

## DIVISION 70

### STANDARDS FOR PROVISION OF SERVICES AND RATES OF PAYMENT

#### 582-070-0010

#### General Policy

~~NOTE: For community rehabilitation programs and medical or related services refer also to OAR 582-010, 582-075 and 582-080.~~

~~It is the policy of the OVRS to reimburse vendors who provide previously authorized services and/or supplies to persons who qualify for such services.~~

(1) Vendors shall be paid in accordance with the lesser of:

(a) The vendor's usual charge for such service, i.e., that fee for service which the vendor under ordinary circumstances charges to the general public for the services; or

(b) A pre-determined charge that has been negotiated between the vendor and an agency person authorized to consummate agreements between this agency and the vendor.

(2) In addition to any general contracts or agreements, actual services to individuals must be specifically prior authorized and are not considered approved or billable until the vendor receives a completed Agency Authorization for Purchase (AFP) form or its equivalent, listing specific prior authorized services and estimated billable amounts, signed by the appropriate agency representative(s):

(a) Only in extreme emergencies may services be prior authorized verbally and any such verbal authorization must be promptly documented promptly and followed with a written AFP within 72 hours;

(b) Apparent fraud, misrepresentation or substantial discrepancies between services rendered and billed amounts shall be investigated and, as appropriate, legal steps taken to prevent or recover overpayments.

(3) Except as specified in OAR 582-070-0010(4), Rehabilitation Services funds shall not be expended before OVRS determines that "comparable benefits and services" are not available to meet, in whole or in part, the cost of such services, unless such a determination would interrupt or delay:

(a) The progress of the individual toward achieving the employment outcome identified in the Individualized Plan for Employment;

(b) An immediate job placement; or

(c) The provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by appropriate qualified medical personnel. ~~Further, except for student loans, for training provided in institutions of higher education (any training institutions where such grant assistance may likely be available) OVRS assures that maximum effort has been made by OVRS and the client to obtain and use any "comparable benefits or services" before expending Rehabilitation Services funds.~~

(4) Exemption from Comparable Services and Benefit Determination:

(a) The following vocational rehabilitation services are exempt from a determination of the availability of comparable services and benefits:

(aA) Assessment for determining eligibility and vocational rehabilitation needs;

(bB) Counseling and guidance, including information and support services to assist an individual in exercising informed choice;

(cC) Referral and other services to secure needed services from other agencies, including other components of the statewide workforce investment system, if those services are not available from OVRS;

(dD) Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

(eE) Rehabilitation Technology, including telecommunications, sensory, and other technological aids and devices;

(fF) Post-employment services consisting of any of the services in OAR 580-070-0010(4)(a-e);

(b) If any of the services described in paragraphs (A) through (F), above, are readily available from an alternative source at the time the service is needed to accomplish a rehabilitation objective, OVRS may conserve its funds by accessing the alternative resource.

(5) ~~Purchases shall be of the most reasonable and satisfactory quality at the lowest available cost, subject to supervisory and/or administrative review and/or approval prior to authorization; accordingly, OVRS may establish upper limits on the utilization of existing~~ cost or use of services, subject to an exception process.

(6) ~~Preliminary diagnostic assessment is limited to a review of existing data and such additional data as is necessary to determine eligibility or, for Rehabilitation Services, to assign priority for order of selection for service (when appropriate). Comprehensive~~

~~assessment and/or extended evaluation services may be provided only until eligibility/ineligibility or extent and scope of needed Rehabilitation Services can be determined. Additionally, other services are available (including the use of Rehabilitation Technology services, as appropriate) to determine the nature, scope and types of services needed to attain a specific vocational rehabilitation objective of the eligible client. Continued eligibility is contingent upon reasonable progress by the client toward attainment of measurable intermediate objectives within time lines arrived at and agreed to through joint counselor/client development of the plan and any amendments thereto.~~

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 1-1978, f. 3-14-78, ef. 3-15-78; VRD 2-1992, f. & cert. ef. 4-20-92; VRD 4-1993, f. & cert. ef. 11-1-93; VRS 2-2004, f. & cert. ef. 3-9-04; VRS 5-2004, f. & cert. ef. 8-5-04

## **582-070-0020**

### **Specific Policies**

Specific rules pertain to the provision of the following services:

#### (1) On-the-Job Training:

(a) Payment to on-the-job trainers ~~or~~ employers for training services shall be negotiated at the lowest reasonable level ~~and will always be considered as reimbursement and only~~ for actual expenses and ~~or~~ trainer time; ~~the trainer/employer cannot expect to make a profit from such payments;~~

(b) ~~Offset against client wages will be negotiated with the trainer/employer on a mutual sharing basis at the lowest reasonable level to adequately pay the client for his/her productive work efforts with the trainer/employer ultimately paying the entire wage. Total length of the training program and length of OVRS involvement in payments will be negotiated on the basis of the complexity of the training and the amount of relevant skill and knowledge the client possesses prior to entering training.~~ OVRS shall negotiate with the employer or trainer to ensure clients are adequately paid for work performed during the training process.

(2) Other Training: Educational and training services, except on-the-job and vocational training, must be purchased from public educational organizations in Oregon. Exceptions are authorized only when:

(a) No publicly-supported school provides the courses necessary for the client's needs in order to reach the vocational objective; or

(b) A client cannot utilize publicly-supported schools because of the client's disability; or

(c) OVRS's financial participation in the plan is no greater than if the client had enrolled at the nearest appropriate publicly-supported school; or

(d) The net cost to Oregon governmental agencies is significantly less; or

(e) The training services for the client will be significantly delayed.

(3) Vocational training: Referrals for vocational training may be made only to the following schools or programs:

(a) A school that has accreditation recognized by the United States Department of Education;

(b) A school has been approved by the Oregon Student Assistance Commission through the Office of Degree Authorization to offer and confer degrees in Oregon;

(c) A community college;

(d) A state institution of higher education within the Oregon University System;

(e) The Oregon Health and Science University;

(f) A career school licensed under ORS 345.010 to 345.450; or

(g) An apprenticeship program that is registered with the State Apprenticeship and Training Council;

(4) Client Maintenance: OVRS shall only pay ~~or provide~~ for maintenance expenses in excess of the normal expenses of the individual and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs, or the receipt of vocational rehabilitation services under an individualized plan for employment, consistent with the definition of this term at OAR 582-001-0010(25) and 34 CFR 361.5(b)(35).

(5) Clothing Purchases: Clothing purchases may be authorized if the need is a result of participation by the client in a rehabilitation program and the client does not possess sufficient financial resources to provide for these expenses. ~~These must be appropriate in type and in a price range, comparable to clothing items normally used by persons engaged in similar rehabilitation, training or employment settings.~~

(6) Client/Applicant Transportation: OVRS shall only pay for client travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a required vocational rehabilitation service and according to the following guidelines: ~~Assistance by the Office of Vocational Rehabilitation Services (OVRS) with transportation services will be subject to the following:~~

(a) Where local public transportation is available and can be used by the client, any reimbursement shall not exceed the public transportation rate **unless an exception is granted**. Use of transportation costing in excess of the least expensive mode available to the client requires written justification, by the counselor, prior to authorization (e.g., disability prevents using the least costly mode);

(b) Where public transportation is not available or cannot be used by the client due to the client's disability, reimbursement may be authorized by the counselor for use of **a** private vehicle or other appropriate forms of transportation;

~~(c) Only when determined by OVRS to be the most feasible means of providing for necessary client transportation for rehabilitation services may vehicle modification be authorized. Any vehicle modification must be prior approved **and** by the local OVRS Field Services Manager, Field Operations Manager, or Administrator (or designee), depending on the expenditure level. Administrative level approval is obtained prior to authorizing any such costs in excess of \$5,000.00 per service; vehicle modifications are subject to OVRS established policies for purchasing authorization;~~ (d) The field counselor shall inform the client that costs associated with insurance, repair and replacement are to be managed by the client after a modification is complete;

(**ed**) It is the policy of OVRS to not purchase vehicles; however, the Administrator of the Office of Vocational Rehabilitation Services, or the Administrator's designee, may grant an exception and furnish payment of all or part of the purchase of a motor vehicle where the conditions in OAR 582-070-0025(2) are applicable.

(**fe**) Whenever an exception is made by OVRS allowing payment toward the cost of a motor vehicle, OVRS will require that OVRS be shown as the primary lien holder until successful case closure has been achieved.

(**A**) Ownership is transferred to the client only if the vehicle is needed to participate in employment, and there is a successful case closure.

(**B**) When client ownership is not justified based on these two criteria, the vehicle shall be repossessed and reassigned or otherwise disposed of by OVRS.

(**gf**) When an applicant's or client's travel requires lodging and meals, payment for lodging and meals shall be based on the definition of maintenance under 582-001-0010(25) and shall not exceed the current federal General Services Administration (GSA) domestic per diem rates for the state in which the lodging occurred.

(A) The per diem rate used shall be based on the rate for the city in which the client or applicant lodges, or the rate for the city closest to where the client or applicant lodges.

(B) Unless the client or applicant uses a personal vehicle for the needed transportation, reservations shall be made through the state travel agency.

(C) If the applicant or client utilizes a service animal, OVRS may provide payment for the lodging of the service animal.

(D) In those instances in which the federal per diem rate is insufficient to cover the cost of lodging, or the applicant or client has a legitimate need for more costly lodging, payment may exceed the federal per diem rate.

(7) Community Rehabilitation Programs' Services. **;**

~~NOTE: Refer also to OAR 582-010.~~

~~(a) State wide rates are intended to pay only the anticipated cost of standard rehabilitation services. This fee schedule may be adjusted for a specific CRP to reflect non-standard types or levels of service, or statewide for standard service, if a significant increase or decrease in the actual cost of serving clients occurs;~~

~~(b) For Community rehabilitation programs privately operated , fees may be negotiated taking into consideration costs such as buildings, staffing, and equipment.~~

**(b)** For publicly owned and operated community rehabilitation programs (e.g., state or county owned or operated) fees, if any, must be based upon and not exceed actual costs.

(8) Extended Evaluation: OVRS shall provide only those services authorized under OAR 582-050-0005.

(9) Personal Care Assistance (PCA) is provided only when necessary to allow the client to benefit from other rehabilitation services, including evaluation, and when the client is not entitled to PCA services from another source:

(a) Client as Employer: The client, in most cases, as the employer of the PCA may be reimbursed for necessary PCA services required to participate in rehabilitation services;

(b) Third Party Vendor: Direct payment to the PCA vendor by OVRS requires prior approval by the field services ~~Manager in addition to the requirements of Oregon Administrative Rules Chapter 582, Division 10;~~

~~(c) Written Contract: In most instances the client is to be the employer of his/her own personal care assistant. OVRS may assist the client to establish an appropriate written contract with the provider.~~

(10) Interpreter Service is provided only when necessary to assist the client to derive full benefit from other rehabilitation services: ~~(a) Limitation: To be provided by OVRS and~~ only when "comparable **services and** benefits" are not available. **;**

**(ba)** For the deaf and hearing impaired OVRS gives preference to using interpreters certified by the National Registry of Interpreters for the Deaf ~~and/or one who is on the~~

approved vendor list of the State Association of the Deaf. ~~When deemed mutually acceptable by the client and the counselor, another interpreter may be utilized;~~

(e**b**) Regional Resources: The Deaf and Hearing Impaired Access Program may be used as a resource to both clients and staff for securing interpreters.

(11) Other support services providers may be selected for specific skills needed to assist a client in achieving the client's employment goal, consistent with the requirements for vendor selection as set forth in OAR 582-080-0010. ~~Where provider licenses, insurance, certificates and state or local codes are indicated OVRs reasonably attempts to assure that appropriate levels are met before authorizing services from the provider. (See OAR 582-080 for additional rules on vendor selection.)~~

(12) Insurance: providers shall obtain and maintain insurance as required by law for that provider; ~~additionally, where OVRs is providing for services,~~ including appropriate levels of personal, automobile, professional, and general liability insurance ~~may be required,~~ depending on the type of service.

(13) Criminal Records Check: Providers are subject to Agency criminal records check requirements as set forth in Chapter 407 of the Oregon Administrative Rules.

(134) Occupational Licenses, Tools and Equipment for Training and Employment:

(a) May only be provided by OVRs if prior authorized; ~~when required for either extended evaluation or in other plan statuses, including post employment. OVRs accepts no responsibility for client lease/rental agreements or the leased/rented items other than to reimburse the client for such prior authorized expenditures;~~

(b) Repossessed items must be used whenever appropriate and available;

(c) Except for personally prescribed items, title or ownership of an OVRs purchased (or jointly purchased) item is held by OVRs (or jointly with OVRs) until case closure when ownership may be transferred to the client for non-expendable items that the client continues to require to maintain the employment outcome. ~~deemed by OVRs to be needed for continued success in the client's program.~~

(14**5**) Land ~~and/or~~ Stationary Buildings are never purchased by OVRs as a service to an individual client. ~~Existing buildings may be modified~~ but reasonable modifications may be paid for when necessary to enable an eligible client to attain a vocational plan goal. No permanent additions or weight bearing partitions are to be erected as services to individuals.

(15**6**) Moving expenses may be provided for training or employment only when OVRs determines that it is less costly ~~and/or~~ more beneficial than having the client commute. OVRs may deny reimbursement for client opted commuting and moving costs in excess of the least costly alternative.

(17) Rehabilitation technology services (RTS) may be applied provided at any time during rehabilitation services when required to address disability-related barriers to the client's an individual's participation in evaluation, training, and or employment.

(a) Approved Vendors: OVRS ensures that providers used by OVRS are qualified in the areas of engineering skills and/or technology required for a given service. Selected Community Rehabilitation Programs' Approvals may include RTS, when State Standards for Approvals are met for RTS;

(b) Authorization of: RTS is not conditioned upon unavailability of Comparable Benefits or Services but all reasonably available comparable services shall be used before authorizing expenditure by OVRS. Personal services contracts for RTS require Field Services Manager approval prior to implementation.

(18) Child Care Vendor Requirements:

OVRS requires that all child care vendors be licensed through the Employment Department, regardless of the number of children in care. Child care services may be purchased as a maintenance expense for clients in application or in plan if:

(a) The need for child care or increase in child care expenses is over and above an applicant's or client's normal expenses; and

(b) The need for child care is directly brought about by the individual's participation in an assessment for eligibility for or participation in vocational rehabilitation plan services; and

(c) No comparable services or benefits are available (for example, through a DHS child care program or other subsidy) to pay for additional child care expenses; and

(d) The child care expenses are pre-authorized and through a vendor licensed by the Employment Department.

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 1-1978, f. 3-14-78, ef. 3-15-78; VRD 2-1992, f. & cert. ef. 4-20-92; VRD 4-1993, f. & cert. ef. 11-1-93; VRD 1-1996(Temp), f. 2-26-96, cert. ef. 3-1-96; VRS 1-2003, f. & cert. ef. 9-23-03; VRS 2-2003, f. & cert. ef. 12-31-03; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 1-2008, f. & cert. ef. 2-4-08; VRS 2-2008, f. & cert. ef. 3-3-08; VRS 3-2008, f. & cert. ef. 4-10-08

## DIVISION 80

### VENDOR SELECTION POLICIES

582-080-0010

#### General Policy

(1) It is the policy of OVRs to purchase goods and services only from qualified vendors, in accordance with state licensure laws, ~~OVRs Approval Standards~~, state purchasing regulations and applicable federal and state regulations and standards governing the service or discipline practiced. Goods and services will be purchased that are within the purview of the particular license or approval standards.

(2) OVRs shall not discriminate against a vendor based upon sex, race, creed, ethnic origin or disability. ~~Favoritism by OVRs in the selection or use of a vendor — resulting from considerations unrelated to informed client choice, cost, quality, or other criteria in these rules — will be avoided. Other factors being equal, a suitable vendor nearest the client will be used. OVRs maintains a listing of approved vendors selected to provide services to the OVRs.~~

(3) ~~OVRs may shall~~ select vendors or a pool of vendors on the basis of informed client choice in the context of third party funding and comparative, and shall consider cost, quality, location, language needs, compliance with insurance and criminal history check requirements, considerations. In addition, quality of service, facilities, barrier free access, accessibility, possession of relevant licenses or certifications, and the vendor's history of timely and successful performance. ~~and completeness of reports may be considered by OVRs in making a selection.~~

(4) ~~It is OVRs policy that medical services will normally be purchased through the treating source when that source is willing and qualified to provide the authorized service at the rates OVRs would otherwise pay in the client's geographic location.~~

(5) ~~OVRs may select vendors or a pool of vendors for medical services on the basis of informed client choice in the context of medical insurance and comparative cost considerations. In addition, quality of service, facilities, barrier free access, program length, timeliness of needed services, and the vendor's history of timely and completeness of reports may be considered by the OVRs in making a selection. When more than one medical provider is listed in the geographic area, selection of appropriate medical providers may be made on distance from the client, an equal distribution of services, or rotation of available vendors.~~

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 6-1978, f. 5-18-78, ef. 6-1-78; VRD 3-1992, f. & cert. ef. 4-20-92; VRD 4-1993, f. & cert. ef. 11-1-93; VRS 5-2004, f. & cert. ef. 8-5-04

582-080-0020

## Standards for Selection of Vendors

### Vendor Requirements

The following standards supplement any other requirements that may apply to the same vendors. In all instances, the authorizing vocational rehabilitation counselor (with the guidance of the Field Services Manager) has the primary responsibility to assure that the vendor is on the OVRs approved vendor list and meets the applicable standards. When there is no client preference or circumstances which would dictate otherwise, vendor choice will be made from the pool of approved vendors available in the community, moving consecutively through the list in alphabetical order:

Vendors must satisfy the following requirements to receive funds allocated under Section 110 of the Federal Rehabilitation Act:

(1) All vendors must comply with the licensure, certification, and accreditation standards that may be applicable to the service being provided. Proof of possession of appropriate licensure, certification or accreditation may be required prior to OVRs authorizing payment.

(2) All vendors must possess insurance appropriate to the service being provided. Proof of possession of appropriate insurance may be required prior to OVRs authorizing payment.

(3) Vendors may be subject to additional service and performance standards as a condition for payment, based on the nature of the services provided. Additional standards shall be set forth in contract.

(4) All vendors who will be working directly with individuals being served by OVRs are subject to the Agency's criminal background check rules.

(1) Licensed professional individuals — (physicians, dentists, pharmacists, psychologists, academic teachers, etc.). Licensable professional individuals must be licensed by the appropriate state licensing boards as required by law to provide services as private practitioners. It is the responsibility of the vocational rehabilitation counselor to use only licensed individuals. If the vocational rehabilitation counselor has reason to believe that a professional vendor is not appropriately licensed, the counselor is to discontinue further use until the matter can be cleared by OVRs. For additional requirements refer to OAR 582-010-0005 through 582-010-0030.

(2) Service organizations — (hospitals, medical groups, mental health clinics, child care facilities, placement agencies, group homes, foster homes, nursing homes, sheltered workshops, community rehabilitation programs, etc.). Service organizations must be qualified under state law or certified or accredited by a recognized state or national

organization or be official arms of state or local government, and/or approved under the terms of OAR Chapter 582 for vendor selection. For all practicing groups of licensable, certifiable or other professionals, sections (1), (5), and (6) of this rule apply. For additional requirements pertaining to providers of community rehabilitation services refer to OAR 582-010-0005 through 582-010-0030.

(3) Commercial vendors — (supplies or material goods, transportation, insurance, shipping, and other commercial services, etc.). Commercial vendors must conform to all applicable state licensing requirements. All purchases will be made in accordance with state purchasing policies. In addition, the vendor must be able to provide the requested goods and services at the levels of quantity and quality and in the required time period authorized by the vocational rehabilitation counselor.

(4) Training vendors — (universities, community colleges, proprietary schools and OJT trainers, and correspondence schools, etc.). Training vendors must conform to all applicable licensing requirements. OVRs will only refer eligible individuals for vocational training to those schools and programs specified in 582-070-0020(3). Degree granting academic institutions must be accredited by a regional or national accrediting organization. Except when circumstances such as overall cost or specific need of a client justify otherwise, state-supported schools are used. OVRs conduct studies based on periodic sampling of training vendors to assure acceptable quality, reasonable costs, and effective results from the services provided. The studies may, on an annual basis, include a review of factors such as cost, utilization levels and rehabilitation survival rates for each community rehabilitation program or major training vendor used. OJT vendors will only be utilized if the vocational rehabilitation counselor and (as appropriate) the counselor's supervisor are assured in terms of their professional judgment, that the trainer/employer can deliver the training services as per the terms of the OJT contract.

(5) Certified professionals — (interpreters for the deaf, psychological and vocational counselors, occupational therapists, etc.). Certifiable professionals must possess a current certificate from a recognized state or national professional association or organization. If the vocational rehabilitation counselor questions the validity of the credentials, the counselor should refer the matter to the CRP Coordinator for guidance.

(6) Non-certified or non-licensed professionals — (e.g. tutors, peer mentors). In instances where a professional individual is not subject to licensing requirements or the OVRs approval process for providers of community rehabilitation services, the qualifications of the vendor must be determined to the satisfaction of the authorizing vocational rehabilitation counselor, the client and (as appropriate) the counselor's supervisor prior to the authorization of services. In addition:

(A) Peer mentors and tutors must be approved by the CRP Coordinator prior to placement on the Approved Vendor List;

(B) OVRs requires that tutors and peer mentors comply with DHS criminal history checks at the time of application for placement on the Approved Vendor List, re-

application for placement on the Approved Vendor List, and if required by OVRS as a result of information received about vendor qualifications, behavior or performance; and

~~(C) OVRS requires that peer mentors submit proof of insurance at the level established under Department of Administrative Services guidelines.~~

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 6-1978, f. 5-18-78, ef. 6-1-78; VRD 3-1992, f. & cert. ef. 4-20-92; VRD 4-1993, f. & cert. ef. 11-1-93; VRS 2-2003, f. & cert. ef. 12-31-03; VRS 5-2004, f. & cert. ef. 8-5-04; VRS 2-2008, f. & cert. ef. 3-3-08

### **582-080-0030**

#### **Selection Policy for Out-of-State Vendors**

The vendor selection policies of ~~Division 80~~ divisions 582-080, OAR 582-010 and 582-075 shall be used for all out-of-state vendors. ~~The vocational rehabilitation counselor may contact the other Vocational Rehabilitation state agency for vendor information and to check rates.~~

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 6-1978, f. 5-18-78, ef. 6-1-78; VRD 3-1992, f. & cert. ef. 4-20-92; VRS 5-2004, f. & cert. ef. 8-5-04

### **582-080-0040**

#### **Conflict of Interest Regarding Vendor Selection**

**(1)** No employee or representative of OVRS may take any action that would result in the person's ~~employee or representative's~~ private financial benefit, nor shall the action benefit any member or any business with which ~~the employee or representative or~~ any member of his/her ~~the employee's or representative's~~ household is associated.

**(2)** All OVRS employees must give notice to their immediate supervisor of all potential conflicts of interest. If the supervisor agrees that there is a conflict of interest, the supervisor shall ~~send~~ refer the matter ~~to the OVRS administration~~ offices in Salem, Oregon ~~through supervisory channels to the appointment authority~~ for resolution.

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - 344.690 & 344.710 - 344.730

Hist.: VRD 6-1978, f. 5-18-78, ef. 6-1-78; VRS 5-2004, f. & cert. ef. 8-5-04

### **582-080-0050**

## Civil Rights

(1) All vendors must provide all of their services in compliance with Titles VI and VII of the Civil Rights Act of 1964 as amended; Sections 503 and 504 of the Rehabilitation Act of 1973 as amended; and all other applicable state and federal civil rights laws.

(2) OVRS may set forth additional requirements regarding compliance with federal and state civil rights laws as a condition for payment in the vendor's specific service contract, including but not limited to physical access requirements and the allocation of costs between OVRS and the vendor for provision of auxiliary aids and services and materials in alternative formats. Architectural Barriers Act of 1968 as amended; Uniform Accessibility Standards in 41 CFR Part 101-19.6 et seq.; American National Standards Institute No. A 117.1 -- 1986; and, Americans with Disabilities Act (P.L. 101-336).

[Publications: The publications referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 344.530

Stats. Implemented: ORS 344.511 - ORS 344.690 & ORS 344.710 - ORS 344.730

Hist.: VRD 6-1978, f. 5-18-78, ef. 6-1-78; VRD 3-1992, f. & cert. ef. 4-20-92

### ~~582-085-0004~~

#### ~~Independent Living Service Providers Receiving Vocational Rehabilitation Funds~~

~~An independent living service provider who receives funds for vocational rehabilitation services must comply with the same standards applicable in chapter 582 of the Oregon Administrative Rules to other providers of the specific vocational rehabilitation services funded.~~

~~Stat. Auth. ORS 344.530~~

~~Stats. Implemented: ORS 344.530, 344.550~~

~~Hist.: VRS 5-2004, f. & cert. ef. 8-5-04~~

### ~~582-085-0005~~

#### ~~Providers Receiving Independent Living Services Funds~~

~~(1) Providers must satisfy the following requirements to receive funds allocated under Section 713(1) of the Federal Rehabilitation Act:~~

~~(a) Approval of the State Independent Living Council for the specific funds provided; and~~

(b) Satisfy all applicable state licensure or certification requirements for the specific services funded; and either

(c) Satisfy the requirements of Section 702 of the Federal Rehabilitation Act to qualify as a "Center for Independent Living"; or

(d) Qualify for and be placed on the OVRS aApproved Vendor List for the specific services funded.

(2) Providers must satisfy the following requirements to receive funds allocated under Section 713(3) of the federal Rehabilitation Act:

(a) Approval of the State Independent Living Council for the specific funds provided; and

(b) Satisfy the requirements of Sections 702 and 725 of the federal Rehabilitation Act concerning Centers for Independent Living as well as Standards and Assurances.

Stat. Auth. ORS 344.530, 344.540

Stats. Implemented: ORS 344.530, 344.540, 344.550

Hist.: VRS 5-2004, f. & cert. ef. 8-5-04