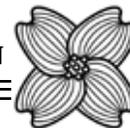




RULES OF  
**Department of Social Services**  
**Division 40—Family Support Division**  
**Chapter 91—Rehabilitation Services for the Blind**  
**(RSB)**

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**TITLE 13 – DEPARTMENT OF SOCIAL SERVICES**  
**Division 40 – Family Support Division**  
**Chapter 91 – Rehabilitation Services for the Blind**  
**(RSB)**

**13 CSR 40-91.010 Business Enterprise for the Blind**

*PURPOSE: This rule establishes the guidelines for administration of the Business Enterprise Program of the Family Support Division, Bureau for the Blind, as mandated by the Randolph-Sheppard Act, as amended through 1974, 34 CFR 395, sections 8.051 and 8.700–8.745, RSMo.*

(1) Legal Authority. The Business Enterprise Program (BEP) of the Family Support Division/Rehabilitation Services for the Blind is administered according to the Randolph-Sheppard Act, as amended through 1974, 34 CFR 361.50, 34 CFR 395, sections 8.051 and 8.700–8.745, RSMo. The Family Support Division/Rehabilitation Services for the Blind administers the Business Enterprise Program according to the terms of this rule.

(2) Definitions.

(A) “Administrative fee” means an assessment against the operating income from direct sales in vending facilities, including income from manager-serviced vending machines and from commissions that vending companies pay on proceeds from vending machines located in facilities in which there is an on-site manager.

(B) “Assigned income” means income from commissions that vending companies pay to the nominee on proceeds from vending machines in vending facilities in which there is an on-site manager. The nominee disburses this income to the manager, according to subsection (15)(C).

(C) “Blind person” is a person whose central visual acuity is no more than twenty/two hundred (20/200) in the better eye with best correction or whose field of vision in the better eye is restricted to a degree that its widest diameter subtends an angle no greater than twenty degrees (20°).

(D) “Rehabilitation Services for the Blind” is the unit within the Family Support Division that administers the Business Enterprise Program. Rehabilitation Services for the Blind is referred to in this rule as RSB.

(E) “Business Enterprise Program” means the total vending facility program within the Family Support Division/Rehabilitation Services for the Blind. The Business Enterprise Program is referred to in this rule as the BEP.

(F) “Cafeteria” means a full-line food service facility in which the food is prepared on-site.

(G) “Certificate of Training” means the certificate that RSB presents to a blind person who successfully completes vending facility manager training. The certificate indicates the level of the training which a blind person has completed and the level at which the state licensing agency (SLA) may license the blind person, as stated in subsection (2)(T).

(H) “Change fund loan” means an interest-free loan from the nominee to be used for the manager’s initial operating funds.

(I) “Convenience store” means a vending facility that has over-the-counter sales but does not have on-site food preparation that requires the manager to handle unpackaged products, except for hot and cold beverages.

(J) “Creditable service” means only those periods when a manager is employed as a full-time contracted BEP manager.

(K) “Deputy director” means the person in the Family Support Division/Rehabilitation Services for the Blind who directs the administration of all service programs of RSB and who

is referred to in this rule as deputy director.

(L) “Direct competition” means the presence and operation of a vending machine or a vending facility operated by an entity other than a blind manager on the same premises as a vending facility operated by a blind manager. Vending machines or vending facilities operated in areas serving employees, the majority of whom normally do not have direct access, in terms of uninterrupted ease of approach and the amount of time required to patronize the vending facility, to the vending facility operated by a blind manager shall not be considered to be in direct competition with the vending facility that is operated by a blind manager.

(M) “Family Support Division” is the state licensing agency that is designated by the Secretary of the United States Department of Education to issue licenses to blind persons for the operation of vending facilities on federal, state, and other property. The Family Support Division is referred to in this rule as the SLA.

(N) “Equipment” means occupational fixtures, furnishings, machinery, tools, and accessories that are required in the operation of a vending facility. Equipment has a life of at least one (1) year and can be used repeatedly.

(O) “Executive committee of blind vendors” is the executive body that is elected by the Blind Vendors of Missouri, as discussed in section (6). Blind Vendors of Missouri is referred to in this rule as BVM.

(P) “Fair minimum return” means the amount RSB establishes as the minimum level of net income that a manager derives from a vending facility.

(Q) “Federal property” means any building, land, or other real property owned, leased, or occupied by any department, agency, or instrumentality of the United States, including General Services Administration, the Department of Defense, the Department of Energy, and the United States Postal Service, or any other instrumentality wholly owned by the United States.

(R) “Individual location,” “installation,” or “facility” means a single building or a self-contained group of buildings. In order for RSB to consider two (2) or more buildings to be a self-contained group of buildings, the buildings must be located in close proximity to each other and a majority of the employees housed in any of the buildings must move regularly from one (1) building to another in the course of official business during normal workdays.

(S) “Initial inventory” means the marketable merchandise and consumable supplies that RSB determines is necessary for a manager to begin operation of a new or substantially altered vending facility.

(T) “License” means the written instrument the SLA issues to a blind person and that confirms that person’s eligibility to operate a vending facility on federal, state, or other property. A Level 1 license is for the management of vending machine banks in which all income is derived from commissions. A Level 2 license is for the management of convenience stores. A Level 2.5 license is for the management of a manager-serviced vending machine route or a convenience store. A manager-serviced vending machine bank requires a Level 2.5 license. A Level 3 license is for the management of vending machine banks, convenience stores, and snacks bars. A Level 4 license is for the management of vending machine banks, convenience stores, snack bars, and cafeterias. A Level 5 license is for the management of military dining. The SLA shall issue a license only to those blind persons who are citizens of the United States, whom RSB certifies, as defined in subsection (2)(G), as qualified to operate a vending facility, who have successfully



completed a six- (6-) month probationary period as an active facility manager, and who are in need of employment.

(U) "Licensee" means a blind person to whom the SLA has issued a license to operate a vending facility on federal, state, or other property.

(V) "Management services" means supervision, inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve vending facilities operated by blind vendors. Management services do not include those services or costs that pertain to the ongoing operation of an individual vending facility after the initial establishment period.

(W) "Manager-serviced vending machines" means vending machines for which the manager is responsible for purchase of product, filling, and maintenance of the machines. The manager receives all revenue, less administrative fees, from sales and pays all operational expenses except for repair of vending machines.

(X) "Net income" means operating income plus income from commissions, less administration.

(Y) "Nominee" means a nonprofit corporation which, through a written agreement with the SLA, acts as the agent of the SLA in providing services to vending facility managers in the BEP.

(Z) "Normal working hours" means an eight- (8-) hour work period between the approximate hours of 6:00 a.m. to 6:00 p.m., Monday through Friday.

(AA) "Operating income" means income from operations, less operating expenses.

(BB) "Other property" means property which is not federal property or state property and on which the SLA establishes or operates vending facilities by the use of any funds derived in whole or in part, directly or indirectly, from the operation of vending facilities on federal or state property.

(CC) "Over-the-counter sales," including "manager-serviced vending machines," mean any transaction in which a customer purchases products which a manager has procured for the purpose of resale within the vending facility.

(DD) "Probationary period" means the first six (6) months of active facility management by a certified graduate of the BEP training program.

(EE) "Property management" means a person or instrumentality that grants a permit, contract, or agreement to the SLA for the operation of a vending facility at a specific location.

(FF) "Set-aside funds" means funds which accrue to the nominee from all unassigned income from vending machines located on federal property and from the administrative fee that the nominee assesses against the operating income from direct sales in all vending facilities and from the administrative fee that the nominee assesses against commissions paid by vending companies on vending machine proceeds in all vending facilities in which there is a manager on-site.

(GG) "Snack bar" means a vending facility with limited on-site food preparation and over-the-counter sales.

(HH) "State property" means all real property, or part of real property, that is owned, leased, rented, or otherwise controlled or occupied by any department, agency or body of the state of Missouri, including roadside rest areas, except property of Department of Mental Health. State property does not include a building in which less than one hundred (100) state employees are, or will be, located during normal working hours; a building in which less than fifteen thousand (15,000) square feet of interior floor space is to be used for state government purposes or in which services are to be provided to the public; or a building that state government employees are to occupy for less than three (3) years.

(II) "Supplies" means items that are expendable, necessary to carry out the day-to-day operation of a vending facility, and that are used on the premises.

(JJ) "Unassigned income" means income that accrues to the nominee from commissions that vending companies pay on proceeds from vending machines on federal, state, and other property in which there is no on-site manager. The nominee uses these funds for manager and program benefits according to subsection (15)(D).

(KK) "Vending facility" means a business that the SLA establishes for the sale of products. It may consist, exclusively or in combination, of automatic vending machines, convenience stores, snack bars, or cafeterias. A vending facility may consist of only a portion of a building, it may be comprised of one (1) or more locations within a building, and it may encompass more than one (1) building.

(LL) "Vending facility manager" means a blind person who has been licensed by the SLA and who has a Vending Facility Manager's Agreement. Vending facility manager is referred to in this rule as manager.

(MM) "Vending Facility Manager's Agreement" means a written document, entered into by the licensee, the SLA and the nominee that states the terms and conditions for the licensee to be on-site to operate a vending facility at a specific location. Vending Facility Manager's Agreement, a copy of which follows this rule, is referred to in this rule as manager's agreement.

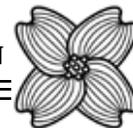
(NN) "Vending machine bank" means one (1) or more coin-operated or electronic transfer of funds vending machines that dispense articles or services and that are located in one (1) or more locations in one (1) or more buildings that RSB designates as a vending facility. Vending machine bank does not mean those machines that are operated by the United States Postal Services for the sale of postage stamps or other postal products and services, or machines located on federal property that provides services of a recreational nature.

(OO) "Vending machine income" means proceeds from vending machine operations on federal, state, or other property where the machines are operated, serviced, or maintained by, or with the approval of, a department, agency, or instrumentality of the United States, Missouri, or other public or private entity. Vending machine income also includes commissions that a commercial vending company pays to the nominee on proceeds from vending machines that the commercial vending company operates, services, and maintains on federal, state, or other property for, or with the approval of, a department, agency, or instrumentality of the United States, the state of Missouri, or other public or private entity.

(3) Nondiscrimination. The SLA and RSB shall administer the BEP without regard to race; color; religion; sex; national origin; veteran; secondary handicap; marital status; age; or political beliefs of blind persons who are manager applicants, trainees, licensees, or managers. The SLA and RSB shall administer the BEP without regard to race; color; religion; sex; national origin; veteran; handicap; marital status; age; or political beliefs of SLA or nominee employees and of contractors that provide goods or services to vending facilities.

(4) Responsibilities of RSB. RSB, as designated by the SLA, shall carry out the following activities in the administration of the BEP:

(A) RSB shall establish vending facilities on federal, state or other property. The Randolph-Sheppard Act, as amended through 1974, authorizes RSB to establish vending facilities on federal property. Sections 8.051 and 8.700-8.745, RSMo



authorize RSB to establish vending facilities on state property. RSB establishes vending facilities on other public or private property at the request of the public or private entity responsible for management of the property;

(B) RSB shall provide to each manager consultation and advice for developing sales techniques, merchandising and general operating of the vending facility, purchasing procedures, managerial methods or procedures to promote financial success, appearance and sanitation of the vending facility and required reporting procedures;

(C) RSB may act as liaison between the manager and property management, suppliers and patrons;

(D) RSB shall provide to each manager a copy of 34 CFR 395, 34 CFR 361.50, sections 8.051 and 8.700–8.745, RSMo and this rule;

(E) RSB shall provide to each manager a written description of the arrangements for providing services and the manager's agreement. If the facility is on federal property, RSB shall provide to the manager a copy of the permit that covers the operation of the vending facility. If the vending facility is not on federal property, RSB shall provide to the manager written documentation of the responsibilities of the manager, the SLA and property management in relation to operation of the vending facility. At the request of a manager, RSB shall arrange a convenient time to explain these documents to each manager;

(F) RSB shall provide to each manager access to all program and financial data of the SLA and the nominee that is relevant to the operation of the BEP. The data shall include monthly and annual financial reports; provided that this disclosure does not violate applicable federal or state laws pertaining to the disclosure of confidential information. To the extent possible, RSB shall provide these data to each manager in the manager's preferred reading medium. At the request of a manager, RSB shall arrange a convenient time to assist in the interpretation of the data;

(G) RSB shall provide the Blind Vendors of Missouri (BVM) executive committee with advance written notice of matters that the executive committee will consider and of meetings that the executive committee or other managers should attend; and

(H) RSB, through the authority designated to it by the SLA, shall have the ultimate responsibility for the administration of the BEP, including the expenditure of all federal and state funds, funds that are paid to the nominee by vending facility managers and funds that accrue to the nominee from commissions that vending companies pay on vending machine proceeds. RSB shall consult with the executive committee regarding program issues. If RSB does not adopt the recommendations of the executive committee, RSB shall notify the executive committee in writing of the decision RSB reaches and the reason(s) for the decision.

(5) Responsibilities of the Blind Vendors of Missouri. All active managers in the BEP are members of the Blind Vendors of Missouri, an organization whose membership is limited to managers in the BEP. This organization, which meets at least one (1) time and no more than two (2) times each year, nominates individuals from its membership to serve on the executive committee of blind vendors, which is referred to in this rule as the executive committee. The executive committee, to the extent possible, is representative of all managers in the BEP and functions throughout the year in behalf of all managers.

(A) Meeting(s) of BVM. A quorum at any meeting of this organization shall consist of one-third (1/3) of the membership; provided, two (2) officers are present. The meeting held annually

in June is referred to as the annual meeting of the organization. All meetings of the BVM shall be conducted under *Robert's Rules of Order*.

(B) Nomination of Executive Committee Members. RSB shall provide that, prior to the annual meeting of the BVM, a nomination ballot is sent to each manager that contains the names of all managers in the BEP who are eligible for election to positions on the executive committee that become vacant at the time of the annual meeting. To be eligible a person must be a licensed contract manager in good standing. After receipt of all nomination ballots, RSB shall compile an election ballot that contains for each position the names of the two (2) managers who received the most nominative votes. If there is a three- (3-) way tie, a run-off election will be held at the annual meeting, prior to the general election, to establish the top two (2) candidates.

(C) Election of Executive Committee Members. At the annual meeting of the BVM, RSB shall provide for the managers in attendance to elect, by secret ballot, a manager to fill each vacant position on the executive committee. The manager who receives the most votes for each position assumes the elective office at the conclusion of the annual meeting. Each of the five (5) members and one (1) alternate shall serve a term of two (2) years and shall not be eligible for election to the same office for more than two (2) consecutive terms.

(D) Any executive committee member who misses two (2) consecutive executive committee meetings (unless due to a personal or family emergency) will be dropped from the committee. The alternate board member shall succeed to active board member status until the next annual meeting of the BVM is held. The executive committee will function without an alternate until the annual election. If the exiting member held an officer position, the members of the executive committee shall elect, from the committee, an individual to function in that officer position until the next annual meeting when the general membership will vote for a replacement to fill the unexpired term.

(6) Responsibilities of the Executive Committee of Blind Vendors of Missouri. The committee shall meet as often as is necessary, as determined by RSB and the executive committee, to carry out the following responsibilities:

(A) To participate actively with RSB in major administrative, policy and program decisions that affect the overall administration of the BEP;

(B) To participate actively with RSB in the development and administration of a system for the selection, transfer and promotion of managers;

(C) To participate actively with RSB in developing training and retraining programs for managers;

(D) To receive and transmit grievances from managers to RSB;

(E) To serve as advocates for managers in grievance proceedings;

(F) To sponsor, with the assistance of RSB and the nominee, meetings and instructional conferences for managers;

(G) To designate, as necessary, subcommittees or individual members to carry on the functions of the executive committee between meetings of the entire executive committee;

(H) All meetings of the executive committee shall be conducted under *Robert's Rules of Order*.

(7) Responsibilities of the Nominee. The SLA may enter into a written agreement with a nominee to act as its agent in the administration of the BEP. The responsibilities of the nominee



include:

(A) The nominee shall collect from each manager and promptly deposit in a designated bank an administrative fee, as defined in subsection (2)(A);

(B) The nominee shall collect and promptly deposit in designated banks all commissions paid on vending machine proceeds. The nominee shall maintain separate accounts for the restricted and unrestricted fund revenue;

(C) As funds are available, the nominee shall disburse set-aside funds at the direction of RSB and for the purposes stated in subsection (12)(B);

(D) As funds are available, the nominee shall disburse unassigned income from vending machines located on nonfederal property at the direction of RSB and for the purposes stated in subsection (15)(D); and

(E) The nominee shall maintain records which accurately reflect all transactions of the nominee and shall make available all records that are required for audits that may be conducted by federal or state auditors or private auditors that the nominee retains to conduct annual or special audits.

(8) Vending Facility Manager Training. RSB shall train a vending facility manager through the following procedures:

(A) Application for Training. Any person who is a vocational rehabilitation client of RSB may request a determination of eligibility to enter manager training. RSB shall meet the cost of manager training with vocational rehabilitation case service funds, within the guidelines stated in 13 CSR 40-91.020;

(B) Criteria for Acceptance for Manager Training. A vocational rehabilitation client who is accepted for manager training shall undergo a criminal background check and shall meet the following criteria:

1. Is legally blind; and
2. Is a citizen of the United States;

(C) Responsibilities of the Manager Trainee.

1. Trainees are expected to be punctual, present a clean, well-groomed appearance, be attentive, and conduct themselves in a professional manner.

2. If the trainee displays any of the following behaviors, training may be suspended immediately, with the recommendation to the training director and vocational rehabilitation counselor for termination to be effected as soon as possible:

- A. Insubordination;
- B. Inability to control temper or emotional outbursts;
- C. Abuse of alcohol or use of illegal drugs;
- D. Embezzlement of training funds or property;
- E. Absenteeism;
- F. Tardiness;
- G. Not completing assignments in a timely manner; and
- H. Lack of personal hygiene (must maintain a clean and well-groomed appearance).

3. If problems arise causing the trainee to fall behind the training schedule, for example, illness, personal problems, previously undetected skill deficiencies, attitude, etc. the trainee will be given written notice of the areas of unacceptable performance. The trainee will, if requested, be given one (1) week to correct the problem(s). After this week, the training director, with advice of the trainer, will determine if training will continue or be terminated.

4. If training is terminated, the trainee may reapply for training after the reasons for termination have been corrected. This person would then be placed on the training list as of the date of reapplication. If the trainee left the training program due to illness or family problems and re-enters within twelve (12) months from the date training was terminated, the trainee

may be credited with training previously completed. Credit will be given if a one- (1-) week evaluation conducted prior to resuming training demonstrates an acceptable level of retention of initial instruction; and

(D) Manager Training Requirements. Training for a Level 1 license consists of orientation to the BEP and on-the-job training. Training for a Level 2, Level 3, or Level 4 license consists of orientation to the BEP, academic course work, and on-the-job training. Training for a Level 5 license consists of a customized training for any Level 4 manager who has recently been awarded a military dining location, on all aspects of contract management for military dining. The manager who provides on-the-job training for a trainee shall complete a Trainee Evaluation Report, a copy of which follows this rule.

1. The deputy director, with the concurrence of the executive committee, may waive a portion of training for those persons who have prior education, training, or experience in food service operations. Regardless of prior education, training, or experience, all Level 1 trainees shall have a minimum of two (2) weeks BEP training and all Level 2, Level 3, or Level 4 trainees shall have a minimum of four (4) weeks BEP training. If the deputy director does not waive a portion of the training, Level 1 training is a minimum of eight (8) weeks, Level 2 is a minimum of sixteen (16) weeks, Level 3 training is a minimum of eighteen (18) weeks, and Level 4 training is a minimum of twenty-six (26) weeks.

2. When a trainee successfully completes all training, RSB will award to the trainee a Certificate of Training that certifies the person is qualified to be licensed as a vending facility manager. The Certificate of Training states the level for which the trainee is eligible to be licensed. Level 2, Level 3, and Level 4 trainees must attain a minimum score of seventy-two percent (72%) on the final exam to be eligible for licensure.

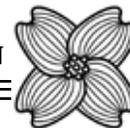
3. A certified graduate, upon assuming management of a facility, shall begin a six- (6-) month probationary period. During the probationary period, the probationary manager will receive insurance benefits normally associated with the BEP, but shall not be licensed until the probationary period has been completed. During the probationary period, a bond will be secured through established BEP procedures. If bond-ability cannot be achieved, the probationary manager will be terminated from the program. When the probationary period has been successfully completed and bond has been secured, the probationary manager will be issued a license. The license shall be retroactive, to include the probationary period and will establish eligibility for full benefits.

4. The deputy director may require an evaluation or additional training, or both, for any active manager whom RSB determines is not performing at a satisfactory level. The deputy director may require the manager to undergo comprehensive assessment of compensatory skills, and, or medical examinations, including visual and psychological, that the deputy director considers necessary in order to determine the manager's ability to continue management of a vending facility.

(9) Licensing of a Manager. The SLA shall issue a license only to a person who is legally blind, is a citizen of the United States, is certified by RSB as qualified to manage a vending facility, and has successfully completed a six- (6-) month probationary period as an active facility manager.

(A) The license issued by the SLA shall state the level of facility the licensee is qualified to manage.

(B) If the SLA has licensed a person as a vending facility manager but that person has not actively participated in the BEP through management of a facility or bidding on a facility, for



three (3) years or more, the SLA may terminate the manager's license. The SLA, upon the deputy director's recommendation, may grant as extension of licensure beyond the three (3) year period of nonparticipation in the BEP.

(10) Selection and Appointment of a Vending Facility Manager. RSB shall use the following procedures to select and appoint each manager:

(A) RSB shall send written notification of each vending facility management opening to all licensees. In order for RSB to consider an applicant, a written application must be post-marked within twelve (12) calendar days of the date of written notification of the opening. In order for the application of any manager to be considered, the manager must be current in submitting Manager's Weekly Reports, must be current in payment of administrative fees and, if applicable, must be current in all payments due the nominee. The applicant must be appropriately certified or licensed and have current National Restaurant Association's Applied Food Service Sanitation Course certification as required in subsection (11)(D);

(B) An applicant for the position of vending facility manager must sign a "Release of Information" form, allowing a review of the applicant's records. The executive committee shall review and evaluate each application on the basis of the information the applicant provides in the application, on information RSB provides regarding the applicant's performance as a trainee or manager and on the results of a personal interview that the executive committee conducts with each applicant. RSB retains the right to acquire any additional information, such as verification of payment to purveyors, considered relevant to an applicant's qualifications for appointment as a manager. The executive committee shall give the deputy director the committee's recommendation regarding appointment of a manager. The executive committee may recommend that none of the applicants be appointed;

(C) If the deputy director agrees with the executive committee, the deputy director shall appoint or reject each applicant, as recommended by the executive committee. If the deputy director does not agree with the recommendation of the executive committee, the deputy director, after consultation with the executive committee, may appoint another qualified applicant as manager of the vending facility;

(D) The deputy director shall send written notification of the results of the selection process to each applicant; and

(E) The SLA, the nominee, and the manager will sign a manager's agreement, which is dated the day that the manager assumes management of the vending facility.

(11) Operation of a Vending Facility. The SLA, RSB, nominee, and each manager shall follow these procedures regarding the operation of a vending facility.

(A) Each manager agrees to enter his/her facility at his/her own risk. Responsibility for injuries received and all related expenses thereto will be assumed by the vending facility manager. Each manager may, at his/her own expense, purchase Workers' Compensation insurance coverage for his/herself.

(B) Each manager is responsible for having the vending facility open for business on the days and during the hours specified in the permit, contract, or agreement, a copy of which will be given to the manager. The manager shall not subcontract or make other arrangements that will relieve the manager from active, personal management of the facility, unless RSB has given prior written approval. Active, personal management for the purposes of this rule shall mean the manager shall be physically present in the vending facility at least five (5) hours

per day, five (5) days per week. At least half of this time must be during hours that the facility is open to the public.

(C) Each manager will notify RSB in advance and within a reasonable time period before taking any voluntary leave from the vending facility, and as soon as possible in the event of involuntary leave (for example, illness). The manager will provide for substitute operation of the vending facility as may be necessitated by the manager's absence due to illness, vacation, etc. The salary of the person who substitutes for the facility manager, or that of other emergency or temporary help, shall be paid by the vending facility manager. If a manager is absent from the vending facility for more than thirty (30) successive days due to illness, RSB may request all medical information regarding the manager's health condition. If the medical information indicates the manager will be absent from the vending facility for as much as six (6) months, the SLA may terminate the manager's agreement.

(D) Any person who is licensed as a Level 2, Level 3, Level 4, or Level 5 manager after July 1, 1990, shall obtain recertification in the Applied Food Service Sanitation course every five (5) years. Any person who manages a Level 2, Level 3, Level 4, or Level 5 facility in a municipality that requires certification in the Applied Food Service Sanitation course shall obtain recertification every five (5) years, regardless of the date the SLA licensed the person.

(E) Each manager shall maintain the facility according to the standards stated in state and local health laws and regulations and the terms stated in the permit, contract, or agreement with property management. The manager and all vending facility employees shall maintain high standards of personal hygiene and grooming. They will maintain a neat, business-like appearance while working at the facility and will operate the facility in an orderly business-like manner.

(F) Children of the manager or facility employees shall not be present in the facility for the purpose of child care during the normal hours of operation.

(G) RSB shall conduct a bimonthly on-site inspection of each vending facility to insure it is being managed according to the requirements of 34 CFR 395, section 8.051, RSMo, sections 8.700–8.745, RSMo, and this rule. The findings of the inspection shall be recorded on the Review of Facility (ROF) form, a copy of which follows this rule. A score of less than two point seven-five (2.75) on the ROF may require remedial training.

(H) Each manager shall maintain product liability, general liability and Workers' Compensation insurance for his/her vending facility. The nominee shall be named as the "additional insured." The nominee, with consultation from the executive committee and as directed by RSB, shall obtain the insurance and shall bill the manager his/her proportionate share of the premium on each monthly statement. The amount charged will be adjusted annually based on prevailing rates and the annual insurance audits.

(I) RSB, in consultation with the manager, shall determine and provide equipment for each vending facility. The manager shall not purchase, transfer, modify, or dispose of any vending facility equipment unless RSB has given prior written authorization. When equipment is delivered to a vending facility, the manager shall sign the invoice noting any obvious damage, potential for concealed damage, or shortage, and deliver it to RSB. If the equipment cannot be inspected at the time of delivery, it should be signed for "subject to inspection." RSB will inspect the equipment to ensure that it is not damaged and that it meets the required specifications. The manager shall ensure appropriate care of all equipment and shall be responsible for training all vending facility employees in the



proper and safe use of equipment. RSB shall maintain vending facility equipment in good repair and attractive condition. When the manager becomes aware of the need for equipment repair or replacement, the manager shall notify RSB promptly in writing. If the manager considers that repair or replacement is needed immediately, the manager may inform RSB orally of the need and shall confirm the request in writing within (5) workdays. RSB, in consultation with the manager, shall decide whether repair or replacement is needed. If emergency repair or replacement is needed, RSB shall provide oral authorization and shall confirm the authorization in writing within one (1) workday. If the manager discovers the need for emergency repair or replacement on a day when RSB offices are closed, the manager may make arrangements for repair or replacement and shall notify RSB on the first day that RSB offices are open following the discovery. The manager shall pay for any equipment repair that RSB did not authorize. The manager also shall pay the cost of repair that is needed due to negligence or abuse by the manager or vending facility employees and for expense resulting from failure to determine a minor repair such as unit not plugged in, reset button not pushed, or circuit breaker tripped. The right, title to, and interest in equipment that the SLA or the nominee purchases shall be vested in the name of the primary purchaser. The nominee shall take necessary steps to defend and maintain the SLA's paramount right, title to, and interest in all equipment.

(J) RSB shall provide an initial inventory adequate for the manager to begin operation at each new or substantially altered vending facility. Each manager will be provided with a written copy of the initial inventory and its value computed on wholesale prices at the time of purchase. On the date of the manager's termination as manager, for whatever cause, RSB shall take an inventory of all readily marketable merchandise and consumable supplies in the vending facility. The value of the inventory shall be computed on current wholesale prices. RSB shall deduct the value of the inventory plus any cash advances or other sums that the manager owes to RSB or the nominee. The difference is the amount due and it shall be paid to the manager or the manager's estate within ninety (90) days from the date the inventory was taken. Failure to pay the amount due within the required ninety- (90-) day period will result in a penalty to RSB of one and one-half percent (1 1/2%) of the balance, to be paid monthly until the account is settled. If the manager or the manager's estate owes money to RSB or the nominee, RSB or the nominee shall notify the manager or the manager's estate in writing of the amount that is owed. The manager shall pay the amount owed to RSB or the nominee within ninety (90) days from the date of the notification letter. If a manager's estate owes money to RSB or the nominee, RSB or the nominee shall file a claim against the manager's estate for the amount of the debt that is owed. RSB or the nominee shall assess a penalty of one and one-half percent (1 1/2%) per month of the balance that the manager of the manger's estate owes to RSB or the nominee, until the account is settled. Each manager shall maintain an inventory of equal or greater value than the initial inventory in order to insure continuation of services and maintenance of a viable business operation.

(K) If a manager is unable to furnish a change fund for the facility, the nominee may make an interest-free loan to the manager in an amount that RSB, after consultation with the manager, determines is sufficient. The manager shall repay this loan in ten (10) equal monthly installments beginning no later than ninety (90) days from the date of the loan or upon the manager's resignation or termination as manager of the facility, whichever date occurs first. When the nominee makes

an interest-free loan to a manager, the manager shall sign a promissory note, a copy of which follows this rule.

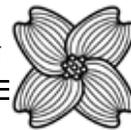
(L) Each manager shall set prices for items to be sold based on market value. If a manager refuses to set prices based on market value or if a dispute arises between two (2) or more managers, RSB may establish the price at which product(s) will be sold.

(M) Each manager shall operate the vending facility business on a cash basis except for such credit accounts as may be established or authorized by RSB. The manager may sell only the types of merchandise stated in the permit, contract, or agreement with property management. Merchandise types may not be added or deleted without the approval of RSB and the consent of property management. Merchandise that is purchased for the vending facility and reported on the manager's weekly report shall not be removed from the facility unless sold. Each manager is accountable to RSB for the proceeds of the business and will handle the proceeds, including payments to suppliers and deposits of funds, in accordance with instructions from RSB. Each manager who has employees shall make required federal tax deposits at a federal reserve bank. Deposits will include employee withholdings for income taxes and Social Security and employer matching withholding for Social Security. Each manager shall collect all applicable sales taxes on gross sales and shall remit the taxes to the nominee, in the amount shown on the monthly statement. The nominee shall submit tax forms and monthly payments for all managers to the Missouri Department of Revenue and when appropriate to county and city governments. The manager shall maintain a business account which is separate from any personal account(s). The manager is liable for all debts s/he incurs in the operation of the vending facility. RSB may, with reasonable cause, require verification that a manager has paid all legal debt incurred in the operation of the vending facility and that federal tax deposits are current.

(N) Subject to applicable laws, regulations, and this rule each manager shall make all personnel decisions, including hiring and termination, employee wages, benefits, and working conditions. Employee wages must be within the prevailing wage range for the job classification in the area where the facility is located. If the wage/salary exceeds the prevailing wage, the manager may be required to provide RSB with written justification. A manager may consult with RSB regarding the number of employees s/he will hire. First, preference shall be given to blind persons in need of employment. Second, preference shall be given to other disabled persons. Each manager and all vending facility employees will strive at all times to maintain a positive working relationship with management and customers of the vending facility.

(O) Each manager shall submit all reports or records that RSB or the nominee requests. These reports or records shall include, but not be limited to, daily and weekly reports. The daily report shall include opening cash-on-hand, the amount of sales, the amount of pay outs, and cash-on-hand at the close of the business day. The manager's weekly report and payroll report must include completed Manager's Weekly Report and Vending Facility Payroll Report forms, copies of which follow this rule. In addition, supporting documentation including cash register "Z 2" tapes and all paid invoices for the week the report covers must be included. All required reports shall be postmarked no later than the fourth day following the closing date of the period the report covers.

(P) At the end of each month, the nominee shall furnish to the manager a Monthly Operating Statement for the manager's vending facility. The report will reflect the facility's sales and



expenses and the amount the manager must submit to the nominee for administrative fees, sales taxes, and insurance. The manager is responsible for personal income tax deposits due the Internal Revenue Service. A copy of the Monthly Operating Statement follows this rule.

(Q) The manager shall send to the nominee the amount owed, as shown on the monthly statement with postmark no later than the twenty-fifth day of the month. If payment is delinquent, a penalty of one and one-half percent (1 1/2%) per month shall be assessed on the balance owed. If a manager is two (2) months delinquent in paying to the nominee the amounts due, the SLA may terminate the manager's agreement or license, or both. If the manager submits any check which does not clear the bank, the nominee shall assess a penalty charge in the same amount that the bank assesses the nominee. If a manager submits two (2) checks within a twelve- (12-) month period that fail to clear the bank, the nominee shall give written notification to the manager that all future payments must be made by certified check or money order.

(R) RSB shall ensure that each manager has a fair minimum return, within the following limitations. A manager may apply in writing to the nominee for an interest-free subsidy for any month during which the net income from the manager's vending facility is less than seven hundred dollars (\$700). The subsidy for one (1) month cannot exceed seven hundred dollars (\$700) or the difference between seven hundred dollars (\$700) and the amount of the manager's net income from the vending facility for the month, whichever is less. The manager may apply for this interest-free subsidy no more than three (3) times. The manager must pay all amounts s/he owes to RSB or the nominee before s/he is eligible to apply for a subsidy. After a maximum of three (3) subsidies, the manager may re-establish eligibility for interest-free subsidies by repaying the full amount of all previous fair minimum return subsidies. The manager may repay the subsidies at any rate selected by the manager. The nominee does not require the manager to repay the subsidies, but failure to repay the subsidies will result in ineligibility to receive additional fair minimum return subsidies.

(S) RSB shall select vending facility locations that require payments of rent or other fees only when a manager's net income from that location is expected to justify that expense. When payments of rent or other fees are necessary, the manager shall make these payments.

(T) Before beginning operation of a vending facility, the manager shall obtain and pay for all necessary state, county and city licenses and permits. These licenses and permits shall be kept current by the manager for the duration of the manager's agreement.

(U) The nominee shall pay all initial charges for purchase, installation and connecting or disconnecting telephone for the vending facility.

(V) If the majority of the population in a building which houses a vending facility is transferred from that building to another on either a temporary or permanent basis, the SLA may transfer the vending facility and manager to the new building without placing the new facility on competitive bid.

(W) Each manager shall maintain minimum levels of net profit from sales of nineteen percent (19%) for a Level 2 facility, fourteen percent (14%) for a Level 3 facility, and ten percent (10%) for a Level 4 facility. The maximum percent of merchandise costs shall not exceed seventy-two percent (72%) for a Level 2 facility, fifty-eight percent (58%) for a Level 3 facility, and fifty-two percent (52%) for a Level 4 facility.

(X) Failure to operate a vending facility in accordance with acceptable operating standards as outlined in this section may

result in the SLA placing the manager on probation for a period of time deemed sufficient to correct noted management deficiencies. The SLA may require additional training during this period. If correction is not achieved within this probationary period, the SLA may terminate the manager's agreement or license or both according to subsection (16)(A).

(12) Administrative Fees and Set-Aside Funds. RSB and the managers shall establish policies regarding set-aside funds. Set-aside funds accrue to the nominee from all commissions on vending machine proceeds in vending facilities located on federal property in which there is no manager on-site, from administrative fees that the nominee assesses against all operating income from vending facilities and administrative fee that the nominee assess on commissions on vending machine proceeds in vending facilities in which there is a manager on-site.

(A) Each manager shall pay to the nominee a fee in the amount of thirteen percent (13%) of the income from net proceeds. This fee is referred to as the administrative fee and is included in the set aside funds. The nominee shall record on the manager's monthly statement the amount of the administrative fee that the manager owes on that month's sales. The nominee shall deduct a thirteen percent (13%) administrative fee from all commissions that vending machine companies pay on vending machine proceeds in vending facilities in which there is a manager on-site.

(B) As set-aside funds are available, the nominee shall use set-aside funds solely for the purposes of a fair minimum return for managers, maintenance, and replacement of vending facility equipment, purchase of new vending facility equipment, management services, and the establishment and maintenance of retirement or pension funds, including group life insurance, health insurance and contributions, and provision for paid vacation time for managers and nominee employees.

(13) Seniority. A manager earns or loses seniority credit according to the following guidelines:

(A) A full-time manager in the BEP shall earn one (1) month of seniority for each full month that the manager worked and paid all fees, as required by this rule, except that a licensee who works as a temporary manager shall earn only one-half (1/2) month seniority for each month that the temporary manager worked. A manager shall not accrue seniority for any month in which payment of fees or loans are delinquent;

(B) A full-time manager in the BEP who resigns from a facility in good standing shall lose fifty percent (50%) of the manager's accumulated seniority at the time the manager resigns. After an absence from the BEP of three (3) years, the manager shall lose all seniority;

(C) When the SLA terminates a manager's agreement due to the manager's failure to adhere to the terms of this rule, the manager shall lose all seniority immediately;

(D) If the SLA closes a vending facility for a reason other than the manager's failure to adhere to the terms of this rule, the manager shall retain all seniority the manager had accumulated at the time the SLA closed the vending facility. After an absence from the BEP of three (3) years, the manager shall lose all seniority; and

(E) Seniority is a factor in the vacation pay schedule and all other factors being equal may be considered in making a facility award or recommendation for award.

(14) Fringe Benefits. As set-aside funds are available, the nominee shall use set-aside funds, as discussed in section (12), to meet the cost of the following benefits for managers:



(A) Paid Vacation. Effective January 1, 1996, a manager shall earn vacation and the nominee shall pay the manager for earned vacation, according to the following:

1. After one (1) full year of creditable service as a BEP manager, a manager shall earn one (1) week of paid vacation. A manager is not eligible for vacation pay unless s/he is current in submitting required reports and payments of administrative fees and loans from the nominee;

2. A manager will be eligible to receive vacation pay on the anniversary date of employment as a full-time contract manager. A manager who is ineligible for vacation pay on this date will not become eligible to receive vacation pay until his/her next anniversary of employment date. Vacation pay shall not accumulate beyond the twelve- (12-) month period.;

3. The nominee shall compute the week of earned vacation as equal to one fifty-second (1/52) of the manager's net income for the immediately preceding twelve- (12-) month period; and

4. If a manager who is eligible for vacation pay dies, resigns from a vending facility, or, if the SLA terminates the manager's agreement or license, RSB shall prorate the vacation pay for the number of weeks of creditable service the manager has accrued since the last anniversary date of the manager's employment. This prorated amount shall be applied toward any debt to the SLA or nominee and any balance remaining shall go to the manager and/or to his/her estate;

(B) Health Insurance and Life Insurance Coverage. RSB, with consultation from the executive committee, shall select an insurance carrier to provide health insurance and group life insurance for managers and their dependents.

1. The nominee shall pay the premiums for health insurance coverage and for a maximum of five thousand dollars (\$5000) of group life insurance coverage for each manager. The manager shall pay the premiums on insurance coverage for the manager's dependents and for any additional insurance for the manager.

2. Upon the request of a manager who resigns from the BEP or whose contract has been terminated by the SLA, the nominee may continue health and life insurance coverage for that individual and the individual's dependents through the nominee's insurance carrier, if allowed by the carrier, for a period not to exceed thirty (30) days. The individual must submit to the nominee prepayment of the total amount of the premium for the thirty- (30-) day extended period of coverage for the individual and the individual's dependents; and

(C) Retirement Benefits. RSB, with consultation from the executive committee, shall select a provider with which managers may invest in an individual retirement account (IRA). The manager may invest in an IRA, within the limitations stated in federal law except that payments will only be matched on a calendar year basis, for example, contributions must be made by December 31 of each year to be applied to that tax year. For each tax year, the nominee shall use income from vending machines located on nonfederal property to match each dollar a manager invests in an IRA, up to a maximum of five hundred dollars (\$500) per year. In order to be eligible to participate in the IRA program, a manager's administrative fees and change fund loan payments must be current.

(15) Collection and Distribution of Income From Vending Machines.

(A) Income From Vending Machines.

1. Federal property. Vending machines on federal property may be the responsibility of the federal government agency, through direct operation of the machines or through a contractual arrangement with a commercial vending company.

In other situations, the state of Missouri, on behalf of the nominee, contracts with a vending company to provide vending services.

A. When the vending operation is the responsibility of the federal government agency, a property management official shall be responsible for the collection of, and accounting for, the income from vending machines.

B. When the state of Missouri contracts with a vending company to provide vending services, the vending company shall submit commissions and documentation on vending machine proceeds to the nominee.

(B) Collection of Income From Vending Machines.

1. Federal property. When the vending operation is the responsibility of the federal government agency, at least once each quarter the property management official shall collect vending machine income and forward it to the nominee, as follows:

A. One hundred percent (100%) of income from all vending machines that are in direct competition with a vending facility that is operated by a manager who is on-site, as determined by property management, with RSB's concurrence;

B. Fifty percent (50%) of all income from all vending machines that are not in direct competition with a vending facility that is operated by a manager who is on-site; and

C. Thirty percent (30%) of all income from all vending machines on federal property at which fifty percent (50%) or more of the total hours worked on the premises occurs during a period other than normal working hours.

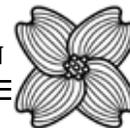
(C) Distribution of Income From Vending Machines.

1. Federal property.

A. Vending machine income from vending machines on federal property which has been disbursed to the state licensing agency by a property managing department, agency, or instrumentality of the United States under section 395.32, shall accrue to each blind vendor operating a vending facility on such federal property in each state in an amount not to exceed the average net income of the total number of blind vendors within such state, as determined each fiscal year on the basis of each prior year's operation, except that vending machine income shall not accrue to any blind vendor in any amount exceeding the average net income of the total number of blind vendors in the United States. No blind vendor shall receive less vending machine income than s/he was receiving during the calendar year prior to January 1, 1974, as a direct result of any limitation imposed on such income under this paragraph. No limitation shall be imposed on income from vending machines, combined to create a vending facility, when such facility is maintained, serviced, or operated by a blind vendor. Vending machine income disbursed by a property managing department, agency, or instrumentality of the United States to a state licensing agency in excess of the amounts eligible to accrue to blind vendors in accordance with this paragraph shall be retained by the appropriate state licensing agency.

B. The state licensing agency shall disburse vending machine income less the administrative fee, to blind vendors within the state on at least a quarterly basis.

C. Federal property in which Missouri contracts with a vending machine company to provide vending service, a manager is on-site to operate a vending facility, and there are one (1) or more vending machine banks in the building at which there is no manager on-site. The nominee shall distribute to the manager all of the assigned income, less the administrative fee. The nominee also shall distribute to the manager the unassigned income, less the administrative fee, up to, but not exceeding, the average income of the total



number of managers in Missouri, as determined each federal fiscal year on the basis of the prior year's operation of the BEP, or the average income of the total number of vending facility managers in the United States, whichever is less. The nominee shall not impose a limitation on income from vending machines combined to create a vending facility when a manager services, maintains, or operates the facility. If there is a balance of unassigned income after the nominee pays the appropriate amount to the manager, the balance shall accrue to the nominee.

D. On federal property in which there is no manager on-site, all commissions on vending machine proceeds shall accrue to the nominee.

2. Nonfederal property.

A. Nonfederal property in which Missouri contracts with a vending company to provide vending service and a manager is on-site. On a monthly basis, the nominee shall distribute to the manager commissions from proceeds, less administrative fee, from vending machines that are listed in RSB's contract to operate that vending facility.

(I) For any facility that is of the type discussed in this subparagraph and in which a manager assumed management of the facility after July 8, 1991, the amount of income that the nominee distributes to the manager shall not exceed one hundred fifty percent (150%) of the average income of the total number of managers in Missouri, as determined each federal fiscal year on the basis of the prior year's operation of the BEP, or the average income of the total number of vending facility managers in the United States, whichever is more.

(II) If there is a balance of vending machine income after the nominee pays the appropriate amount to the manager, the balance shall accrue to the nominee.

B. All income from commissions on vending proceeds from machines located on nonfederal property in which there is no manager on-site to operate a vending facility shall accrue to the nominee.

(D) Use of Unassigned Vending Machine Income That the Nominee Retains.

1. Federal property.

A. If approved by a majority vote of all managers, the nominee shall use unassigned income that accrues to it from vending machines located on federal property for the establishment and maintenance of retirement or pension plans, for health insurance contributions, and for the provision of paid vacation time for all managers.

B. The nominee shall use any vending machine income not needed to meet the cost of benefits stated in subparagraph (15)(D)1.A. for the maintenance and replacement of equipment, the purchase of new equipment, management services and assuring a fair minimum return to managers.

C. The nominee shall reduce the administrative fee charged to managers *pro rata* in an amount equal to the total vending machine income that remains after the nominee meets the cost of manager benefits stated in subparagraph (15)(D)1.A.

2. Nonfederal property. In consultation with the executive committee, the nominee shall use unassigned income that accrues to it from vending machine proceeds located on non-federal property to meet the cost of the following: establishment and maintenance of retirement or pension plans, health insurance contributions, the provision of paid vacation time for all managers, maintenance and replacement of equipment, purchase of new equipment, management services, assuring a fair minimum return to managers, and other costs that RSB determines are necessary for program growth and efficient administration of the BEP. The primary purpose of unassigned

income from proceeds of vending machines located on nonfederal property shall be to develop and enhance the BEP.

(16) Termination of License or Manager's Agreement. The SLA may terminate a license or manager's agreement.

(A) Reasons for Termination of License or Manager's Agreement. Any of the following situations is sufficient reason for the SLA to terminate a manager's license or manager's agreement:

1. Willful or malicious destruction of, or failure to exercise reasonable and necessary care of, vending facility equipment;

2. Failure to operate the vending facility according to federal, state, or municipal law, this rule, or the terms of any permit or contract that governs the operation of the vending facility;

3. Falsification of reports or documents that are required by RSB;

4. Failure to report all sales and vending revenues on the Manager's Weekly Report;

5. Failure to provide all sales and cost documentation, weekly, as required by RSB;

6. Failure to maintain a minimum acceptable rating of two point seven-five (2.75), as established by the executive committee and RSB, on the Review of Facility Report, a copy of which follows this rule;

7. Abandonment of vending facility, which occurs when the manager is absent from a vending facility without arranging for the ongoing operation of the vending facility;

8. Failure to pay a legally enforceable debt of the manager that arises from the operation of the vending facility;

9. Failure to pay the amount owed to the SLA and the nominee, as stated in subsection (11)(Q);

10. Failure to comply with the nondiscrimination policy that is stated in section (3);

11. Loss of visual eligibility to participate in the BEP. The licensee shall notify RSB when there is a change in the licensee's vision that may affect eligibility to participate in the BEP. In order to verify a licensee's continued eligibility, RSB may require a manager to have periodic examinations by an eye care specialist that RSB selects. The cost of these examinations will be borne by the BEP;

12. Use of or being under the influence of an intoxicant or illegal drug while in a vending facility;

13. Conviction of a felony;

14. RSB determines that, due to mismanagement, a manager is not operating a vending facility profitably;

15. Failure to make or provide proof of having made the required deposits when due for employee withholdings for income taxes and Social Security and employer matching withholdings for Social Security;

16. Failure to provide thirty (30) days written advance notification of termination, unless RSB agrees to a shorter notification; and

17. In addition to the reasons stated in paragraphs (16)(A)1.–16., the SLA may terminate a manager's agreement if problems exist between a manager and property management; RSB, manager, and property management are unable to resolve the problems; the manager does not resign from managing the facility, and the SLA considers it to be in the best interest of that facility and the BEP for the manager to be removed as manager of the facility.

(B) SLA Procedures for Termination of License or Manager's Agreement.

1. RSB shall give at least ten (10) days written notice to the licensee or manager that states the reason(s) for termination of



the license or manager's agreement and the effective date of the termination. RSB is not required to give ten (10) days written notice if the reasons for termination involve a risk of danger to public health or safety, if RSB considers there is an immediate threat of loss of BEP funds, inventory, or other property or if the manager's continued operation of the facility would substantially damage economically the operation of the BEP.

2. RSB shall inform the licensee or manager of the right to present a grievance before the executive committee and to request grievance reviews according to section (17).

3. A manager shall relinquish the vending facility on the date that the termination becomes effective except, if the manager appeals the termination, in writing, prior to the effective date, the manager may continue to manage the vending facility until the hearing process is concluded. This exception does not apply if RSB considers there exists a danger to public health or safety or an immediate threat of loss of BEP funds, inventory, or other property.

4. RSB or the nominee shall assume management of any vending facility on the same day that the manager of the vending facility relinquishes management of the vending facility.

5. If a licensee or manager whose license or manager's agreement has been terminated has not initiated the grievance procedure prior to the date of termination, the licensee or manager has an additional twenty (20) days after the date of termination to transmit a grievance to the executive committee.

6. If, at any time during the grievance procedure, the SLA's decision to terminate the manager's license or manager's agreement is reversed, the nominee shall pay to the manager a proportionate amount of the vending facility's average monthly net income during the twelve- (12-) month period immediately preceding the manager's termination. The nominee shall hold in escrow all net income generated by the vending facility until the grievance process is completed.

(C) Automatic Termination of a License or Manager's Agreement. The death of a manager results in automatic termination of the individual's license and manager's agreement.

(17) Grievance Procedures. A licensee who is dissatisfied with any action regarding the operation or administration of the BEP has access to the following grievance procedures:

(A) If a licensee wishes, s/he may make a written request directly to the deputy director for an administrative review. If the licensee does not wish to appeal directly to the deputy director, s/he shall follow each level of the grievance procedures stated in section (17);

(B) Review by Executive Committee. A licensee may present a grievance before the executive committee. The executive committee shall ensure that the licensee is provided guidance in seeking a remedy of the grievance. Within ten (10) days after hearing a licensee's grievance, the executive committee shall transmit the grievance to RSB, with a written statement regarding the executive committee's support or lack of support for the licensee's grievance, and shall send a copy of the statement to the licensee;

(C) Administrative Review. Within fifteen (15) workdays after the date of the executive committee's report to RSB, the licensee may make a written request to the deputy director for an administrative review. Within ten (10) workdays after the receipt of the licensee's request, the deputy director or the deputy director's designee shall contact the licensee regarding the licensee's request and shall provide the following information in writing to the licensee:

1. The date, time, and place of the administrative review.

If possible, the administrative review shall be held within fifteen (15) workdays of the receipt of the written request for an administrative review, within regular working hours and at RSB district office that is nearest to the licensee's vending facility. If agreed to by the licensee and the deputy director or the deputy director's designee, the administrative review may be held on a date, at a time, and place different than specified in this paragraph;

2. The nominee shall pay necessary costs of transportation, lodging, and meals that a licensee needs in conjunction with the grievance process;

3. The nominee shall pay all costs, including travel expenses, of an interpreter or a reader when a licensee needs interpreter or reader service in conjunction with the grievance process;

4. The licensee and RSB may present written or oral evidence relevant to the grievance;

5. The licensee may be represented by counsel of the licensee's choice, at the licensee's expense;

6. RSB shall tape record the review proceedings;

7. Within fifteen (15) workdays after the date of the administrative review, the deputy director or the deputy director's designee shall notify the licensee in writing of the decision. The notification shall inform the licensee of the licensee's right to a full evidentiary hearing, referred to in this rule as a fair hearing;

(D) Fair Hearing. If the licensee is dissatisfied with the results of the administrative review, the licensee may request a fair hearing. The following guidelines govern the fair hearing process:

1. The licensee must make a written request for a fair hearing to the director of the SLA within fifteen (15) workdays after the date of the decision of the deputy director or the deputy director's designee;

2. The director of the SLA shall designate to conduct the fair hearing an impartial official who has no involvement either with the action that is at issue in the hearing or with the administration or operation of the BEP;

3. The hearing will be conducted during normal work hours in Jefferson City, Missouri unless the hearing officer decides to hold the hearing in another location;

4. The provisions of paragraphs (17)(C)2.-6. apply to the fair hearing;

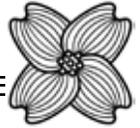
5. Within twenty (20) workdays after the date of the fair hearing, the hearing officer shall notify the licensee and the SLA in writing of the decision; and

6. The director of the SLA shall have the right to review the decision of the hearing officer and shall make the final decision regarding the fair hearing.

A. Within twenty (20) workdays of the mailing of the decision of the hearing officer, the director of the SLA shall notify the licensee whether the director intends to review the decision of the hearing officer. If the director fails to notify the licensee of the intent to review the decision, the decision of the hearing officer becomes a final decision.

B. Within thirty (30) calendar days of notifying the licensee of the intent to review the decision of the hearing officer, the director shall notify the licensee of the final decision, including a full report of the findings and the basis for the decision;

(E) Arbitration Panel. If the licensee is dissatisfied with the decision from the fair hearing, the licensee may file a written complaint with the secretary of the United States Department of Education. The licensee shall include with the written complaint all available supporting documents, including a



statement of the decision of the hearing officer or director of the SLA and the basis for the decision. The secretary of the United States Department of Education shall convene an *ad hoc* arbitration panel to conduct a hearing and render a decision regarding the manager's complaint; and

(F) A licensee who is dissatisfied with the results of the fair hearing shall have the right to invoke the Randolph-Sheppard arbitration process. If still dissatisfied, the vendor may then seek judicial review in a federal district court.

(18) Confidentiality of Information. The provisions of 13 CSR 40-91.020(25) apply to the administration of the BEP.

*AUTHORITY: sections 8.051, 8.700–8.745, 207.010, 207.022, 209.010, 209.020, and 660.017, RSMo 2016.\* Original rule filed Oct. 6, 1977, effective Jan. 13, 1978. Rescinded and readopted: Filed Aug. 4, 1988, effective Oct. 15, 1988. Rescinded and readopted: Filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed May 11, 1995, effective Nov. 30, 1995. Amended: Filed Oct. 1, 2018, effective May 30, 2019.*

*\*Original authority: 8.051, RSMo 1990; 8.700, RSMo 1981, amended 2014; 8.705, RSMo 1981, amended 1985; 8.710–8.745, see the Missouri Revised Statutes; 207.010, RSMo 1945, amended 1949, 1953, 1973; 207.022, RSMo 2014; 209.010, RSMo 1939, amended 2014; 209.020, RSMo 1939, amended 2014; and 660.017, RSMo 1993, amended 1995.*

### 13 CSR 40-91.020 Vocational Rehabilitation for the Blind

*PURPOSE: This rule establishes the guidelines for provision of vocational rehabilitation services to applicants and eligible clients as mandated by the Rehabilitation Act of 1973 (P.L. 93–112), as amended through 2020, 34 CFR 361 and 34 CFR 363. These services are authorized by sections 207.010, 209.010, and 209.020, RSMo.*

*PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) The program of vocational rehabilitation for the blind (VR) is administered pursuant to the Rehabilitation Act of 1973 as amended, Chapter 16 of Title 29, *United States Code*, and Chapter 209, RSMo. Federal law requires Rehabilitation Services for the Blind (RSB) to develop policies that govern the administration of the vocational rehabilitation program and allows RSB to develop limitations within which it administers some areas of the program. Therefore, except as otherwise provided and as allowed by federal law, this rule hereby incorporates by reference the provisions and definitions from the *Code of Federal Regulations* (CFR) listed below as published by the Office of the Federal Register, 800 North Capitol St. NW, Suite 700, Washington, DC 20408, and which is located on the website of the U.S. Government Publishing Office at <https://www.govinfo.gov/content/pkg/CFR-2019-title34-vol2/pdf/CFR-2019-title34-vol2-subtitleB-chapIII.pdf>. This rule does not incorporate any subsequent amendments or additions.

(A) 34 CFR 361.5, July 1, 2019.

(B) 34 CFR 361.13, July 1, 2019.

(C) 34 CFR 361.36, July 1, 2019.

(D) 34 CFR 361.42, July 1, 2019.

(E) 34 CFR 361.43, July 1, 2019.

(F) 34 CFR 361.44, July 1, 2019.

(G) 34 CFR 361.45, July 1, 2019.

(H) 34 CFR 361.46, July 1, 2019.

(I) 34 CFR 361.47, July 1, 2019.

(J) 34 CFR 361.48, July 1, 2019.

(K) 34 CFR 361.49, July 1, 2019.

(L) 34 CFR 361.51, July 1, 2019.

(M) 34 CFR 361.53, July 1, 2019.

(N) 34 CFR 361.56, July 1, 2019.

(O) 34 CFR 361.57, July 1, 2019.

(P) 34 CFR 363.1, July 1, 2019.

(Q) 34 CFR 397.20, July 1, 2019.

(R) 34 CFR 397.30, July 1, 2019.

(S) 34 CFR 397.40, July 1, 2019.

#### (2) Definitions.

(A) This section includes all definitions in 34 CFR 361.5.

(B) "Applicant" means an individual who has applied for vocational rehabilitation services and whose eligibility for services has not been determined.

(C) "Client" means an individual who meets the requirements to receive vocational rehabilitation services under the terms of an Individualized Plan for Employment (IPE). A client also is an individual who meets the requirements to receive vocational rehabilitation services during a period of trial work in order to determine the individual's rehabilitation potential.

(D) "Client assistance program" means a federally-funded, statewide program that is available to advise all applicants and clients of all services available from RSB and to assist applicants and clients in their relationships with RSB and other providers of vocational rehabilitation services, including appropriate remedies to ensure the protection of applicant and client rights.

(E) "Deputy director" means the person in the Family Support Division/RSB who is the state unit director referred to in 34 CFR 361.13(b). The state unit director is referred to in this rule as the deputy director.

(F) "Family Support Division" is the sole state agency referred to in 34 CFR 361.13(a)(1)(ii). The sole state agency is referred to in this rule as the division.

(G) "Individual with a most significant disability" means an eligible individual with a significant disability who additionally has a severe physical or mental impairment that seriously limits three (3) or more functional capacities (i.e., mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome.

(H) "Maintenance" means limited monetary support provided to an individual for expenses, such as food, shelter, clothing, and other necessary subsistence items (i.e. personal toiletries) that are in excess of the individual's normal expenses and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an individualized plan for employment.

(I) "Multilevel marketing" is a business model that involves unsalaried, hierarchical sales teams selling products directly to consumers in conjunction with recruiting additional company sales representatives.

(J) "Rehabilitation Services for the Blind" or "RSB" is the unit within the Family Support Division that is the "designated state unit" identified in 34 CFR 361.5(c)(13).

#### (3) Eligibility for Vocational Rehabilitation Services.



(A) Basic Conditions of Eligibility. An individual's eligibility for vocational rehabilitation for the blind services shall be based only upon the following criteria:

1. The individual meets the eligibility requirements contained within 34 CFR 361.42(a)(1), and the individual has –

A. A nonprogressive eye disease with a central visual acuity of twenty/two hundred (20/200) or less in the better eye with best correction; or, if the central visual acuity with best correction is more than twenty/two hundred (20/200) in the better eye, there is a visual field defect in which the widest diameter of the visual field subtends an angle distance no greater than twenty degrees (20°), or has a visual efficiency that does not exceed twenty percent (20%);

B. A progressive eye disease with a central visual acuity of twenty/seventy (20/70) or worse in the better eye with best correction, or has a visual efficiency that does not exceed sixty-four percent (64%), or has near vision that is decreased to the extent that the individual cannot read print that is smaller than Jaeger nine (J9) with best correction; or

C. A visual impairment which results in a substantial impediment to employment for the individual because the individual functions at the level of someone who meets the visual disability standards in subparagraph (3)(A)1.A. or B. Such eligibility determination shall be made by the deputy director or designee.

(B) Prohibited Factors –

1. RSB shall ensure prohibited factors, as set forth in 34 CFR 361.42(c), are not imposed in determining eligibility.

(C) Assessment for Determining Eligibility for Services. RSB shall carry out a comprehensive diagnostic study of each applicant for vocational rehabilitation services. The purposes of the comprehensive diagnostic study are to determine whether the applicant meets the basic conditions of eligibility stated in subsections (A)-(B) of this section. If RSB is unable to determine whether the applicant will benefit from vocational rehabilitation services in terms of an employment outcome due to the severity of the applicant's disability, RSB shall carry out an assessment of the applicant's capacity for work, as provided in section (6) of this rule.

(D) Presumptive Eligibility for Social Security recipients and beneficiaries shall be pursuant to 34 CFR 361.42.

(E) RSB and the Missouri Division of Vocational Rehabilitation may consult with each other regarding individuals for whom there is a question as to which agency should provide vocational rehabilitation services to the individuals.

(4) Comparable Services and Benefits. RSB shall utilize the requirements of 34 CFR 361.53(a)-(c) when determining whether comparable services and benefits are available under any other program.

(5) Authorization of Services.

(A) RSB shall not pay for any vocational rehabilitation service unless RSB has issued an authorization and dated the authorization for services on/before the initiation of services.

1. In cases of emergency medical services, where prior authorization is needed by the provider but, due to the urgent nature of the emergency, the authorization cannot be issued immediately, the RSB staff may provide their approval.

2. Any request for services after the service start date will require an approval signature by the deputy director or designee.

(B) RSB shall not issue payments to an applicant or eligible individual for goods or services not yet procured, such as a cash advance.

(6) Trial Work Period. RSB shall provide vocational rehabilitation services to an applicant during a Trial Work Period under the following circumstances:

(A) If an applicant has a mental or physical disability(ies) that, for the applicant, constitutes or results in a substantial impediment to employment but RSB cannot determine, from information obtained during the comprehensive diagnostic study described in subsection (3)(C) that the applicant will benefit in terms of employability from the provision of vocational rehabilitation services;

(B) RSB shall provide only those services that the client must have so that RSB can determine the individual's eligibility for vocational rehabilitation services;

(C) The Trial Work Period shall begin on the date that RSB approves a written plan and certifies the applicant for a Trial Work Period, as discussed in subsection (7)(B);

(D) RSB shall make a thorough assessment of the client's progress as often as necessary but at least once every ninety (90) days from the date of the certification for trial work services. This assessment shall include periodic reports from each rehabilitation facility or person who is providing services to the client;

(E) RSB shall end the provision of services when RSB is able to determine whether the client is eligible for vocational rehabilitation services;

(F) RSB shall not certify more than one (1) Trial Work Period during the time the client's case is opened; and

(G) If RSB closes a client's case and the individual reapplies for vocational rehabilitation services, RSB may provide another period of trial work services if the individual needs to receive extended services in order for RSB to determine the individual's vocational potential.

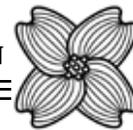
(7) Certification.

(A) Certification of Eligibility. If RSB determines that an applicant is eligible for vocational rehabilitation services, RSB shall complete a certification of eligibility. The certification shall include the statement that the applicant meets the basic conditions of eligibility stated in subsection (3)(A).

(B) Certification for Trial Work Period. If RSB determines that an applicant meets the requirements stated in subsection (6) (A), and a Trial Work plan has been developed, RSB shall complete, sign, and date a certification for Trial Work Experience.

(C) Certification of Ineligibility. When RSB determines that the applicant or client is not eligible for vocational rehabilitation services, an appropriate RSB staff member shall complete, sign, and date a certification of ineligibility. RSB shall assure that the certification states the reasons for the ineligibility determination. RSB shall carry out all activities stated in subsections (16)(B) and (C).

(8) Vocational Rehabilitation Services for the Individual. As appropriate to the vocational rehabilitation needs of each applicant or client, RSB shall make available the vocational rehabilitation services that are listed in this section. To the extent possible, within the limitations that are relevant to this section in federal law, Chapter 34, RSMo, available appropriations, and this rule, the applicant or client may select the vendor(s) to provide each service. RSB shall provide services in the most cost-effective manner in order to prepare the client for securing, retaining, advancing in, or regaining an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. This rule establishes the procedures for the provision of the following services and the limitations on



the provision of certain services:

(A) Pre-Employment Transition Services listed in 34 CFR 361.48(a) may be provided only to students with disabilities, as defined in subsection (2)(A) of this rule, who can receive these services either as full VR clients under an IPE, or prior to signing an application for vocational rehabilitation services; and

(B) Vocational Rehabilitation Services that may be available to applicants, as defined under subsection (2)(B) of this rule, or clients, as defined under subsection (2)(C) of this rule –

1. Assessment – Services provided and activities performed to determine an individual’s eligibility for VR services and/or to determine the nature and scope of VR services to be included in the IPE;

2. Diagnosis and Treatment of Impairments – As provided in section (11) of this rule;

3. Vocational Rehabilitation Counseling and Guidance, including personal adjustment counseling, to maintain a counseling relationship with the applicant or client throughout the program of services, to help the applicant or client secure needed services from other agencies, and to advise the applicant or client about the client assistance program;

4. Job Search Assistance – Job search activities that support and assist an individual in searching for an appropriate job. Job search assistance may include help in resume preparation, identifying appropriate job opportunities, developing interview skills, and making contacts with companies on behalf of the client;

5. Job Placement Assistance – A referral to a specific job resulting in an interview, whether or not the individual obtained the job;

6. Short Term Job Supports – Support services provided to an individual who has been placed in employment in order to stabilize the placement and enhance job retention. Such services include short-term job coaching for persons who do not have a supported employment goal consistent with the employment goal on the IPE;

7. Supported Employment Services – On-going support services and other appropriate services needed to support and maintain an individual with a most significant disability in supported employment for a period of time generally not to exceed twenty-four (24) months. Services, such as job coaching, are for individuals who have supported employment and long-term supports identified on the IPEs. On-the-job support services with a supported employment goal are funded using Title VI and Title I funds;

8. Information and Referral Services – Services provided as needed to assist the applicant or eligible individual in securing needed goods and services not available through Rehabilitation Services for the Blind from other agencies or programs, including other components of the statewide workforce development system and the Client Assistance Program;

9. Benefits Counseling – Involves an analysis of an individual’s current benefits, such as Social Security Disability Income (SSDI) and Supplemental Security Income (SSI), the individual’s financial situation, and the effect different income levels from work will have on the individual’s future financial situation. This service is intended to provide the individual an opportunity to make an informed choice regarding the pursuit of employment, but it does not include providing legal advice;

10. Customized Employment Services – The flexible strategies leading to a customized employment outcome; includes job exploration by the individual or working with an employer to facilitate placement;

11. Extended Services – Ongoing support services and

other appropriate services needed to support and maintain an individual with a most significant disability in supported employment, as outlined in section (13) of this rule;

12. Graduate College or University Training – As provided in subsection (10)(A) of this rule;

13. Four- (4-) Year College or University Training – As provided in subsection (10)(A) of this rule;

14. Junior or Community College Training – As provided in subsection (10)(A) of this rule;

15. Occupational or Vocational Training – As provided in subsection (10)(A) of this rule;

16. On-the-job Training;

17. Registered Apprenticeship Training;

18. Basic Academic Remedial or Literacy Training;

19. Job Readiness Training;

20. Disability-Related Skills Training;

21. Business Enterprise Program (BEP) Training;

22. Customized Training – Training designed to meet an employer’s special requirements where the employer has entered into an agreement to hire individuals trained to meet their specific needs;

23. Miscellaneous Training – Any training not covered in the other training categories in paragraphs (8)(B)12.–(8)(B)22.;

24. Transportation – As provided in subsection (12)(A);

25. Maintenance – As provided in subsection (12)(B), monetary support provided for those expenses such as food, shelter, and clothing that are 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 VR needs or while receiving services under an IPE;

26. Rehabilitation Technology – As defined under subsection (2)(A), with guidance as provided in subsection (12)(C) of this rule;

27. Personal Assistance Services;

28. Technical Assistance Services – Services, as provided in subsection (12)(D), provided to eligible individuals who are pursuing a vocational goal of self-employment, telecommuting, or establishing a small business operation, including the development of business plans, marketing analyses, and resource development;

29. Reader Services – As provided in subsection (12)(F);

30. Interpreter Services – As provided in subsection (12)(G);

31. Services to members of an applicant’s or client’s family – As provided in subsection (12)(H);

32. Post-employment services – Services necessary to maintain or regain other suitable employment; and

33. Other goods and services not already identified in this rule and pursuant to 34 CFR 361.48(b), subject to the restrictions governing the purchasing of goods in subsection (12)(C) of this rule.

(9) Vocational Planning and the Individualized Plan for Employment.

(A) The individualized plan for employment will be developed pursuant to 34 CFR 361.45.

(B) If a client seeks multiple sources of employment, RSB will support the employment goal that will result in providing the individual’s greatest source of earned income.

(10) Training Costs. RSB provides training to an eligible client when the client needs training in order to achieve a vocational goal that is recorded in the client’s IPE. Training includes the areas of personal and vocational adjustment, academic training, and vocational training.

(A) Tuition, fees, books, and supplies that the client incurs,



that are necessary to participate in the training program. RSB applies the following limitations to payment of tuition, fees, books, and supplies:

1. RSB may pay tuition and fees at state or other public colleges and universities in Missouri, vocational schools, or rehabilitation facilities at current verified rates;

2. RSB may pay tuition and fees at private colleges or universities in Missouri and at colleges or universities outside Missouri up to but not to exceed the in-state resident rate for courses at the University of Missouri–Columbia (MU) for students at a comparable academic level. If there is no comparable rate available at the University of Missouri–Columbia, the lowest cost of the rates within the University of Missouri System shall be used. If there is no comparable rate available within the University of Missouri System, the lowest cost rate at a public college within Missouri shall be used. If a deaf-blind client attends Gallaudet University, RSB may pay the full cost of tuition and fees at Gallaudet University;

3. RSB limits payment of tuition, fees, books, and supplies for academic and vocational training to a client's completion of the academic or training curriculum that the client needs in order to obtain employment in the occupational area that the client selects, as recorded in the client's IPE;

4. Comparable services and benefits must also be considered and applied for appropriately. For postsecondary educational programming, this means the student is required to apply for the Pell Grant and each year provide the counselor with a copy of their Free Application for Federal Student Aid (FAFSA) Submission Summary. RSB sponsorship may not be provided to students who do not apply for the Pell Grant and/or do not supply RSB the FAFSA Submission Summary;

5. RSB may pay tuition and fees at private colleges or universities in Missouri and at colleges or universities outside of Missouri at a rate higher than that established by paragraph (10)(A)2. If there are no public institutions in Missouri offering comparable degrees and/or outcomes and such degree/outcome is necessary for the client to achieve a vocational goal that is recorded in the client's IPE. The granting of such requests requires approval by the deputy director or designee.

6. After the client's first term, prior to authorization of funds for subsequent terms, the student shall provide RSB with grade reports;

7. The student is to register and complete a full course load each term. Full course loads are defined by the institution and/or training program. Payment of any fees for dropping courses shall be the student's responsibility. RSB may recoup the funds that RSB paid for a course that the student drops. RSB shall not pay for the same course twice. RSB may approve less than a full course load if the student can demonstrate that a less than full course load is necessary for the successful continuation of the student's education that is required to achieve a vocational goal recorded in the student's IPE. The student shall bear the burden of proof of justifying approval of a less than full course load. The granting of requests for part-time course loads require approval by the deputy director or designee;

8. The student is to maintain acceptable academic standing of at least a 2.0 GPA each term, or will meet the requirements of the particular training program in which the student is participating in cases where the standard is higher or the standard GPA is not used; and

9. If the student fails to maintain the standards in paragraphs (10)(A)7-8., the student is required to meet with RSB staff to determine if RSB sponsorship will continue into the next term. If the student subsequently fails to meet the standards in paragraphs (10)(A)7-8., RSB sponsorship will be with-

drawn until the client meets those standards for one (1) term.

(11) Physical and Mental Restoration.

(A) General Provisions. Within the limitations that are relevant to this section in federal law, Chapter 34, RSMo, and this rule, and subject to appropriation, RSB may provide the physical and mental restoration services stated in this rule to a vocational rehabilitation client, to correct or substantially modify a physical or mental condition that is stable or slowly progressive and which contributes to the client's impediments to employment. All costs and fees paid for physical and/or mental restoration must be for medically necessary services as certified by a qualified and licensed medical professional.

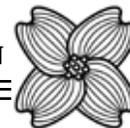
(B) Types of Physical or Mental Restoration –

1. Medical or corrective surgical treatment;
2. Diagnosis and treatment for mental or emotional disorders;
3. Dentistry;
4. Nursing services;
5. Inpatient or outpatient hospitalization needed in connection with surgery or treatment and clinic services;
6. Drugs and medical supplies;
7. Prescription of prosthetic and/or orthotics related to the individual's diagnosed disability and essential to the achievement of the employment outcome;
8. Prescription of eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids that are prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the client may select;
9. Podiatry;
10. Physical, occupational, speech or hearing therapy;
11. Mental health services;
12. Medical or medically related social work services;
13. Treatment of either acute or chronic medical complications and emergencies which are associated with or arise out of the provision of physical and mental restoration services or which are inherent in the condition under treatment;
14. Special services for the treatment of end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and
15. Other medical or medically related rehabilitation services.

(C) Payment for Physical or Mental Restoration. All comparable services and benefits that are available from any source to meet, in whole or in part, the cost of a client's physical or mental restoration shall be utilized, unless to utilize these services or benefits would delay the provision of vocational rehabilitation services to any client who is at extreme medical risk as defined in subsection (2)(A). A determination of extreme medical risk shall be based upon medical evidence provided by a qualified licensed medical professional. Comparable benefits and services shall include, but not be limited to, Title XVIII (Medicare), Title XIX (Medicaid), public or private health insurance, Veterans Administration medical benefits, and Worker's Compensation.

1. RSB may pay for other medical services, including hospital facility fees, physician services, laboratory and X-ray fees, anesthesia services, and hospital outpatient care, at a rate that is determined by the Department of Social Services to be reasonable, not to exceed rates established by the Centers for Medicare & Medicaid Services' Physician Fee Schedule.

2. RSB may pay for medical services received outside Missouri at the rates paid by the vocational rehabilitation



agency in that state, unless the provider participates in the Missouri Title XIX program, in which case RSB limits payment to Missouri Title XIX rates.

3. Selection of provider. To the extent possible, RSB shall purchase physical and mental restoration services (including medically necessary dental services) for clients who are eligible for Title XIX benefits from Title XIX providers who are located in Missouri.

4. Dental fee schedule. Authorized dental services shall be paid at the fiftieth percentile of the national rate as set forth in a national publication analyzing dental fees current as of the date of the provision of services.

(12) Support Services. RSB may pay the reasonable cost of necessary support services to or on behalf of an applicant or client undergoing assessment(s) to determine eligibility and the nature and scope of services. Additionally, pursuant to the individual's rehabilitation plan, RSB may pay the cost of support services to or on behalf of a client in order for the client to benefit from physical or mental restoration, academic, vocational, and other training, or job-related services (such as job search, job placement, and job retention). Comparable services and benefits must be considered and applied appropriately, as outlined within section (4) of this rule. Support services are the following:

(A) Transportation. RSB shall pay the cost of the most economical source of transportation that meets the applicant or client's rehabilitation service needs. RSB pays the cost of mileage traveled by private automobile at the rate per mile currently allowed state employees by the Department of Social Services; bus fare and train fare at actual charges; and cab fare, only when other methods of transportation are not available, at actual charges. When a client must travel by plane, air travel shall not exceed the cost of coach fare for the most direct available route.

1. Physical or mental restoration. RSB may pay the reasonable and necessary costs of transportation that a client needs in order to obtain physical or mental restoration that is prescribed by a provider who meets the standards in subsection (17)(D).

2. Personal and vocational adjustment training. RSB may pay the reasonable and necessary costs of transportation that a client needs in order to participate in personal and vocational adjustment evaluation or training at a rehabilitation facility that meets the standards in subsections (17)(A) and (B).

A. When a client stays in rehabilitation facility residential quarters, RSB shall limit payment to the necessary trips the client makes between the client's home and the rehabilitation facility during the time the client is in evaluation or training activities at the facility. The decision regarding the number of trips that are necessary is made by RSB, the rehabilitation facility, and the client.

B. When a client lives at home and commutes, the total monthly payment for transportation shall not exceed the reasonable and necessary cost of room and board that is available at or in conjunction with the rehabilitation facility, as described in subparagraph (12)(B)4.C.

3. Academic training and vocational training. RSB may pay costs of reasonable and necessary transportation that a client needs in order to participate in academic training or vocational training.

A. If a client lives at home and commutes to campus, the total monthly payment for transportation to and from campus shall not exceed the lowest cost of double occupancy dormitory charges with maximum meal plan at the University

of Missouri–Columbia, as described in subparagraph (12)(B)4.A.

B. If a client commutes to campus and RSB is providing maintenance in support of their academic or vocational training, the total monthly payment for transportation to and from campus and maintenance combined shall not exceed the lowest cost of double occupancy dormitory charges with maximum meal plan at the University of Missouri–Columbia, as described in subparagraph (12)(B)4.A.

4. Job-related services. RSB may pay reasonable and necessary costs of transportation that a client needs in order to participate in job-related services, including to seek employment.

5. Relocation expenses. RSB may pay the reasonable and necessary costs of transportation that a client needs in order to relocate after obtaining employment. Payment of these transportation expenses is limited to payment of moving expenses from the client's home locale to the location of the client's employment;

(B) Maintenance, as defined by subsection (2)(H) of this rule, is not based on an individual's economic or financial situation.

1. The amount of maintenance shall be based on the individual's specific circumstances.

2. Lodging and meals not covered under a contract or otherwise limited by this rule will be paid at the maximum state rate, per the department's travel policy utilized for Missouri state employees.

3. For other subsistence items that are additional expenses in excess of normal living expenses necessitated by participation in an assessment or IPE, the maximum total for all items combined shall not exceed one hundred twenty dollars (\$120) per month.

4. Maintenance to support academic and vocational training received on campus.

A. For in-state public institutions, the maximum payment shall not exceed the lowest cost of a double occupancy dormitory charge with maximum meal plan at the state university's lowest rate.

B. For private and out-of-state institutions, and in-state public institutions that have no dormitories, the maximum payment shall not exceed the lowest cost of double occupancy dormitory charge with maximum meal plan at the University of Missouri–Columbia (MU) unless the deputy director or designee determines a comparable academic or vocational program is not offered at in-state public institutions, in which case RSB's payment shall be reasonable (i.e., the least expensive goods and services to meet the recipient's needs) and shall not exceed actual costs.

C. For Personal and Vocational Adjustment to Blindness (PVA) training at a contracted Community Rehabilitation Program (CRP), maintenance will be paid at the contract rate. Those maintenance costs not covered by a PVA contract will be paid in accordance with paragraphs (12)(B)1. and (12)(B)2. above.

D. Maintenance for academic or vocational training is contingent on maintaining acceptable academic standing, as provided in paragraphs (10)(A)7-8. of this rule, and maintaining full-time status as dictated by the institution.

E. RSB may pay continuous maintenance during school breaks to an eligible individual if the eligible individual is attending consecutive semesters and the term between semesters is less than six (6) weeks.

5. Maintenance to support job-related services.

A. RSB may pay maintenance in support of reasonable and necessary job-related services (such as job search) in accordance with paragraphs (12)(B)1. and (12)(B)2.

B. RSB may pay the necessary costs of establishing a new



living arrangement in order for an eligible individual to accept employment. Payment for housing will be limited to expenses actually incurred for no more than two (2) weeks prior to the start date of the employment, and may continue until the eligible individual has been employed for one (1) full calendar month, or one thousand three hundred dollars (\$1,300) total for the same time period, whichever is less;

(C) Assistive Technology Devices, Other Equipment, Tools, and Supplies. RSB may pay for reasonable and necessary assistive technology devices as well as other reasonable and necessary equipment, tools, and supplies that the eligible individual needs to participate in academic, vocational, or other training, and to perform required job duties following employment. RSB may recover equipment at any time prior to case closure when the purpose for its issuance no longer exists and/or when it is no longer needed to achieve the client's vocational goal;

(D) Start-up costs for small businesses. RSB may pay no more than seventy-five percent (75%) or a total of seventeen thousand five hundred dollars (\$17,500), whichever is less, of a client's start-up costs for establishing a small business. Payments for start-up costs shall be made only for six (6) months, starting from the date of the initial payment. Start-up costs for establishing a small business include, but are not limited to, rent, utilities, and supplies. RSB cannot provide start-up support for a multilevel marketing business, a business prohibited by law, or a business that sells products prohibited by law. This subsection does not apply to start-up costs for vending facilities that RSB supervises according to 13 CSR 40-91.010. SSI/SSDI beneficiaries are not required to participate in the cost to fund start-up businesses, but the seventeen thousand five hundred dollar (\$17,500) limit, the six- (6-) month limitation, and the prohibition on a multilevel-marketing business, a business prohibited by law, or a business that sells products prohibited by law do apply to them;

(E) Home Modification. Home modification is an allowable expense under the following circumstances:

1. It is essential in order for the eligible individual to achieve an established vocational goal;
2. The eligible individual is in an active status (Note: This service cannot be provided prior to development of an IPE or if the case record indicates the client's plan has been interrupted);
3. The home being modified is owned or being purchased by the eligible individual or the eligible individual's immediate family and is the eligible individual's place of residence;
4. If the eligible individual resides in rental property, the only modification allowed will be ramping or a lift; and
5. When a ramp or lift is being provided for rental property, there must be written permission from the landlord in the case file prior to the service being authorized;

(F) Reader Service. RSB may provide reader service that a client needs in order to participate in a rehabilitation program, including orientation to employment. RSB will pay the cost of reader service for an eligible individual who is in post-secondary training using funds that are available from the State Reader's Fund as matching funds, as authorized in sections 178.160 and 178.180, RSMo;

(G) Language/Sign/Tactile Interpreting Services. RSB applicants and clients shall utilize state-contracted language interpreting services whenever possible. RSB may pay the cost of interpreting services when an individual needs interpreting services in order to participate in a rehabilitation program including orientation to employment when services are not available under a state contract. RSB may pay the rate that is

charged by a qualified interpreter who is available to an individual;

(H) Services to Family Members. RSB may provide services to members of a client's family, when the provision of such services is necessary in order for the client to become rehabilitated; and

(I) Other Support Services that are necessary to participate in VR services include, but are not limited to, additional costs incurred for child care and personal assistance services for individuals with most significant disabilities.

(13) Supported Employment. RSB shall provide vocational rehabilitation services that will lead to supported employment for individuals with the most significant disabilities who are eligible for these services, pursuant to 34 CFR 363.1.

(A) RSB provides supported employment to youth with the most significant disabilities, as defined in subsection (2)(A) of this rule.

(B) The approval of the deputy director or designee is required for job supports (i.e., job coaching) services exceeding nine hundred sixty (960) hours or lasting beyond nine (9) months, whichever occurs first. RSB will only approve this service if the client establishes that the client will lose their employment without ongoing job supports.

(C) RSB may provide the following services only to youth with the most significant disabilities seeking a supported employment outcome in competitive-integrated employment:

1. Extended services. Funds may be used to provide extended services only to youth with the most significant disabilities.

A. Extended services shall not exceed four (4) years or until such time that a client no longer meets the definition of a youth with a disability under 34 CFR 361.5(c)(58), whichever occurs first.

(14) Transition Services. RSB shall provide transition services, as needed by a client to promote the client's movement from school to post-secondary education, vocational training, or suitable employment. RSB shall provide transition services through cooperative efforts with the Department of Elementary and Secondary Education, the Missouri School for the Blind, and local education agencies.

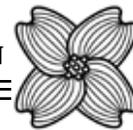
(15) Extended Employment. Vocational goals for working in extended employment do not meet the requirement for competitive-integrated employment outcomes and thus cannot be supported under the vocational rehabilitation program. The individual seeking extended employment must first obtain documentation that activities as provided in 34 CFR 397.20, 34 CFR 397.30, 34 CFR 397.40, and this section were completed prior to entering extended employment.

(A) RSB shall inform the applicant or eligible individual that Vocational Rehabilitation Services are available should the individual wish to pursue competitive-integrated employment.

(B) If the individual, exercising their informed choice, persists in pursuing extended employment, RSB and the individual shall follow requirements set forth in 34 CFR 397.20, 34 CFR 397.30, and 34 CFR 397.40 to secure documentation necessary for the individual to enter extended employment, and to ensure the client is offered the required services of these sections at the necessary intervals for the duration of their employment at subminimum wage.

(C) Students with a disability seeking subminimum wage employment.

1. Upon being notified that a student with a disability is



seeking subminimum wage employment, the following must take place:

A. RSB shall explain to the student that RSB cannot provide vocational rehabilitation services to obtain subminimum wage employment;

B. RSB shall explain to the student that Vocational Rehabilitative services are intended to achieve an employment outcome in a competitive-integrated employment setting;

C. RSB shall explain that Vocational Rehabilitation Services are available, should the applicant wish to pursue competitive-integrated employment; and

D. RSB shall provide information regarding Pre-Employment Transition Services (PETS).

(16) Case Closure. RSB shall close an applicant's or client's vocational rehabilitation case at any time in the vocational rehabilitation process when – RSB has determined that an applicant is not eligible for vocational rehabilitation services; the client has completed vocational rehabilitation services that RSB planned to provide, and additional vocational rehabilitation services are either unnecessary or inappropriate, except services that RSB may provide as post-employment services; or an applicant or client is not available to receive vocational rehabilitation services. Prior to RSB closing any case for the reason that the individual is not available, RSB shall contact the individual at their last known address, notifying them to contact RSB within ten (10) calendar days of the date of the notice. RSB may close the case if the individual does not cooperate with the notice, or if the post office returns agency mail directed to the individual indicating no forwarding address.

(A) Case Closure Without an Eligibility Determination. RSB shall close an applicant's case without a determination of eligibility when the applicant does not, or is unavailable to complete an evaluation of vocational rehabilitation potential and RSB has made reasonable efforts to contact the applicant or, as appropriate, the applicant's representative, and to encourage the applicant's participation.

(B) Case Closure Due to a Determination of Ineligibility Before IPE Development. When RSB determines that an applicant does not meet one (1) or more of the basic conditions of eligibility for vocational rehabilitation services or that a client no longer meets one (1) or more of the basic conditions of eligibility, RSB shall close the applicant's or client's case. RSB shall carry out the following activities in regard to case closure:

1. RSB shall make the ineligibility determination only after full consultation with the applicant or client or, as appropriate, the applicant's or client's parent, guardian, legal custodian, or other representative, or after giving a clear opportunity for such consultation; and

2. RSB shall complete a certification of ineligibility which indicates the reasons the applicant or client is ineligible for vocational rehabilitation services.

(C) Case Closure Due to a Determination of Ineligibility After IPE Development. When RSB decides to terminate vocational rehabilitation services that RSB is providing to a client because of a determination that the client is no longer eligible, RSB shall close the individual's case. RSB shall make the ineligibility determination only after full consultation with the client or, as appropriate, the client's parent, guardian, legal custodian, or other representative, or after giving an opportunity for such consultation, except under the following circumstances: the client has refused to participate, the client is no longer present in Missouri, the client's whereabouts are unknown, or the client's medical condition is rapidly progressive or terminal. When the client or, as appropriate, the client's parent, guard-

ian, or other representative has consulted with RSB, RSB shall record the views of the individual regarding the decision.

(D) Annual Review of Certain Case Closures. When RSB determines an applicant or client is ineligible for vocational rehabilitation services because the applicant or client cannot be expected to achieve a vocational goal, RSB shall review the ineligibility decision pursuant to 34 CFR 361.43(e).

(E) Case Closure as Successfully Rehabilitated. RSB shall close a client's case if RSB determines the client to be successfully rehabilitated, as set forth in 34 CFR 361.56. RSB shall conduct post-exit follow up after the case is closed to verify continued employment.

(F) RSB shall notify the client in writing of case closure. The notification shall include information regarding the client's appeal rights and the assistance that is available from the client assistance program. RSB does not need to send written notification to the client when the client is deceased, the address is unknown, or the client cannot be located.

(17) Standards for Facilities and Other Providers of Services. RSB requires providers from which RSB purchases vocational rehabilitation services to meet the standards stated in this section of this rule and 34 CFR 361.51.

(A) Rehabilitation Facilities. A rehabilitation facility is a facility that is operated for the purpose of providing vocational rehabilitation services to clients and applicants. A rehabilitation facility must have the capability to provide, singly or in combination, one (1) or more of the following vocational rehabilitation services:

1. Vocational rehabilitation services, including under one (1) management: medical, psychiatric, psychological, social, and vocational services;

2. Testing, fitting, or training in the use of prosthetic or orthotic devices;

3. Prevocational conditioning or recreational therapy;

4. Physical and occupational therapy;

5. Speech and hearing therapy;

6. Psychiatric, psychological, and social services;

7. Evaluation of rehabilitation potential;

8. Personal and work adjustment;

9. Vocational training with a view toward career advancement, which is provided in combination with other rehabilitation services;

10. Evaluation or control of specific disabilities;

11. Orientation and mobility services and other adjustment services to blind individuals;

12. Transitional or extended employment for those individuals with disabilities who cannot be absorbed readily into the competitive labor market;

13. Psychosocial rehabilitation services for clients and applicants with chronic mental illness; and

14. Rehabilitation technology services.

(B) Rehabilitation Facility Accreditation. A rehabilitation facility must comply with the rehabilitation facility standards specified by RSB. These standards include, but are not limited to, those of the Commission on the Accreditation of Rehabilitation Facilities (CARF) and the Joint Committee on the Accreditation of Hospitals (JCAH), or other national accreditation body, if the standards of the entities referred to in this subsection are approved pursuant to 42 USC 1395bb.

(C) Academic or Vocational Training Accreditation. An agency or institution that provides academic or vocational training services must be accredited or licensed by the accrediting or licensing agency that is appropriate to the training curriculum that the agency or institution provides.



(D) Physical or Mental Restoration Provider Accreditation. A physician or any other health care provider must be certified or accredited to perform the specific service that the applicant or client requires and must be licensed to perform the service in the state in which the service is performed.

(18) Pursuant to 34 CFR 361.49, RSB shall manage a Center for Braille and Narration Production (CBNP) for the purposes of providing access to information for individuals who are blind, including but not limited to Braille, narration, large print, and special electronic formats. Current RSB clients may access these services at no cost. CBNP may provide transcription, narration, and other services required to produce accessible informational materials for a fee set by RSB.

(19) Order of Selection. If RSB is unable to provide vocational rehabilitation services to all eligible individuals who apply for services, RSB will implement an order of selection pursuant to 34 CFR 361.36 to ensure that those individuals with the most severe disabilities are provided services.

(A) An eligible individual's assigned category may be changed at any time based on information that clarifies the severity of the individual's disability or if there is a change in the severity of disability.

(B) The implementation of an order of selection shall not affect the provision of diagnostic and evaluation services necessary to determine eligibility.

(C) While under an order of selection, RSB shall develop an individualized plan for employment (IPE) only for those eligible individuals who are in the priority categories currently being served.

(D) RSB shall continue to provide all needed services to any eligible individual who has begun to receive services under an IPE prior to the effective date of the order of selection, regardless of the eligible individual's assigned category.

(E) Eligible individuals will be served under the categories of priority defined in paragraphs (19)(E)1.-3. In accordance with these categories, individuals with the most significant disabilities (Priority I) will be selected first for the provision of vocational rehabilitation services. In the event that all Priority I individuals can be served with available resources, Priority II and then Priority III cases (in that order) will be opened for provision of vocational rehabilitation services.

1. Priority III: Individual with a disability, as defined in subsection (2)(A) of this rule.

2. Priority II: Individual with a significant disability, as defined in subsection (2)(A) of this rule.

3. Priority I: Individual with a most significant disability, as defined in subsection (2)(G) of this rule.

(F) While RSB is operating under the order of selection, all RSB-eligible individuals who are in priority categories that are not being served will be placed on a waiting list prior to IPE development and will remain on the waiting list in that status until approval is given to serve individuals in their assigned priority category. When approval to serve a priority category that has been on the waiting list is given, individuals will be served in the order of their application date.

(20) Exceptions to rule. Except as otherwise provided in this regulation, any other exceptions to the limitations on services defined by this rule must be approved by an administrative review team designated by the deputy director to determine rule exceptions. Exceptions to this rule shall not be in conflict with the provisions of the vocational rehabilitation program as set forth in state and federal law.

(21) Review Procedures. Pursuant to 34 CFR 361.57, an applicant for or recipient of services through RSB's vocational rehabilitation program has the right to obtain the review of any determination regarding the furnishing or denial of services. One (1) or more of the options for review set forth in this section can be used, which provide the individual and RSB the opportunity to submit additional evidence and information.

(A) Administrative Review. An administrative review is an informal process for resolving a request for review without mediation or a due process hearing.

1. The applicant or eligible individual or, as appropriate, the individual's guardian or representative, may request an administrative review by submitting a written request to the deputy director or designee.

2. The deputy director or designee will conduct an informal review within thirty (30) days from receipt of the request unless both parties agree to an extension of time.

3. The applicant or eligible individual or, as appropriate, the individual's guardian or representative, will be informed of the results of their informal review in writing and the right to a due process hearing or mediation.

(B) Due Process Hearing. An applicant or eligible individual may request a due process hearing with or without an administrative review.

1. The applicant or eligible individual must request a due process hearing in writing submitted to the deputy director or designee.

2. The hearing officer shall be selected from a list of qualified impartial hearing officers maintained by Rehabilitation Services for the Blind. Selection of hearing officer is by agreement between deputy director or designee and the applicant or eligible individual or, as appropriate, the individual's guardian or other representative. If the deputy director or designee and the applicant or eligible individual or that person's guardian or representative cannot agree on the choice of a hearing officer, RSB shall select at random a hearing officer from the aforementioned list of qualified impartial hearing officers.

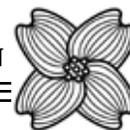
3. The fair hearing shall be held within sixty (60) calendar days from the date RSB receives the eligible individual's request for review of a decision, unless informal resolution or a mediation agreement is achieved prior to the sixtieth day or the parties agree to a specific extension of time.

4. The fair hearing shall be held during normal working hours, at the RSB district office where the eligible individual's case record is located.

5. The applicant or eligible individual or, as appropriate, the individual's guardian or representative, shall be given the opportunity to present and examine witnesses, additional evidence, and relevant sources of information during the due process hearing or if the hearing officer holds the record open to admit additional evidence.

6. The hearing officer will make a determination based on the facts and applicable law. The hearing officer shall render a decision in writing. The decision must specify the findings of fact, conclusions of law, and decision of the hearing officer. The hearing decision must be based solely on the facts adduced to the hearing officer at the hearing. The written decision will be served on the deputy director and the individual or applicant, or that person's representative.

7. Within twenty (20) calendar days of the date of the hearing officer's written decision, either party may request in writing a review of the written decision by the director of Family Support Division or their designee. The director of Family Support Division may not delegate the responsibility



for reviewing the written decision of the hearing officer to any Family Support Division staff.

8. The director of Family Support Division or designee shall provide the opportunity for submission of additional evidence and information relevant to a final decision concerning the matter under review.

9. The director of Family Support Division or designee may overturn or modify the hearing officer's decision, or part of the decision supporting the position of the applicant or eligible individual, if it is determined, based on clear and convincing evidence, that the decision of the impartial hearing officer is clearly erroneous on the basis of being contrary to the federal act and/or regulations, or appropriate state law and/or regulations.

10. The director of Family Support Division or designee shall provide an independent, final decision in writing, including the statutory and regulatory findings for the decision, to the applicant or eligible individual or, as appropriate, the individual's representative and to Rehabilitation Services for the Blind within thirty (30) days of the request for the administrative review.

(C) Mediation. Applicants and eligible individuals shall have the right to pursue mediation with respect to disputes involving any determinations that affect the provision of vocational rehabilitation services.

1. Mediation shall be voluntary on the part of the individual and RSB; not be used to deny or delay the rights of an individual to a due process hearing or deny any other rights; and be conducted by a qualified and impartial mediator who is selected from a list of qualified and impartial mediators maintained by RSB.

2. RSB shall bear the reasonable costs of the mediation process.

3. An applicant or eligible individual may request mediation by writing the deputy director of RSB and stating the issue(s) to be mediated. If mediation is agreed upon by both RSB and the applicant or eligible individual, a qualified mediator will then be selected by the individual. The mediator will be informed of the request and will assist parties in selecting a mutually agreeable time and place.

4. An applicant or eligible individual may be represented in the mediation session by an authorized representative or licensed attorney, at the individual's expense.

5. The mediation will be held within sixty (60) days unless both parties agree to an extension. Mediation sessions are held at a time and location mutually agreed upon by both parties.

6. An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement, and provided to the applicant or eligible individual or, if appropriate, the individual's guardian or representative and the deputy director of RSB within thirty (30) days of completion of the mediation session.

7. Discussions that occur during the mediation process shall be confidential and not used as evidence in any subsequent due process hearing or civil proceeding. Both parties may be required to sign a confidentiality pledge prior to the commencement of such process.

8. Nothing in this section shall be construed to preclude the parties to such a dispute from informally resolving the dispute prior to mediation proceedings. Mediation will not be used to deny or delay an individual's due process hearing.

*AUTHORITY: sections 207.022, 209.010, and 660.017, RSMo 2016.\* Original rule filed Aug. 11, 1978, effective Nov. 11, 1978. Amended: Filed Nov. 5, 1979, effective Feb. 11, 1980. Amended: Filed Dec. 10,*

*1980, effective March 12, 1981. Emergency amendment filed Feb. 23, 1982, effective March 8, 1982, expired June 10, 1982. Amended: Filed Feb. 23, 1982, effective June 11, 1982. Emergency amendment filed July 13, 1982, effective Aug. 1, 1982, expired Oct. 10, 1982. Amended: Filed July 13, 1982, effective Oct. 11, 1982. Emergency amendment filed Jan. 15, 1985, effective Feb. 1, 1985, expired May 14, 1985. Amended: Filed Jan. 15, 1985, effective April 11, 1985. Emergency amendment filed Jan. 15, 1986, effective Jan. 25, 1986, expired May 15, 1986. Amended: Filed Jan. 15, 1986, effective June 12, 1986. Emergency rescission and emergency rule filed Jan. 21, 1987, effective Jan. 31, 1987, expired May 21, 1987. Rescinded and readopted: Filed Jan. 21, 1987, effective May 11, 1987. Emergency amendment filed July 8, 1987, effective July 18, 1987, expired Nov. 15, 1987. Amended: Filed July 8, 1987, effective Oct. 11, 1987. Amended: Filed Nov. 4, 1988, effective Jan. 27, 1989. Amended: Filed April 3, 1989, effective July 1, 1989. Rescinded and readopted: Filed June 6, 1991, effective Oct. 31, 1991. Emergency amendment filed Oct. 18, 1991, effective Oct. 31, 1991, expired Feb. 27, 1992. Amended: Filed Sept. 13, 1994, effective March 30, 1995. Amended: Filed Jan. 27, 2021, effective July 30, 2021. Amended: Filed Oct. 8, 2025, effective April 30, 2026.*

*\*Original authority: 207.022, RSMo 2014; 209.010, RSMo 1939, amended 2014; and 660.017, RSMo 1993, amended 1995.*

### 13 CSR 40-91.030 Prevention of Blindness Program

*PURPOSE: This rule establishes the guidelines for provision of services to visually impaired persons through the Prevention of Blindness Program. Provision of these services is authorized by sections 207.010, 207.020, 209.010 and 209.020, RSMo.*

(1) Prevention of Blindness Program. This program meets the cost of eye care for Missouri residents of all ages who meet visual eligibility requirements outlined in subsection (1)(A) and financial eligibility requirements outlined in subsection (1)(B).

(A) Visual Eligibility Requirements. Visual eligibility for Prevention of Blindness services is based on examination by an eye-care specialist that establishes one (1) of the following conditions: a progressive eye disease, a malformation or malfunction of all or part of an eye, or central visual acuity without correction of twenty/two hundred (20/200) or less in one (1) eye.

(B) Financial Eligibility Requirements. Financial eligibility for services is based on financial need as determined by Rehabilitation Services for the Blind.

(C) Priority of Services. When necessary, due to limitation of Prevention of Blindness funds, Rehabilitation Services for the Blind may initiate a priority of services plan, with those persons in need of emergency eye care or surgical procedures receiving priority.

(D) Prior authorization must be given for any service involving expenditure of Prevention of Blindness funds.

(E) Fees for Service. Total payment or eye care authorized by Prevention of Blindness will not exceed fees established by the Family Support Division.

(F) Similar Benefits. Prevention of Blindness funds will be used to pay for eye care only after payment available from other sources has been determined. Other sources include, but are not limited to: Title XVIII (Medicare), Title XIX (Medicaid), vocational rehabilitation programs, and other public or private health care programs.

*AUTHORITY: sections 207.022 and 660.017, RSMo 2016.\* Original rule filed Aug. 11, 1978, effective Nov. 11, 1978. Amended: Filed Jan.*



10, 1985, effective April 11, 1985. Emergency amendment filed Oct. 17, 1985, effective Oct. 27, 1985, expired Feb. 14, 1986. Amended: Filed Oct. 17, 1985, effective Feb. 13, 1986. Emergency amendment filed Aug. 17, 1992, effective Sept. 1, 1992, expired Dec. 29, 1992. Amended: Filed Aug. 17, 1992, effective April 8, 1993. Amended: Filed Aug. 15, 2000, effective Feb. 28, 2001. Amended: Filed Sept. 18, 2018, effective May 30, 2019.

*\*Original authority: 207.022, RSMo 2014 and 660.017, RSMo 1993, amended 1995.*

**13 CSR 40-91.040 Payments for Vision Examinations**  
(Rescinded June 30, 2018)

*AUTHORITY: sections 167.195 and 192.935, RSMo Supp. 2010. This rule originally filed as 19 CSR 40-11.010. Emergency rule filed Jan. 9, 2009, effective Jan. 19, 2009, expired July 17, 2009. Original rule filed Jan. 9, 2009, effective Aug. 30, 2009. Moved and amended: Filed Sept. 13, 2010, effective March 30, 2011. Rescinded: Filed Nov. 3, 2017, effective June 30, 2018.*