

Nancy S. Grasmick State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD

TO:

Members of the State Board of Education

FROM:

Nancy S. Grasmick

DATE:

October 27, 2009

SUBJECT:

COMAR 13A.11.01, .02, and .08 (AMEND)

Programs for Adults with Disabilities

ADOPTION

PURPOSE:

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

HISTORICAL BACKGROUND:

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

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

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

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

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

Members of the State Board of Education October 27, 2009 Page Two

EXECUTIVE SUMMARY:

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

Changes in Chapter 01, Vocational Rehabilitation Services

Regulation .03-1 Incorporation by Reference

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

Regulation .15 Financial Participation Schedule.

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

Changes in Chapter 02, Maryland Disability Employment Tax Credit

Regulation .06 Limitations on Claim of Credit by Employers

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

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

Regulation .08 Service Plan

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

Regulation .10 Discharge

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

Regulation .14 Career Assessment Services

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

State Board of Education October 27, 2009 Page Three

Regulation .15 Medical Services

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

Regulation .18 Accrediting and Licensing

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

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

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

ACTION:

I request adoption of the proposed amendments.

NSG:ph Attachments iax to 410-554-9412. Comments will be associated 10. September 28 2009. A justic heartn(beginnland txst) A. B. Terms Defined.

(1) — (26) (text unchanged)

(26-1) "Grace period" means a period of time not to exceed 120 minutes for which on-Airport rental car businesses do not charge fees for late returns of rental cars.

(27) — (44) (text unchanged)

(44-1) "On Airport rental car business" has the same meaning as "rental vehicle company" stated in Transportation Article, §18-108(a), Annotated Code of Maryland.

(45) — (56) (text unchanged)

(56-1) "Transportation facility charge" means amounts collected by on Airport rental car businesses to recover actual operation and maintenance costs related to operating a common shuttle bus fleet and a common bus maintenance facility at the Airport and be so insports of the binaire of sections of the binaire of sections of the binaire of sections of the binaire of

.05 Control of Landside Traffic and Ground Transportation. Mad the bearing setted live it moreon alds will

A. - F. (text winchanged) and survey of the Code of th

G. Rental Cars. [On-Airport rental car businesses which are located on Airport property and have a written car rental lease and concession contract with the Administration are permitted to engage in an on-Airport car rental

business at the Airport Junian Marian Special on Airport property and has a written car rental lease and concession contract with the Administration is permitted to engage in an on-Airport car rental business at the Airport.

(2) An on-Airport rental car business shall collect from its customers a transportation facility charge per transaction day, which is a 24-hour period, or any fraction of the period that a vehicle is rented under a rental agreement. When an on-Airport rental car business grants a grace period for late returns of rental cars, it may not collect a transportation facility charge for the grace period.

(3) The transportation facility charge offsets the actual costs of on-Airport rental car businesses to operate and maintain a common shuttle bus fleet and a common bus

maintenance facility.

(4) If the total amount of the transportation facility charges collected by the on-Airport rental car businesses during a 12-month period exceeds the actual costs for operation and maintenance in the same 12-month period, the on-Airport rental car businesses shall retain the excess amount and adjust the transportation facility charge for the following 12-month period by a corresponding amount.

(5) At least 60 days prior to the commencement of a contract year, the on-Airport rental car businesses shall consult with the Administration to set the amount of the transportation facility charge for the next contract year based upon ac-

tual operation and maintenance costs. H. — J. (text unchanged)

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TIMOTHY L. CAMPBELL, A.A.E. **Executive Director** 0 Maryland Aviation Administration 0 0 00% OKIS 3 63 975 数点人 0 800 1.280 7.760 gr.c 1,:05 1.816 881,8 CHYS. 1,440 OSR.I 2.520 31:33 2,946 1.808 2,375 CHANT 2,200 2,800 00% 3 3000 2.625 3.255 3,885 7.8289 **使用。8.8** 3.128% 3.8760 4.525%

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CUMAR 198. II.OU The Division of Rehabilitation for Lides to Alive Notice of Proposed Action (1970)

.a compared moitorisides [09-265-P-Ilenov and discrete as The Maryland State Board of Education proposes to: - 32 (1) Amend Regulation .03-1, repeal existing Regulation .15, and adopt new Regulation .15 under COMAR 13A.11.01 Vocational Rehabilitation Services;

ion (2) Amend Regulation .06 under COMAR 13A.11.02 Maryland Disability Employment Tax Credit; and again

18 under (3) Amend Regulations 08, .10, .14, .15, and .18 under COMAR 13A 11.08 Workforce and Technology Center This action was considered at the Maryland State Board of Education meeting held on June 23, 2009.

Discoulty Employment Tex Creats established in 1997 en commages businessesory Pupples at Statement of Pupples businessesory and the commages businessesory of the commages businessesory and the commages businessesory and the commages businesses and the command of the command o The purpose of this action is to update the sliding scale used to determine financial participation of eligible individuals in cost of services, and update and incorporate by reference the Division's fee schedule in COMAR 13A.11.01.

In COMAR 13A.11.02, amendments have been proposed consistent with legislation passed by the Maryland General Assembly in 2009 regarding extension of this tax credit.

In COMAR 13A 11.08, amendments have been proposed to provide technical updates and clarification regarding administration and service provisions, is a spoint include bus

visition desired to Federal Standards Testand

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive Comments may be sent to Fully Thiston, If rectnegate to

Estimate of Economic Impact I. Summary of Economic Impact. The proposed action has an economic impact in increased medical fees to the agency; medical providers will see an increase in revenue consistent with fee increases. The small percentage of Division of Rehabilitation Services (DORS) consumers required to contribute to the cost of services may see a minor change in the amount of financial participation, due to the update in the financial participation schedule for consistency with the U.S. Department of Health and Human Resources

2009 Poverty Guidelines.

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Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

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

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

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

COMAR 13A.11.08: The Division of Rehabilitation Services (DORS) provides services to individuals with significant disabilities through the Workforce and Technology Center to assist them in achieving employment, independence, and self-sufficiency. Changes are technical updates and clarifications that enhance services provided to consumers of DORS services at the Workforce and Technology Center. Carashina a sarrara os pomentos de mado en esta sala os cinados de constituidos de con

Opportunity for Public Comment

Comments may be sent to Polly Huston, Director, Office of Program and Community Support, Division of Rehabilitation Services, 2301 Argonne Drive, Baltimore, MD 21218, or call 410-554-9437, or email to phuston@dors.state.md.us, or

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fax to 410-554-9412. Comments will be accepted through September 28, 2009. A public hearing has not been scheduled. 三心性神祇 (如此) (2) (健

> 1) — (Dis) (cost unobas Open Meeting

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

Editor's Note on Incorporation by Reference

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Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Division of Rehabilitation Services Fee Schedule, Rehabilitation Services Manual V (RSM V) (Maryland State Department of Education, updated through May 2009) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 36:3 Md. R. 194 (January 30, 2009), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16.0 Francis Street, Annapolis, Maryland 21401.

13A.11.01 Vocational Rehabilitation Services

Authority: Education Article, §§21-301 - 21-306 and 21-402 - 21-404, Annotated Code of Maryland with no my (2)

.03.1 Incorporation by Reference

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A. (text unchanged)
B. Documents Incorporated

Documents Incorporated.

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

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.15 Financial Participation Schedule.

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

13A.11.02 Maryland Disability Employment La Tax Grédit, a la la stratur platitation al out la partie de la

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

.06 Limitations on Claim of Credit by Employers.

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

B. An employer may claim the credit only for employees hired on or after October 1, 1997, but before July 1, [2009] 110. C. — G. (text unchanged)

13A.11.08 Workforce and Technology Center Authority: Education Article, §§21-301—21-304

Annotated Code of Maryland

.08 Service Plan.

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

.10 Discharge. A. — B. (text unchanged)

C. Appeal.

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

(2) — (3) (text unchanged)

D. (text unchanged)

.14 Career Assessment Services.

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

(1)—(2) (text unchanged) (3) Methods to be used to address the referral ques-

tions; and

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

sary.] H. (text unchanged)

15 Medical Services Commenced to the man this wife of

38 As provided in COMAR 10.07.14, the The Medical Director shall be responsible for planning and managing the clinical services provided by the Center in accordance with appropriate federal and State law, and regulations and standards established by accrediting organizations, including the Commission on Accreditation of Rehabilitation Faasycsociety, it

.18 Accreditation and Licensing.

A. (text unchanged)

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

(1) Medical Administrative Staff Committee;

(2) Records Committee; and
(3) Monitoring Committee]

C. (text unchanged)

NANCY S. GRASMICK

State Superintendent of Schools

Title 29 DEPARTMENT OF STATE POLICE

Subtitle 05 CRIME LABORATORY

29.05.02 Ballistic Fingerprinting

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

Notice of Proposed Action

[09-268-P]

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

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

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action, metal, Allie of the second and second as the second as the

Estimate of Economic Impactors (**)

The proposed action has no economic impact

Economic Impact on Small Businesses The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities. C BUTTER E COTEM

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