate, and reduce the risks to clients in the provision of services at the Center.

(31) "Vocational rehabilitation services" has the same meaning as defined in COMAR 13A.11.01.08.

.03 Referral.

A. Referral of a person to the Center may be made by a:

- (1) Division of Rehabilitation Services staff member on behalf of a client of the Division; or
- (2) Representative of a public or private organization or agency when an agreement has been established between the Center and the organization or program regarding direct referral of an individual.

B. The referral source shall:

- (1) To the extent possible, make available to the admission office of the Center current medical, social, educational, psychological, psychiatric, and vocational rehabilitation information needed to make a determination regarding admission;
- (2) Indicate the services being requested for the applicant and whether the person seeks services as a resident of the Center, as a day client commuting to the Center, or as a client receiving Center services in the client's community; and
- (3) Assure that documentation required by the Center to process an application is complete and accurate and shall be responsible for providing any additional information which may be requested by the admission office.

.04 Admission Criteria.

A. A person may not be denied admission to the Center solely on the basis of the person's race, creed, religion, color, national origin, age, sex, disabling condition, residence, or political affiliation.

B. The admission committee shall comply with the Division's Order of Selection for Services policy set forth at COMAR 13A.11.01.13.

C. The assigned case manager shall review the application and supporting documentation and, based upon the criteria set forth in this regulation, make a decision to admit the applicant or to recommend to the admission committee denial of the applicant.

D. The admission committee and case manager shall make the final decision to admit or deny an applicant to the Center based upon the following criteria:

- (1) The person is an applicant for or recipient of vocational rehabilitation services provided by the Division or by a public or private organization or agency with an established direct referral agreement with the Center;
- (2) The services and resources needed to address the functional limitations presented by the applicant are available at the Center;
- (3) There is evidence that the:
 - (a) Applicant has the developmental, personal, and social skills necessary for self-directed activity and participation in a program of rehabilitation conducted in group settings;
 - (b) Admission request is voluntary on the part of the applicant; and
 - (c) Current health status of the applicant permits participation in a program of rehabilitation services; and
- (4) The applicant to an employment skills training program meets standards for admission and has a reasonable expectation of successfully completing the program and being employed in the field.

E. An applicant may be admitted for residential services *in the Supported Residence Dormitory (SRD) if the admission committee, case manager, or residential supervisor determines that the applicant needs residential services to participate in programs at the Center.*

[(1) Supported residence dormitory (SRD) of the Center, if the admission committee, case manager, or residential supervisor determines that the applicant needs assistance with activities of daily living and/or requires supervision to be able to function in a residential setting; or

(2) Dormitory of the Center, if the admission committee or case manager determines that the applicant is independent in the applicant's activities of daily living and will be able to function in a residential setting with minimal supervision.]

F. Referral information confirms that the applicant who seeks admission for assessment or training services meets criteria specific to the service or program.

[G. An applicant who has been determined to have a communicable disease may not be admitted unless the Center's medical director approves admission on the grounds that the communicable disease is not transmissible through casual contact and the applicant's behavioral characteristics and history indicate that the applicant would not present a risk of transmitting the disease to other clients and staff of the Center.]

H. The admission committee may deny admission to an applicant who, in its determination, presents a danger to the health and safety of other clients and staff at the Center or presents a condition that the Center does not have adequate resources to care for appropriately, including, but not limited to, an applicant:

- (1) Who is behaviorally or psychiatrically unstable or dangerous to a degree which requires intensive supervision or a restrictive therapeutic environment as documented by a licensed physician or psychologist;
- (2) Who is acutely ill or medically unstable, as documented by a licensed physician, and requires medical, surgical, or nursing care beyond the resources of the Center;
- (3) Who is currently using or abusing illegal drugs **or** alcohol;
- (4) Who is a minor and who requires, in order to participate in a program of services, separate residential facilities for care or treatment as may be required by State law or regulation;
- (5) Who is incarcerated or required to be under the strict supervision of law enforcement officers; or
- (6) Who does not have established housing:
 - (a) For weekends;
 - (b) For other times when the Center is closed; or
 - (c) Upon completion of the applicant's service or program.

.05 Admission Decision and Appeal Process.

A. WTC staff shall notify the applicant and referral source of the scheduled admission. If the applicant is being denied admission, the admission committee shall respond in writing and:

- (1) State its reasons for denial;
- (2) Inform the applicant and referral source of the Client Assistance Program and appeal process; and
- (3) When appropriate, provide alternative recommendations for addressing the functional limitations presented by the applicant.

B. The referral source, the applicant for services, or the applicant's representative may request reconsideration of a decision denying admission within 30 days of receipt of the admission committee's decision by requesting, in writing, an opportunity to appear before the admission committee.

C. If the admission committee, after reconsidering, confirms the decision to deny admission, the applicant may request an appeal hearing in accordance with COMAR 13A.11.07.03.

.06 Financial Participation.

A. The Center shall apply the policies, procedures, and schedule governing participation by the client or the client's representative in the cost of services set forth in COMAR 13A.11.01.10 and .15.

[B. Upon admission to the Center, the client or the client's representative shall complete and sign a financial agreement which details the client's or the client's representative's responsibilities for payment, if any, for services to be provided. The financial agreement shall authorize the assignment of costs to third parties if available and applicable.] *Upon the Center's knowledge of the client or the client's representative having a financial participation, the Center will contact Administrative and Financial Services, Program Income Unit.*

.07 Services.

The Center shall provide the following services, depending on the needs of the client and the individualized program of services developed with the client:

A. Case management;

[B. Career assessment;

C. Outpatient medical rehabilitation;]

D. Assistive technology (AT);

E. Employment skills training;

F. Work readiness services;

G. Worksite services;

H. Room, board, and **[recreation]** *enrichment*;

[I. Addiction assessment and addiction counseling for clients who are enrolled in other Center programs;]

J. Other services which may reasonably be expected to benefit the client and which may be needed to address the client's individualized rehabilitation needs or functional limitations; and

K. Special programs for clients including:

- (1) Blindness and vision services;
- (2) Autism services;
- (3) Services for transitioning youth; and
- (4) Deaf and hard of hearing services.

.08 Discharge Planning.

A. For clients receiving **[medical functional evaluations, comprehensive assessments, and]** employment skills training, the case manager and the client shall initiate a discharge plan upon the client's admission to the Center and document the discharge plan in the record. The case manager shall include in the discharge planning process:

- (1) The client;
- (2) Family members or others who can provide support and assistance to the client;
- (3) Members of the interdisciplinary team who may be involved in the delivery of services to the client; and
- (4) The referral source.

B. The case manager shall notify the client, the client's family, representative, the referral source, and rehabilitation team members of the proposed discharge date.

C. The case manager for clients receiving **[medical functional evaluations, comprehensive assessments, and]** employment skills training shall hold a discharge conference with the client on or shortly before the day of discharge to summarize services, discuss issues, and outline the steps needed to facilitate transition to the next phase of the client's rehabilitation program. The client shall be informed that a written report will be submitted to the referral source in a timely fashion after the conclusion of the service.

.09 Discharge.

A. Workforce and Technology Center staff may discharge a client from the Center under any of the following circumstances and with the active participation of the client, the client's representative, and the referral source:

- (1) The client satisfactorily completes the rehabilitation program as presented in the client's service plan;
- (2) The client meets the requirements for graduation from an employment skills training program;
- (3) The client initiates voluntary termination of the program;
- (4) The client's medical condition prevents continued participation in a program of services;
- (5) The client exhibits behavior which is dangerous or harmful to the client or to others in accordance with Regulation .11 of this chapter;
- (6) The client is permanently suspended as a result of disciplinary action in accordance with Regulation .11; or
- (7) The client dies.

B. The Center's Assistant Director may discharge a client from the Center under any of the following circumstances and with the active participation of the client, the client's representative, and the referral source:

- (1) The client fails to achieve satisfactory progress, based upon the service plan, and efforts to resolve the issues contributing to the lack of progress are unsuccessful; or
- (2) The client is absent for more than 3 full program days without providing an acceptable reason to the case manager.

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.

(2) If the discharge decision is confirmed pursuant to §C(1) of this regulation, at the time of discharge from the Center, the client, the client's representative, and the referral source shall be given written notification of the:

- (a) Reason for discharge;
- (b) Availability of the Client Assistance Program; and
- (c) Appeal process in accordance with COMAR 13A.11.07.03.

(3) If the discharge decision is confirmed pursuant to §C(1) of this regulation and the client pursues an appeal hearing in accordance with COMAR 13A.11.07.03, the client may remain at the Center and receive services pending the appeal process.

D. A copy of the discharge summary shall be forwarded to the referral source and included in the client's record.

.10 Disciplinary Action.

A. The Director or the Director's designee may take appropriate disciplinary action against any client who violates the Center's regulations and procedures, or whose behavior is disruptive to the operations of the Center's programs and services. The severity of the disciplinary action shall be based on the nature and scope of the client's behavior. Disciplinary action may range from imposing appropriate restrictions on the client's privileges at the Center to temporary or permanent suspension from the Center.

B. Restrictions on Privileges. The case manager or residential services staff, or both, as appropriate, may impose appropriate disciplinary actions involving restrictions on privileges and shall inform the client of the disciplinary action and the reasons for the action. The case manager or residential services staff, or both, as appropriate, shall, in a timely manner, notify the referral source of the disciplinary action and reasons for the action.

C. Temporary or Permanent Suspension.

(1) The Center's Assistant Director, with the active participation of the referral source, shall implement the temporary or permanent suspension of a client from the Center.

(2) The Assistant Director shall:

- (a) Give the client oral and written notice of the suspension and the reasons for the suspension;
 - (b) Inform the client and the client's representative of the Client Assistance Program;
 - (c) Inform the client and the client's representative that the client may request reconsideration of the Assistant Director's decision to the Director of the Center;
 - (d) Inform the client and the client's representative that the client may appeal the decision in accordance with COMAR 13A.11.07.03; and
 - (e) Notify the referral source in writing of the client's suspension.
- (3) A temporary suspension may not exceed 30 program days on the first occurrence.

D. A client whose presence in the Center poses a continuing danger to self or others may be suspended from the Center immediately, pending the reconsideration and appeal process.

E. The disciplinary action taken against a client shall be documented in the client's record.

F. A client who has been temporarily suspended from a program of services may not be permitted to return to the Center until a case conference is held between the client or the client's representative, the case manager, the referral source, and any other Center staff who are providing services to the client. At the case conference, the case manager shall establish the conditions under which the client may return to the Center, including any restrictions which may be imposed, or whether the suspension should be extended or made permanent.

.11 Client Orientation.

A. Each client admitted to the Center shall be provided with orientation services addressing both general operations of the Center and specific matters associated with the client's enrollment into a program of services.

B. The Center's Admission Packet which includes the rules and regulations shall be presented in writing to the client during the admission process. The client or, as appropriate, the client and the client's representative, shall acknowledge receipt of a copy of the regulations and procedures associated with participation in a program of services at the Center by signing the document.

C. The orientation program shall also include, as appropriate and required:

[(1) Medical screening;

(2) Interview and completion of financial forms by the Admissions Office;]

(3) Introduction to the specific program area or areas involved in the delivery of services[; and

(4) Development of the service plan as specified in Regulation .08].

D. The client shall be informed of the attendance policies relating to the program of services in which the client is enrolled, and the consequences which may result if the client is absent without authorization.

E. The Center's Admission Packet which includes the Consumer Bill of Rights shall be presented in writing to the client during the admission process. The client or, as appropriate, the client and the client's representative, shall acknowledge receipt of a copy of the Consumer Bill of Rights and confirm that they have been provided the opportunity for clarification of their rights at the Center and of the methods and procedures available to present a complaint, seek review or appeal of any decisions involving the provision or denial of services, or address any other matter which may be of concern while enrolled in the Center, by signing the document.

.12 Employment Skills Training.

A. The Director shall assure that written policies and procedures are maintained relating to the planning, development, and provision of employment skills training courses. These policies and procedures shall include but not be limited to written curriculum and course descriptions which shall describe the:

(1) Training objectives;

(2) Performance standards against which the client's progress shall be assessed and the methods of assessment; and

(3) Requirements for course completion and extension of the program.

B. The Director shall assure that an organized review of curriculum content, materials, and equipment is conducted at least once every 3 years in order to assure their continuing relevance. This review may be conducted as part of the activities conducted by the **[Employer] Business** Advisory Boards established for specific courses.

C. Instructional personnel shall have active involvement in conferences and in service plan development, review, and modification for those clients served within their respective areas.

[.13 Career Assessment Services.

A. The Director shall assure that policies and procedures are maintained relating to the planning, development, and provision of career assessment services to ensure that an array of assessment services are offered to meet the needs of the client and the referral source.

B. Career assessment services shall be sufficiently comprehensive to obtain physical, intellectual, social, and work-related information necessary to identify a client's interests, knowledge, aptitudes, work skills and work-related capabilities and behaviors.

C. The career assessment services shall employ work samples which shall be:

- (1) Representative of realistic competitive worker traits and skills;
- (2) Established by an analysis of job tasks or traits related to a specific area of work and standardized as to materials, layout, instructions, and scoring; and
- (3) Based upon competitive norms or industrial standards.

D. Appropriate adaptive assessment tools and methods shall be used wherever possible with clients having sensory, physical, communication, or other functional impediments which might invalidate standardized procedures.

E. The length of time a client remains in career assessment shall be based upon the type of assessment requested and the time necessary to accomplish the client's evaluation goals.

F. Evaluation data shall include personal interviews and behavioral observations conducted by Center staff or consultants.

G. Based on referral information, referral questions to be answered, questions from the person served, the initial interview, pre-evaluation assessment of potential modifications required to meet a person's specific needs, and the stated purpose of the evaluation, a specific written evaluation plan shall be developed with each client which shall identify:

- (1) The specific type of career assessment requested;
- (2) The questions to be answered through the evaluation;
- (3) Methods to be used to address the referral questions; and
- (4) Reasonable accommodations and assistive technology needs and assistive technology strategies to be used.

H. Career Assessment Services staff person will provide preliminary information about the assessment results at the conclusion of the service. A written evaluation report shall be prepared for each client served in career assessment, and disseminated to the referral source within 14 working days of discharge from the Center. The evaluation report may be disclosed to other appropriate agencies or individuals only in accordance with the standards of Regulation .17 of this chapter.]

[.14 Medical Services.

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.]

.15 Records.

A. The Director shall assure that policies and procedures are developed and maintained to ensure that a confidential **electronic** record[, **including electronic and hard copy,**] is established and maintained for each client admitted to the Center.

B. The record for each client shall include:

- (1) Case identification data;
- (2) Pertinent history, diagnosis of disability, functional limitation or limitations, and goals;
- (3) Reports of assessment and individual program planning;
- (4) Reports from referring sources;
- (5) Reports of staff conferences;
- (6) The individual service plans;
- (7) **[Signed and dated service and progress reports]** **Service provision documentation** from each Center department providing service;
- (8) Release forms;

- (9) Reports from outside consultation including laboratory, radiology, medical, or related services;
 - (10) Designation of the case manager for the client;
 - (11) Evidence of the client's, and when appropriate, the family's participation in the decision-making process of the client's program;
 - (12) Discharge information; and
 - (13) Other information relating to the planning, provision, and management of services to the client.
- C. The Center record shall be retained for a minimum of 5 years from the time the client is discharged from the Center.
- D. The record shall be maintained in [a secure area] *the agency's electronic case management system* and may be disclosed to the client, the client's representative, or others only in accordance with the standards set forth in COMAR 13A.11.06.
- E. The record may not be removed from the Center unless by court order or with the permission of the Director or Director's designee.
- F. Staff members of the Center or the Division who are involved in providing rehabilitation services to a client may maintain a working file relating to the client for their own use in planning, implementing, and managing the services, provided that these files are maintained in a secure place and are not accessible to or revealed to any other person, except in accordance with the standards of COMAR 13A.11.06.

.16 Protection, Use, and Release of Personal Information.

- A. The Center shall apply the policies and procedures set forth in COMAR 13A.11.06 Records of Services.
- B. Personal information in the possession of the Center shall be used only for purposes directly connected with the planning, implementation, and management of rehabilitation services provided by the Center and the Division. The Center may obtain personal information from service providers and cooperating agencies under assurances that the information may not be further divulged except in accordance with this regulation.

.17 Accreditation and Licensing.

- A. The Director shall assure that policies and procedures are maintained to comply with licensing and accrediting standards for [career assessment,] employment skills training[, outpatient medical rehabilitation services,] and any other services or programs for which the Center has or obtains accreditation or appropriate licensing as may be required by State law and regulations or by the Commission on Accreditation of Rehabilitation Facilities.
- B. The Director shall assure that the Monitoring Committee is established and maintained in accordance with applicable State laws and regulations and standards established by accrediting organizations.
- C. The Director of the Center shall assure that the policies and procedures are maintained for:
- (1) A risk management program;
 - (2) An infection control program;
 - [(3) A physician credentialing procedure;]**
 - (4) A program evaluation system; and
 - (5) Policy development through the Division's Policy Review Committee.

.18 Administrative Operations.

- A. The Director shall assure that policies and procedures are established and maintained in compliance with applicable federal, State, and local ordinances, laws, regulations, and orders as they apply to the use of facilities including, but not limited to, standards associated with health, welfare, sanitation, and safety.
- B. The Center shall be maintained in accordance with applicable fire code requirements set forth in State laws, regulations, and local ordinances. The premises shall be inspected annually and approved by the local fire authority.
- C. The Center shall maintain a fire and disaster plan in accordance with applicable State and local ordinances and shall regularly conduct fire drills during all shifts. A record of each fire drill shall be prepared and maintained.
- [D. The Division of Rehabilitation Services Police may stop and conduct a frisk of a client, employee, visitor, or any other person on the premises if there is reasonable belief that the person possesses a weapon which presents an imminent danger to the safety of that person or other persons in the Center.]**
- E. The Director or the Director's designee may authorize searches of the physical plant including lockers and residential areas assigned to individual clients when there is a reasonable belief that the search is essential to prevent imminent danger to the safety

or welfare of a client, an employee, or other persons on Center property, or that the search will produce evidence that the client has violated or is violating either the law or rules of the Center. A search of the physical plant may be undertaken without advance authorization if imminent danger to the health, welfare, or safety of clients or others exists. The Director or designee shall be immediately notified of any search that was conducted without advance authorization. All searches shall be made in the presence of a third party.

F. The Director shall ensure that the Center is accessible to individuals with disabilities in accordance with the requirements of the:

- (1) Architectural Barriers Act of 1968, 42 U.S.C. 4151 et seq.; and
- (2) Uniform Federal Accessibility Standards, 41 CFR Subpart 101-19.6.

CAREY M. WRIGHT, Ed.D.
State Superintendent of Schools