

## 3.1 ALCOHOL AND DRUG SERVICES

Diagnosis for alcohol and/or drug addiction is to be provided by a medical doctor skilled in the diagnosis and treatment of such disorders (i.e., addictionist or medical doctor employed by a state licensed/certified substance abuse treatment program), psychiatrist, licensed psychologist, or psychologist in the employ of a local, state, or federal governmental agency. Documentation of the disability must be current (within the 12 months prior to the date of application).

The counselor must determine if the individual's functional limitations are severe enough to constitute a substantial impediment to employment. The counselor must determine how alcohol and/or drug abuse impedes the individual's occupational performance by assessing how the individual is prevented from securing, retaining, or regaining employment in accordance with their abilities. The counselor must describe the specific impact these functional limitations have had on the individual's vocational functioning within the last 12 months.

In general, the diagnosis of substance abuse/dependence **does not** constitute a substantial impediment to employment if the individual has been "in remission" according to the American Psychiatric Association's *Diagnostic and Statistical Manual, Fourth Edition* (DSM-IV) criteria for one year or longer. If employment problems are still evident, it is suggested that other disabilities be explored. According to DSM-IV, individuals cannot be considered "in remission" while on prescribed medication for substance abuse (e.g., anabuse, methadone) or in a controlled environment (e.g., treatment facility, halfway house, prison).

Substance abuse/dependence can be a major disabling condition according to RSA disability codes. However, it is not automatically considered a severe disability. The counselor is to use the *OVR/OVRB Policy and Procedures Manual and Resource Guide* as reference when determining severity of disability.

The Agency **does not** provide assistance for primary alcohol and/or drug abuse treatment. These services are available through private treatment centers; public mental health-affiliated centers, and the two state hospitals. The public mental health-affiliated programs are mandated by law to serve all individuals who live within their region and need services regardless of ability to pay. There is no charge for the treatment at the two state hospitals.

On a case-by-case basis, clients who are eligible for vocational rehabilitation (VR) services may be assisted with the cost of residential secondary (three-quarter way) alcohol and/or drug treatment provided by those centers that have a written agreement on file with the Agency. The Agency contracts with both private and public, mental health affiliated programs. The counselor may **only** authorize for treatment to programs that are listed in the Agency Fee Schedule.

The Agency recognizes that for some individuals, detoxification\* is the first step in the treatment process toward recovery from drug(s) of dependence. However, individuals who do not continue with primary treatment do not receive the benefit of education in the disease process; no teaching on the psycho/social affects of addiction; nor has the individual dealt with emotional and behavioral obstacles associated with life free from alcohol and/or drug abuse. Therefore, the Agency will not sponsor any client in three-quarter way treatment until that person has successfully completed a minimum of 28 days in a primary treatment program. Referral for residential secondary (three-quarter way) treatment should be made while the individual is in the latter stage of primary treatment. **The client's file must contain a report from the treatment center that primary treatment has been successfully completed and three-quarter way treatment is recommended.**

Individuals who are participating in primary alcohol/drug treatment and are being considered for VR sponsorship in secondary treatment need to be staffed by the counselor taking the application with the counselor to whom they plan to transfer the case. This should occur prior to the counselor accepting the case to ensure adequate funds are available in the district to which the case is being transferred.

It should not be the responsibility of the treatment center or individual to call the secondary treatment liaison counselor about this. It should be an internal VR process.

The Agency may pay for three-quarter way treatment a maximum of three times. After the third time the Agency has served (in an active status) an individual who has the disability of alcohol and/or drug dependence, service provision will be limited to counseling, guidance, placement, and follow-up ("no cost" services). To help track these clients there is a printout, which includes both alcohol, and drug cases served and closed from October 1987 through August 1995. Counselors may access this information through the appropriate District Manager's office. The counselor may access information from October 1993 through the present in the automated case management system. Any exception to these guidelines requires the approval of the District Manager.

For referrals received on individuals who have only completed detoxification and are already in secondary treatment, the Agency will not pay for secondary treatment. However, the Agency will provide other services, if the individual completes a minimum of 30 days of secondary treatment.

If an individual has completed primary treatment and declines the recommended secondary treatment, the counselor will decide whether to provide additional services. The counselor is to consider the individual's reason for not attending secondary treatment, the individual's plan for ongoing treatment, and the individual's past history of treatment (history of relapse indicates extended treatment is needed).

If an individual requests services for another disabling condition, the counselor may request the individual take a drug test under the following conditions:

- Medical evidence or other objective and factual evidence shows that the individual is using drugs or
- The individual's behavior suggests drug use

If the results of the drug test are positive, the individual will be given the option of submitting to primary treatment at his/her own expense. If the individual refuses treatment, the individual will not be served.

The Agency provides counseling, guidance, vocational evaluation, vocational adjustment, job placement, referral to Alcoholics or Narcotics Anonymous, and other VR services, as appropriate for the individual client. Alcoholics Anonymous and Narcotics Anonymous are recognized as valuable programs contributing to an individual's lifelong maintenance of sobriety and abstinence. The counselor should strongly encourage the client to participate in programs offered by these organizations.

\*The Agency used the Department of Mental Health's definition of detoxification, which states that detoxification is the process through which a person who is physically and/or psychologically dependent on alcohol, illegal drugs, prescription medications, or a combination of these drugs is withdrawn from the drug(s) of dependence. Methods of detoxification include medical detoxification (detoxification in a hospital setting) and social detoxification (detoxification in a non-hospital supportive environment.)

#### **Role of the VR Alcohol & Drug Treatment Center liaison counselor:**

There is an Agency liaison counselor designated for secondary alcohol and drug treatment programs throughout the state. A list of these counselors may be found in the Agency Fee Schedule. Although the Agency does not sponsor individuals in primary treatment programs, a good working relationship must be maintained with these programs, as they will be making referrals to the Agency for other services. Each District Manager should assign a liaison counselor for each primary treatment program located in his/her district.

Examples of the liaison counselor's responsibilities include, but are not limited to, the following:

VR Liaison Counselor to the Primary Treatment Center

- Serve as the initial contact point for the treatment center on issues such as the Agency policies, services, funding matters, referrals, criteria for eligibility, paperwork required, etc.
- Contact the counselor who serves the three-quarter way facility where the referred individual will be entering.
- Develop, with the referral, the IPE so that all parties involved (client, primary treatment staff, and three-quarter way administration) will know for sure before admission that VR will be sponsoring and authorizing the per diem.
- Transfer the case file to the counselor who serves the three-quarter way facility so that he/she can authorize prior to admission.

VR Liaison Counselor to the Secondary Treatment Center

- Be an active participant in the client's treatment program.
- Authorize for three-quarter way treatment prior to admission into the center.
- Serve as an intermediary between the treatment center and the local counselor for any client who is from another area of the state.
- Attend regularly scheduled staff meetings at the treatment center to share information, help plan, and coordinate appropriate client services.
- If the client has a job to go to directly upon completion of three-quarter way services, the counselor should retain the case file for closure regardless of where the client is working. If the client does not have a job upon completion of three-quarter way services, and will need additional planned services, the case file should be transferred to the counselor serving his/her place of residence. The counselor who can best meet the VR needs of the client at the time should manage the case of any client whose circumstances fall outside those described above.

**PHYSICIANS CERTIFIED IN ADDICTION MEDICINE**

The following physicians are certified in addiction medicine. A physician may be added to this list of approved addictionists, by submitting proof of certification to the state office staff person responsible for the Alcohol and Drug Program.

**Brandon**

Dr. Calvin P. Poole

**Jackson**

Dr. Ken Cronin, St. Dominic's North

Dr. Loyd J. Gordon, III, COPAC

Dr. James J. Kramer, COPAC

**Pascagoula**

Dr. Harris G. Barrett

**Tupelo**

Dr. H. T. Palmer

# NOTICE OF PROPOSED RULE ADOPTION

## STATE OF MISSISSIPPI Mississippi Department Rehabilitation Services Office of Vocational Rehabilitation

Mississippi Department Rehabilitation Services  
c/o Mr. Gary Neely, OVR Director  
Post Office Box 1698  
Jackson, MS 39215-1698  
(601) 853-5230  
gneely@mdrs.state.ms.us

**Specific Legal Authority authorizing the promulgation of Rule:** OVR/OVRB Resource Guide, Section 3.3 Business Projects

**Reference to Rules repealed, amended or suspended by the Proposed Rule:** Amendment to existing rules

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:** Update Section 3.3 Business Projects to include more involvement by the counselor, revision of Form VR-007 Client's Initial Proposal for a Self-Employment Business Project, put in place instructions for a self-employment team, and add the option of the client to submit a formal business plan in lieu of completion of Form VR-007

This rule is proposed as a  Final Rule, and/or a  Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

**Oral Proceeding:** Check one box below:

An oral proceeding was held on this rule on April 21, 2006 Time: 10:00 AM, Mississippi Department of Rehabilitation Services Auditorium, 12 81 Hwy 51 North, Madison, MS 39110.

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least \_\_\_\_ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

**Economic Impact Statement:** Check one box below:

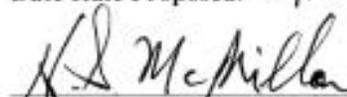
The agency has determined that an economic impact statement is not required for this rule, or

The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: 5/15/2006

Proposed Effective Date of Rule:

 H. S. McMillan, Executive Director  
Signature and Title of Person Submitting Rule for Filing

### 3.3 BUSINESS PROJECTS

Self-employment, telecommuting, and establishing a small business are employment outcomes available in assisting individuals with disabilities to obtain employment opportunities consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. To achieve a self-employment goal the counselor must determine if the client is capable of performing the duties required. A vocational assessment to measure intellectual functioning, as well as basic math and reading skill levels may be necessary. Additionally, the counselor should document that the client understands that he/she will be required to contribute to the costs of starting self-employment or a small business enterprise. For the client this will mean using his/her savings, resources, or income.

The Rehabilitation Act of 1973, as amended in 1998, allows for the provision of the following business project-related services to eligible individuals who are pursuing self-employment, telecommuting, or establishment of a small business operation as an employment outcome:

- Occupational licenses, tools, equipment, and initial stock.
- Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources; to the extent such resources are provided through the statewide workforce investment system.

The following guidelines will assist the counselor and the client in the provision of these services and in exploring the feasibility of a business venture.

#### **Agency Participation:**

Upon determination that the client is eligible for services and self-employment has been selected as an employment goal, the counselor shall accompany the client on a visit to an appropriate professional setting such as a small business development center, the office of a business consultant/planner, or a Certified Public Accountant's office. The purpose of this visit shall be to obtain guidance and assistance to be used in the development of a viable business proposal.

The counselor should ascertain the client is knowledgeable of the business venture guidelines (**Entrepreneur's Tool Kit**) compiled by the Mississippi Development Authority.

The client is to submit a completed Form VR-007 or a formal business plan so that the counselor will have sufficient information to analyze the probability of success of any business project for which Agency financial participation is being sought. The counselor should consider the following factors and document in a case note prior to obligating Agency funds:

- Client's ability to perform the duties of the particular business
- Previous work experience and/or training
- Knowledge of operating requirements of the particular business
- Age, physical ability and psychological stability, medical information, and psychological reports should be obtained relating to the client's ability, physically, emotionally, and intellectually to handle the demands of a business.

Additional related Agency policies and guidelines (e.g., purchasing, comparable benefits, informed choice, and assistive technology services/devices) must be adhered to prior to obligating Agency funds.

After completion of the initial proposal for a self-employment business project (Form VR-007), the counselor shall assemble a self-employment team consisting of the counselor, client, district manager, state office business projects coordinator, Small Business Administration representative and/or small business consultant associated with chosen field of operation, or other professional such as certified public accountant to review the business proposal. (If the Small Business Administration representative assisted in writing the business proposal or any other individual who assisted in the development of the business proposal, this individual shall not serve on the team.) The duty of the team is to provide a recommendation for approval or disapproval of the business proposal. If the business proposal is disapproved, a written recommendation and suggestion for the conditions of approval should be given to the client. The client then has the option to re-submit the business proposal to the team, fund self-employment through means other than VR, abandon the business proposal, or appeals the decision (fair hearing process).

After approval of the business proposal by the self-employment team, the counselor may approve business projects that do not exceed five thousand dollars (\$5,000). The District Manager may approve all business projects between five thousand dollars (\$5,000) and ten thousand dollars, (\$10,000). All business projects **exceeding** ten thousand dollars (\$10,000) must be reviewed by the District Manager and forwarded to the state office for staffing/review. No definite commitment will be given to the client until the proposal is approved by the District Manager and/or, if appropriate, the Executive Director or designee.

### Limitations of Agency Participation

Agency expenditures are allowed only for **initial costs** of starting the business project, and may include the following business related expenses:

- Initial stock, merchandise, and operating supplies that may not exceed an amount equal to a **two-month** inventory.
- Rent, utilities, business telephone, etc., and necessary deposits can be paid only for a period to cover the first **two months** of the operation.
- Insurance payments (e.g., Workers' Compensation, liability, premises, equipment, etc.) may cover only the first **two months** of the business operation.
- Advertisement (e.g., classified, telephone directory, portable business signs, etc.) may be purchased to cover a period not exceeding **two months** for the opening of the business.
- VR may financially assist the client, as necessary, in securing the required business licenses permitting the sale of soft drinks, tobacco, foods, etc.

For any of the above business related expenses, which require a twelve-month payment, lease, and/or deposit, VR will only be responsible for a pro-rata share (**two months or 1/6th**) of the expenses.

VR will fund no more than 90% on amounts up to \$5,000.00; 70% on amounts above \$5,000.00 up to \$10,000.00; and 50% on amounts above \$10,000.

VR funds **cannot** be utilized for the purchase of: land, permanent building(s), or motorized vehicles including motorized farm equipment used for transportation. VR funds **cannot** be utilized for the rental of motorized vehicle(s) or motorized farm equipment. VR funds **cannot** be utilized for insurance coverage for motorized vehicle(s) or motorized farm equipment, purchased or rented.

### **Shelter (Portable):**

Portable shelter for agricultural enterprises, road-side stands and other types of agricultural objectives will be covered by this policy which, in general, requires that the shelter be one which is portable and can be easily dismantled, moved along public roads by truck and reassembled, when necessary, at a new location. In order for shelter of this type to be considered as placement equipment, it must be different from shelter customarily furnished by a landlord as a part of a lease agreement. Portable shelter provided a client will be considered as any other equipment purchase.

**Wells and Water Systems:**

Of particular significance in rural or agricultural projects is the provision of sinking and curbing water wells as "Other Services." The provision of an adequate water supply may be necessary services in connection with establishing a client in a business or for the maintenance of livestock, for the maintenance, protection, and sanitary operation of a dairy or other related farm projects, or for the irrigation of crops, which are the sources of income from the farm. In providing this service, the counselor must take into consideration the following factors:

- (1) The amount to be invested in the well should be reasonably related to the financial return anticipated from the agricultural project for which the well is necessary.
- (2) No expenditure may be made for the general maintenance of such a well since this would normally be considered an operating expense rather than an expense involved in the initiation of the enterprise.
- (3) The provision of well pumps and distribution systems is considered as "equipment" and should be planned as such.

Business project expenses that are not herein discussed should be discussed with and reviewed by the District Manager before being planned for the business project.

**ANY BUSINESS PROJECT TOTAL EXPENDITURE IN EXCESS OF TEN THOUSAND DOLLARS, (\$10,000), MUST BE REVIEWED BY THE EXECUTIVE DIRECTOR OR DESIGNEE.**

**Client Cooperation:**

The client will be required to cooperate in all aspects of the business project by maintaining daily records of the business. The records shall be available for review, including daily sales, purchase invoices, business bank transaction documents validating all expenses such as pest control, machine repair, wages, etc., as well as records of any merchandise removed from the business for personal use. Any other records determined by the counselor to be necessary shall also be maintained.

**Follow-Up:**

Close follow-up to ensure immediate problem identification and possible resolution is essential to the success of a client in a business project. The counselor should meet with the client at least every thirty days to ascertain any problem(s), which have been identified, are being adequately resolved.

**Requirements for Case Closure (Rehabilitated):**

The following, in addition to the requirements for successful closure listed in the OVR/OVRB Policy and Procedures Manual, apply to the business/agriculture project and is required prior to the successful case closure as rehabilitated:

A pre-closure conference must be held with the client, the counselor, and the District Manager. If other business professionals were consulted during the planning of the business project, they should be included in the conference, when feasible. This conference should determine if the business is profitable, if the client has additional needs now, or will need post-employment services in the future. If profits are determined to be adequate and if no immediate problems are foreseen, the case may be closed as rehabilitated.

NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI
Mississippi Department Rehabilitation Services
Office of Vocational Rehabilitation

Mississippi Department Rehabilitation Services
c/o Mr. Gary Neely, OVR Director
Post Office Box 1698
Jackson, MS 39215-1698
(601) 853-5230
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Specific Legal Authority authorizing the promulgation
of Rule: OVR/OVRB Resource Guide, Section 3.17
Transition Program (Secondary Education)

Reference to Rules repealed, amended or suspended
by the Proposed Rule: Amendment to existing rules

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: To provide VR
counselors with guidelines on the new direction of the Agency's Secondary Education Transition Program, establish
guidelines for implementation of a Career Exploration Curriculum in secondary schools, addition of Transition Specialist
agreements, and add information on the Occupational Diploma

This rule is proposed as a [X] Final Rule, and/or a [ ] Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above
address. Persons making comments should include their name and address, as well as other contact information, and
if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

[X] An oral proceeding was held on this rule on April 29, 2005, 2:00 PM, Mississippi Department of Rehabilitation
Services Auditorium, 12 81 Hwy 51 North, Madison, MS 39110.

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at
the above address at least \_\_\_ day(s) prior to the proceeding to be placed on the agenda. The request should
include your name, address, telephone number as well as other contact information; and if you are an agent or
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number of the party or parties you represent.

Economic Impact Statement: Check one box below:

[X] The agency has determined that an economic impact statement is not required for this rule, or

[ ] The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: 5/15/2006

Proposed Effective Date of Rule:

[Signature] H. S. McMillan, Executive Director
Signature and Title of Person Submitting Rule for Filing

## 3.17 TRANSITION PROGRAM (Secondary Education)

MDRS has been actively involved in working with eligible secondary school students with disabilities since 1962. The Agency has a commitment to provide a comprehensive program of services that will enable students with disabilities to make a seamless transition from school to work. In order to effectively meet the needs of these students, the Agency maintains a Memorandum of Understanding (MOU) with the Mississippi Department of Education (MDE). The Agency assigns VR Counselors to work with specific high schools to provide transition services in accordance with the following federal laws:

- Rehabilitation Act of 1973, as amended;
- The Carl D. Perkins Vocational and Applied Technology Act, as amended; and,
- The Individuals with Disabilities Education Act, as amended.

### 3.17.1 AGREEMENT OF COOPERATION

In addition to the MOU with MDE, the Agency maintains individualized agreements between the local school districts and vocational rehabilitation offices. These agreements define referral procedures and the roles of the school and VR staff in the provision of transition services that are specific and tailored to the unique situation of each school and VR district.

Each VR Transition Counselor is responsible for developing and maintaining an agreement between the Agency and local school district. A copy of the form to be used for this agreement may be obtained from the State Coordinator for Transition Services. The form includes instructions and has been designed to assist in the development of the agreements locally.

Pages 1 and 2 of the form are generic (standard contract language). The VR Counselor will photocopy these pages and use them exactly as they are written with the name of the school district typed on the blank line.

Page 3 should begin with item number 10 (the Agency and school district) further agree to the following procedures:). The VR Transition Counselor and local school district personnel should jointly develop this section. The form includes examples which are provided as guidelines only to assist in the preparation of the individualized local agreement. The agreement should specify which agency is responsible for various activities; it can be as specific as needed. For example, the names of individuals who will be responsible for various tasks may be named, or they may be referred to by job titles instead. In individualizing these agreements, it will become apparent that there are several ways to handle referrals, etc. The form should be individualized according

to the procedures that are established between the VR Transition Counselor and local school district personnel.) If services are being provided at one of the Agency's CRP's the Facility Manager should be involved in developing and sign off on the school agreement. It is desirable to have a representative from the school accompany students to the CRP to assist with supervision, discipline, and instruction when possible. It is also required that schools provide transportation to the CRP for students. This should be kept in mind when negotiating the Transition Agreements between the Agency and local schools. Section 10 may contain as many pages as needed, however, number subsequent pages in sequence.

The signature page may be photocopied and filled in (include the page number at the top in the sequence in which it occurs).

The agreement may be developed with either an individual school or a school district that may include more than one school. However MDE has requested that the Superintendent of the local school district sign the agreement. A copy of the agreement may be given to the local schools if appropriate.

The VR District Manager should approve and sign the original agreement. The VR District Office should keep the original agreement and provide copies to the School or School District and MDRS State Office (mail to the attention of the State Coordinator for Transition Services).

**The agreement should be reviewed annually and updated if needed.**

### **3.17.2      IDENTIFICATION OF SECONDARY STUDENTS**

At the time a student is placed on roll, the information is entered into AACE, MDRS' caseload computer system, to allow students to be tracked throughout the rehabilitation process. In order for these students to be tracked successfully, it is critical that counselors complete the fields on the "Special Programs" and "Personal Information" pages in AACE, which will indicate this is a transition case. When students leave the school system they continue to be enrolled in the VR system until such time that the individual is successfully rehabilitated or until their case is closed for reasons other than successfully rehabilitated.

### **3.17.3      TRANSITION PLANNING**

Transition planning activities may include: (a) IEP development, (b) vocational/career counseling and guidance, (c) sharing information about the availability of VR services to individuals or groups, (d) receiving referral information, (e) meeting with students and their parents and/or representatives for the purpose of initiating intake procedures and explaining services, (f)

evaluation and assessment, (g) career exploration services, (h) job search skills, (i) consultation and technical assistance, and (j) any other appropriate activities to assist the school or the student in preparing students for transition from secondary to post-secondary school training or work.

Counselors may choose to open cases on students while they are in the second semester of the junior year, as appropriate, to ensure completion of all intake and evaluation procedures so that planned services may begin in a timely manner in the student's final school year.

MDRS will provide services to eligible students with disabilities who are seniors, age 18 or older, and/or in their final year in the school system. As outlined in the local agreements, no VR services will be provided if there are:

- comparable benefits for the provision of these services, or
- funds available through the school district's resources (including application for grant funding) for the provision of services agreed upon between the school district and the VR Transition Counselor.

In planning transition services for students, the IPE for a student determined to be eligible for vocational rehabilitation services must be developed and approved (i.e., agreed to and signed by the individual/representative and the counselor) before the student leaves the school setting and as early as possible during the transition planning process. The vocational component of the student's IEP should be monitored by the counselor to ensure collaboration with the school district on his/her IPE with respect to vocational goals and objectives. A copy of the student's IEP should be placed in the VR client file for that student.

Once the student leaves the school system, it becomes the full responsibility of the VR Transition Counselor to continue to provide services necessary to further prepare the individual for work and/or provide job development and placement in permanent employment that satisfies the goals and objectives of the IPE.

### **3.17.4 SCHOOL-BASED TRANSITION SERVICES**

#### **Career Exploration and Employability Skills Program (CEESP)**

The VR Transition Counselor will work together with the classroom teacher to implement a career exploration curriculum for students with disabilities including students who are participating in an occupational diploma course of study. It is not mandatory that the student be a VR client to participate in CEESP, however, if the student is a VR client, the student will need a vocational assessment to aid in the development of the IPE.

The VR Transition Counselor is prepared to teach the CEESP curriculum and will do so as agreed upon with school personnel. In addition to being prepared to teach the CEESP curriculum, the Counselor will provide the classroom teacher with information, technical assistance, and/or CEESP curriculum materials as needed and requested.

The VR Transition Counselor who supervises the student in the CEESP should document the student's progress in AACE case notes. Case notes should show progress in various areas of performance as described on the student's IPE. The VR Transition Counselor should provide the classroom teacher a report of the student's participation and progress in the CEESP on a regular basis.

**TRANSITION SPECIALIST PROGRAM** – MDRS and the local school district may enter into a Cooperative Agreement to jointly fund a Transition Specialist position to ensure a smoother transition of services between the school and VR. The Transition Specialist will provide services to selected secondary students with disabilities who are (a) in their exiting year of school, (b) in transition from school to work and community and, (c) eligible for vocational rehabilitation services. The addition of school-based transition services is intended to add a component to the overall school and rehabilitation service continuum, not supplant any existing employment-related or other services which are potentially appropriate for a particular student (any service the school is already responsible for providing). The Transition Specialist will not serve students who with or without modifications can benefit from existing school programs (career/technical and educational training programs, vocational education, etc.). The intended target student populations for receipt of services from the Transition Specialist are students who are (1) in their exiting year of school, (2) clients of vocational rehabilitation, and (3) require services that are more intensive.

The Transition Specialist will develop permanent jobs for students within the community and will provide temporary job-related support activities that are necessary to obtain and maintain employment. The Transition Specialist will coordinate all activities with, and provide monthly reports to the VR Transition Counselor as well as school personnel. The VR Counselor will provide program coordination and technical assistance as needed by the Transition Specialist, as well as providing oversight of the agreement for the position with the school.

### **3.17.5 EVALUATION AND TRAINING**

**REGULAR VOCATIONAL-TECHNICAL TRAINING** - Only a small percentage of students with disabilities have an opportunity to participate in regular Vocational-Technical Programs (welding, auto mechanics, auto body repair, etc.). Some schools will allow a student to participate in vocational training/work-related activities the entire school day. In this case, if a student is in a Vo-Tech program and the school staff will allow him/her to participate in a CRP program the remainder of the day, that would probably be the most ideal, and VR should support this action. Some schools, however, require all students to attend academic classes at least one-half day.

In this case, if a student is in a Vo-Tech Program, the VR counselor should never offer them an option to choose CRP services instead of Vo-Tech.

**VOCATIONAL ASSESSMENT** – An appropriate vocational assessment should precede any type of Agency-sponsored training if the VR counselor determines it to be necessary. The counselor is to review existing assessment reports when available. The school, individual and/or the family of the individual, or his/her representative may provide existing data. This existing information may include prior evaluations, assessments, and other documentation that address questions regarding eligibility and the vocational rehabilitation needs of the individual.

When appropriate, the counselor may obtain a preliminary assessment and/or a comprehensive assessment. The individual's vocational strengths and weaknesses will be identified so that the training can be planned on the IPE to address those needs. Students within accessible distance of a local community rehabilitation program (CRP), such as AbilityWorks, may undergo this assessment there or the local AbilityWorks' vocational evaluation staff may go to the school to conduct the assessment.

**WORK EVALUATION/JOB READINESS TRAINING** – Counselors should inform school personnel that the CRP may provide up to a 6 week work evaluation. It may begin in the second semester of a student's senior/final school year. Exceptions may be made to bring some students in during the first semester of the student's senior/final school year, such as there being too many students for the CRP to bring in at once. Job Readiness training may be planned and provided for each student individually as needed and appropriate and based on the availability of openings at the CRP.

Due to U. S. Department of Labor (DOL) Wage and Hour regulations, an appropriate vocational assessment is needed prior to an individual receiving Work Evaluation/Job Readiness Training at an AbilityWorks, Goodwill, or any other CRP. In order to show DOL that the individual is eligible for coverage under the CRP's Sub-minimum Wage Certificate, the assessment must specifically relate to how the person's disability impairs his/her productivity on work assignments to be used during the time the student is in the CRP. Should the prior assessment not specifically address this issue, a new vocational assessment will need to be obtained prior to entrance into Work Evaluation/Job Readiness Training. Everyone being served at an AbilityWorks is covered by Workers' Compensation during the time they are on payroll.

**NOTE: The VR Transition Counselor should communicate regularly with the AbilityWorks Facility Manager to keep him/her informed of the number of potential referrals and be advised of the availability of work. Counselors should not make promises of any CRP services to students without reasonable assurances that the CRP will be accessible. (Accessible means access to transportation by the school, presence of sufficient CRP staff to**

provide adequate supervision, and availability of adequate amount and appropriate types of contract work.)

**ON-THE-JOB TRAINING (OJT)** - OJT may be developed occasionally with a student who is in the last few weeks or months of their school program. (Refer to Section 3.11.4) There is always an employee/employer relationship in an OJT program. The VR Transition Counselor and the employer (trainer) agree upon a fee that the Agency will pay for the training (usually on an hourly basis). It is the employer's responsibility to pay wages, taxes, Workers' Compensation, etc. on the client the same as with any other employee.

**OTHER WORK/TRAINING ACTIVITIES** - There may be other types of work/training activities in which students have opportunities to participate. The counselor should encourage students to participate in all such experiences available to them during their school program. As with all other training programs provided to students, once they leave the school system, it becomes the full responsibility of the VR Transition Counselor to provide services necessary to prepare the individual for work and/or provide job development and placement in permanent employment that satisfies the goals and objectives of the IPE.

### 3.17.6 OCCUPATIONAL DIPLOMA

In accordance with Senate Bill No. 2578 of the Mississippi Legislative Session of 2001, MDE developed criteria for an occupational diploma for students with disabilities. This diploma option expands the opportunities available for special education students to the following:

- academic course of study aimed at obtaining a regular high school diploma,
- occupational course of study aimed at obtaining an occupational diploma,
- graduation Certificate as specified by Mississippi Code 37-16-11, or
- general Education Equivalency Certificate (GED)

Students choosing to participate in the occupational course of study must have 20 course credits, career/technical requirements, and an approved portfolio containing a collection of evidence of the student's knowledge, skills, and abilities related to the occupational core curriculum. The primary postgraduate goal for these students is competitive employment.

The career/technical requirements consist of 540 hours of successful, paid employment **OR** successful completion of a two (2) year career/technical (Vocational) program. This requirement, which will consist of work experience, job shadowing, pre-vocational experiences, etc., will be completed within the realm of the educational system. Therefore, job readiness training services provided through VR are not deemed appropriate for students enrolled in the Occupational Diploma track. If there are other services (such as vocational counseling and guidance, CEESP and jointly sponsored Transition Specialist services) needed to assist a student on this diploma track, the VR Transition Counselor may provide appropriate services in order to serve the student.

A student with a disability may also be eligible for VR services, including Job Readiness training, after completing the requirements for the Occupational Diploma. An example of this situation would be the case of an eligible student with a disability completing the 2-year vocational-tech program before their exiting year is complete. In this instance, the VR counselor should enroll the student and proceed with services during the exiting year and after, if appropriate.

NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI  
Mississippi Department Rehabilitation Services  
Office of Vocational Rehabilitation

Mississippi Department Rehabilitation Services  
c/o Mr. Gary Neely, OVR Director  
Post Office Box 1698  
Jackson, MS 39215-1698  
(601) 853-5230  
gneely@mdrs.state.ms.us

Specific Legal Authority authorizing the promulgation  
of Rule: OVR/OVRB Resource Guide, Section 3.21  
Weight Management

Reference to Rules repealed, amended or suspended  
by the Proposed Rule: Amendment to existing rules

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: Re-define definition of obesity to a Body Mass Index of 40 or more; add foods and exercise/weight loss equipment to list of services Agency will not pay for; and delete Agency sponsorship of surgical procedures to controlling obesity.

This rule is proposed as a  Final Rule, and/or a  Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

An oral proceeding was held on this rule on April 21, 2006, 10:00 PM, Mississippi Department of Rehabilitation Services Auditorium, 12 81 Hwy 51 North, Madison, MS 39110.

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least \_\_\_\_ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

The agency has determined that an economic impact statement is not required for this rule, or

The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: 5/15/2006

Proposed Effective Date of Rule:

 H.S. McMillan, Executive Director  
Signature and Title of Person Submitting Rule for Filing

## 3.21 WEIGHT MANAGEMENT SERVICES

In order for weight management services to be considered, the following must be taken into account and documented:

- The individual's weight must be causing functional limitations that prevent the securing, retaining, or regaining employment (In other words, what essential job functions can the individual not perform due to the weight?) and
- The individual's attending physician must recommend weight loss. The physician must document other medical problems that are exacerbated by the individual's weight and clearly impact employment and
- The individual must have a Body Mass Index (BMI) of 40 or more. Occasionally, lesser obesity may be considered as a secondary disability when in combination with serious life-threatening illnesses. This should be evaluated on a case-by-case basis.

### Weight Loss/Management Programs

The Agency will only participate in weight loss/management programs that offer nutrition education involving registered dietitians or licensed nutritionists and provide long-term strategies to deal with weight problems the individual may have in the future. Weight loss/management programs must not be provided, planned, or promised before review with the District Manager and review by the District Medical Consultant. If recommended, services may only be authorized for an initial period of 8 - 12 weeks. Each additional period of 8 - 12 weeks of assistance may be offered only if the person has achieved an average weight loss of at least 1 - 2 pounds per week. The counselor is to review the person's progress at the end of each period and determine if Agency assistance will continue.

**The Agency will not pay for surgical approaches to controlling obesity, exercise/weight loss equipment, foods including special pre-packaged foods, liquid diets, weight loss drugs, or special vitamins and other nutritional supplements.**

**NOTICE OF PROPOSED RULE ADOPTION**

**STATE OF MISSISSIPPI  
Mississippi Department Rehabilitation Services  
Office of Vocational Rehabilitation**

Mississippi Department Rehabilitation Services  
c/o Mr. Gary Neely, OVR Director  
Post Office Box 1698  
Jackson, MS 39215-1698  
(601) 853-5230  
gneely@mdrs.state.ms.us

Specific Legal Authority authorizing the promulgation  
of Rule: OVR/OVRB Resource Guide, Section 4.5  
Registration of Interpreters for the Deaf

Reference to Rules repealed, amended or suspended  
by the Proposed Rule: New rule

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:** Addition of instructions for registration and regulation of persons who interpret/translate to provide communication between deaf and hearing persons for pay or remuneration, as established and empowered by 2005 Mississippi Laws, Chapter 402

This rule is proposed as a  Final Rule, and/or a  Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

**Oral Proceeding:** Check one box below:

An oral proceeding is scheduled on this rule on Date: {Insert Date} Time: {Insert Time}  
Place: {Insert Place}

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least \_\_\_\_ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

**Economic Impact Statement:** Check one box below:

The agency has determined that an economic impact statement is not required for this rule, or

The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: 5/15/2006

Proposed Effective Date of Rule:

  
H. S. McMillan, Executive Director  
Signature and Title of Person Submitting Rule for Filing

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

STATE OF MISSISSIPPI
Mississippi Department Rehabilitation Services
Office of Vocational Rehabilitation

Mississippi Department Rehabilitation Services
c/o Mr. Gary Neely, OVR Director
Post Office Box 1698
Jackson, MS 39215-1698
(601) 853-5230
gneely@mdrs.state.ms.us

Specific Legal Authority authorizing the promulgation of
Rule: OVR/OVRB Resource Guide, Section 4.5 Registration
of Interpreters for the Deaf

Reference to Rules repealed, amended or suspended by the
Proposed Rule: New rule

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative
Procedures Law. This is a Concise Summary of the Economic Impact Statement which must be filed with the Notice
of Proposed Rule Adoption in the Secretary of State's Office. The full text of the Economic Impact Statement may be
obtained from the agency contact person at the above address.

Persons may present their views by submitting written comments on the proposed rule adoption to the agency contact
person at the above address. Additional information on where, when and how persons may present their views or
demand an oral proceeding on the proposed rule are included in the Notice of Proposed Rule Adoption to which this is
attached.

a. Description of the need for and the benefits of the proposed rule: To add instructions for registration and regulation
of persons who interpret/translate to provide communication between deaf and hearing persons for pay or remuneration. The
primary benefit is to ensure quantity, qualifications and quality of interpreters.

b. Cost estimate to the agency and other state or local government entities: The cost incurred by the agency is minimal; less
than five (5%) percent of an Agency staff person's time is spent processing applications.

c. Estimate of the cost or economic benefit to all persons: The economic benefit to all persons is that this rule outlines a
centralized system for persons applying for credentialing as an interpreter/translator to provide communication between deaf
and hearing persons.

d. Analysis of the impact on small business: This rule benefits small business in that the small business would not have to
incur funds to develop a Registry of Interpreters for the Deaf.

e. Comparison of the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the rule: No
cost comparison

f. Determination as to whether less costly or less intrusive methods exist to achieve the purpose of the rule: The 2005
Mississippi State Legislature mandated the Office of Deaf and Hard of Hearing to be the registering authority for the state,
therefore, no other method exist to achieve the purpose of the rule.

g. Description of reasonable alternative methods and reasons for rejection of the alternative methods: At present there are no
other reasonable alternatives in the state because the Office of Deaf and Hard of Hearing falls under the MDRS Coordinator
for Deaf Services

f. Data and methodology in making the estimates in the economic impact statement: Data from the MDRS State Summary of
Clients Served and closed by major disabling condition for 2004-2005 was used in making the estimates in the economic
impact statement

Date Rule Proposed: 5/15/2006

Proposed Effective Date of Rule:

H.S. McMillan
Executive Director

## 4.5 REGISTRATION OF INTERPRETERS FOR THE DEAF

The purpose of these regulations is to promote public health, safety, and welfare by ensuring that deaf and hearing persons needing to communicate through an interpreter service have some measure of determining the basic qualifications of the person who presents himself or herself as an interpreter/translator of Sign Language to English and English to Sign Language. Further, in order to encourage those engaged in the business of interpreting for deaf persons to continue to improve their skill and perform in a professional manner, it is the purpose of these regulations to provide and impose sanctions against those individuals who do not meet or adhere to the procedures, qualifications and standards set out in these regulations.

**Legal Authority:** The Office of Deaf and Hard of Hearing (ODHH) within the Mississippi Department of Rehabilitation Services (MDRS) shall discharge, as additional duties and responsibilities, the provisions of this chapter in the recording of documentation, registering and regulation of persons who interpret/translate to provide communication between deaf and hearing persons for pay or remuneration, as established and empowered by **2005 Mississippi Laws, Chapter 402**.

**Definitions:** The following definitions apply as used in these regulations, unless the context otherwise requires:

Certification means the level of credentials that has been granted by the **National Association of the Deaf (NAD)** or the **Registry of Interpreters for the Deaf (RID)**, and the documentation that supports the certification level the interpreter has achieved.

Deaf or Hard of Hearing Person means a person who has either no hearing or who has significant hearing loss so as to need the services of an interpreter to communicate. For the purposes of these regulations the term "deaf" will be used to denote persons who are deaf or hard of hearing who need interpreting services.

Deaf-Blind Person means a person who has either the dual loss of hearing and sight or who has significant hearing and vision losses so as to need the services of an interpreter to communicate. For the purposes of these regulations the term "deaf" will be used to denote persons who are deaf-blind who need interpreting services.

Department means the Mississippi Department of Rehabilitation Services.

Interpreter Training Program means a postsecondary degree program of at least two (2) years in duration that is accredited by the Mississippi State Board for Community and Junior Colleges, the Mississippi Institutions of Higher Learning or, in the case of a nonresident, a comparable agency in another state.

Interpreter means an individual certified by the National Association of the Deaf, the Registry of Interpreters for the Deaf or an individual who holds a valid **Mississippi Quality Assurance (QA)** screening level or holds the equivalent or higher credentials from another state.

Interpreting means the process of providing accessible communication between and among consumers who are deaf or hard of hearing and those who are hearing. This process includes, but is not limited to, communication between persons who use American Sign Language, English, cued speech and oral communication. It may also involve various other modalities that involve visual, gestural, and tactile methods.

Quality Assurance Level means the level granted through the Mississippi Quality Assurance screening committee, and the documentation that supports the Quality Assurance (QA) level the interpreter has achieved.

Register means the process whereby the certification and QA level of qualified interpreters are documented and maintained so as to permit those individuals to act as an interpreter for pay in the State of Mississippi.

Registering Authority is the Mississippi Department of Rehabilitation Services, Office on Deaf and Hard of Hearing.

The Council means the three-person Advisory Council to ODHH for the Mississippi Interpreter Registration Law.

The Act means the **Mississippi Interpreter Registration Law**.

Undue Hardship means when an agency or school is left without an interpreter and/or it would be unreasonable to acquire a replacement interpreter where one is required by law or regulations.

**Publication:** ODHH shall maintain a list of the names and addresses of all persons registered under the Interpreting Registering Law and a list of all persons whose registration has been denied initially or for renewal, pursuant to the sections in these regulations.

#### **4.5.1 THE REGISTERING AUTHORITY**

The Registering Authority, with the advice of the Council and approval of the Executive Director of MDRS shall:

- A. Promulgate and implement rules and procedures to carry out the provisions of the Act
- B. Record, supervise and maintain the documentation of credentials of those applying for registration under the provisions of the Act
- C. Register persons who apply to the Registering Authority and meet requirements for registration as stated in Section IV and VI of these regulations and
- D. Establish registering and renewal of registration criteria for applicants

#### **4.5.2 THE ADVISORY COUNCIL**

Council Structure and Purpose:

1. The Council shall consist of three (3) members; a deaf consumer, a registered interpreter who is actively engaged in the interpreting business and an at-large member. This council shall serve under the jurisdiction of ODHH and MDRS.
2. Council members shall be appointed by the Executive Director of MDRS.
3. Council members shall serve one (1) three-year (3) term, except for the initial members whose terms are set forth below.
4. The Council shall serve in an advisory capacity to the Department in matters relating to the administration and interpretation of the Act, including, but not limited to, writing rules and setting fees. It shall also serve as the appeals body for administration of the Act.

5. Terms of office for the initial council shall be as follows:
  - a. The deaf consumer member shall be selected for a three-year term.
  - b. The interpreter member shall be selected for a two-year term.
  - c. The at-large member shall be selected for a one-year term.

Meetings: Meetings will be held at the discretion of the Registering Authority, as deemed necessary. Meetings may be called by giving 10 days written notice.

#### **4.5.3 REGISTRATION**

Regular Registration Requirements: An applicant for regular registration shall submit to the Registering Authority written evidence in form and content satisfactory to the Registering Authority the following documentation:

1. Application for registration
2. Copy of Picture ID or Drivers' License with current address and one of the following:
  - a. copy of current RID certified membership card or
  - b. copy of current NAD Interpreter Certificate or membership card denoting applicant possesses NAD Interpreter Certificate or
  - c. copy of current QA Card indicating level achieved
3. Check or money order for required nonrefundable fees.

Student Registration: An applicant for student registration shall submit to the Registering Authority written evidence in form and content satisfactory to the Registering Authority the following documentation:

1. Application for student registration, signed by the applicant stating that he/she is a full-time student in an approved Interpreter Training Program as defined by the Act or has satisfactorily completed the ITP training not more than two years before.
2. Written permission to verify his/her status as a student.
3. A letter signed by his/her instructor verifying his/her current status as a student and indicating that the instructor is registered under the provisions of this act.

Student registration is for the purpose of permitting students to do occasional interpreting under the supervision of their teacher, or another skilled registered interpreter designated by their teacher. The student registration is not intended to permit students to hold full-time or regular part-time jobs as a professional interpreter while a current student. Student interpreters capable of functioning as a paid interpreter should be able to qualify for regular registration.

Persons registered under the student registration may continue to register under this classification for up to two years following the satisfactory completion of their Interpreter Training course of study. During this post-graduation time, they may work as a full-time or part-time paid interpreter.

Provisional registration may be granted to an applicant when one of the following occurs:

- A. Deaf consumer would be left without any interpreting service or
- B. Undue hardship would be put upon the school or agency because of the loss of interpreter services.

Length of Provisional Registration:

1. Provisional registration is for one year.
2. A person applying for renewal of a provisional registration must document activities to improve their skills toward the goal of meeting requirements for regular registration.
3. Only under extreme need that is documented in writing by the interpreter and others responsible for their work, plus a personal interview with the Council shall the provisional registration be renewed.

Out-of-State Registration: A person who resides in another state, but does interpret in the State of Mississippi for more than fifteen (15) calendar days, must register according to the Act in order to interpret in the state.

To apply for out-of-state registration, the applicant must provide the following documentation:

1. Application for registration
2. Copy of Picture ID or Drivers' License with current address and a copy of one of the following:
  - a. Current RID certified membership card or
  - b. Current NAD Interpreter Certificate or membership card denoting applicant possesses NAD Interpreter Certificate or
  - c. Current QA Card indicating level achieved or
  - d. State licensure/certification card or other credential that is equal or higher than what is required by the Act, and
3. Check or money order for required nonrefundable fees.

The Registering Authority will verify any out-of-state credentials to ensure they meet or exceed Mississippi standards. Out-of-state applicants may not register using a student or provisional registration.

#### **4.5.4 RENEWAL OF REGISTRATION**

General Provisions: The Registering Authority shall register interpreters and renew them biennially, except for provisional registrations. The registering period shall begin on July 1 of each year.

Procedure for Renewal of Registration: The Registering Authority shall mail notices, at least thirty (30) days prior to the renewal date, to the last address registered with the Authority, to the person to whom the registration was issued or renewed during the preceding registration period. This mailing is done as a courtesy and is not incumbent on the Registering Authority. It is the registrant's responsibility to renew. The registrant shall:

1. Complete the renewal form
2. Submit documentation of credentials in accordance with Section IV
3. Enclose the renewal fee
4. File the above with the Registering Authority prior to the end of the renewal period.

Failure to Renew: A grace period extending for thirty penalties. A registrant who does not file, with the Registering Authority, his renewal application on or before the thirty (30) days will be deemed to have allowed his registration to lapse. A lapsed registration shall result in a fee of \$10.00 to be reinstated. In the event the registration is not renewed and/or reinstated, he/she shall be considered unregistered from the date of expiration (30) days shall be allowed after the expiration of a registration, during which a registration may be renewed with no.

**4.5.5 FEES**

In accordance with the Act, the following nonrefundable fees, where applicable, are payable to the Registering Authority by check or money order:

- 1. Application and Regular Registration Fee ..... \$ 25.00
- 2. Application & Provisional Registration Fee ..... \$ 20.00
- 3. Regular Registration Renewal Fee ..... \$ 25.00
- 4. Provisional Registration Renewal Fee ..... \$ 20.00
- 5. Out of State Registration Fee ..... \$ 35.00
- 6. ID Card Replacement Fee ..... \$ 10.00
- 7. Late Registration Fee ..... \$ 10.00
- 8. Returned Check Fee..... \$ 30.00

**4.5.6 PROFESSIONAL IDENTIFICATION**

Anyone working as an interpreter between a deaf and hearing person for pay shall register according to the requirements of the Act.

When interpreting, anyone registered under this Act shall have their current, valid registration card available for review on request from consumers to demonstrate their compliance with the Act.

**4.5.6 EXCEPTIONS AND EXEMPTIONS**

The Act and the regulations promulgated thereto:

- A. Is not intended to prevent any person from providing interpreting service for meetings that are considered religious in nature and
- B. Shall not apply to anyone providing interpreting services for which they are not paid, reimbursed or compensated.

**4.5.7 CRIMINAL OFFENSES AND PUNISHMENT**

Offenses: It is a misdemeanor for any person not registered under the provisions of the Act to:

1. Interpret for pay, other than the exceptions in Section 4.5.6
2. Engage in the practice of, or offer to engage in the practice of, interpreting for a fee
3. Use the title of interpreter in connection with the person's name
4. Assume the identity of an interpreter,
5. Use the title of interpreter in advertisements or descriptions, and/or
6. Perform the function of or convey the impression that the person is an interpreter.

Punishment: Violation of any provision of this Chapter is a misdemeanor punishable upon conviction by a fine of not less than Two Hundred Dollars (\$200.00) or more than One Thousand Dollars (\$1000.00), or by imprisonment for not more than six (6) months in the county jail, or by both.

**4.5.7 ADMINISTRATIVE GRIEVANCE PROCEDURE**

All persons aggrieved by a decision regarding the initial application for registration, or the renewal of registration, shall have the right of appeal and hearing process which will be reviewed by the Council.

Written notice will be provided to all applicants regarding denial of an initial or renewal of registration. Such notice shall contain the reason thereof and shall offer the applicant thirty (30) days to appeal the decision or to submit additional information pertinent to their application for a review by the Council.

If requested in writing within the specified time frame, a hearing will be provided in which the aggrieved party may show cause why the registration should be granted or renewed. The hearing shall be presided over by the chairperson of the Council, who is a voting member, or his/her designee.

After the conclusion of the hearing, the Council shall make findings of facts and conclusions, and shall issue a decision, separately stated, as to whether the initial registration shall be issued, or whether the renewal of registration shall be granted.

**4.5.8 COMPLAINTS**

The Registering Authority shall assist in referring complaints regarding interpreting services to the appropriate professional organization and/or authorities.