

## MARYLAND REGISTER

# Proposed Action on Regulations

### Comparison to Federal Standards Submission and Response

**Name:** Charlene L Necessary  
**Agency:** Maryland State Department of Education  
**Address:** 200 W. Baltimore Street  
**State:** MD  
**Zip:** 21201  
**Phone:** 410-767-0467  
**Email:** cnecessary@msde.state.md.us

In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is not more restrictive or stringent than corresponding federal standards.

**COMAR Codification:** 13A.11.01.03-1 and .15

**Corresponding Federal Standard:**

34 C.F.R. §361.50(c) and 34 C.F.R. §361.54

**Discussion/Justification:**

Regulation .03-1 Incorporation by Reference - 34 C.F.R. § 361.50(c), requires the VR program to establish and maintain written policies to govern the rates of payment for all purchased vocational rehabilitation services. The policy must include rates not so low as to effectively deny an individual needed services, not absolute and permit exceptions.

Regulation .15 Financial Participation Schedule - 34 C.F.R. § 361.54, allows State VR programs to consider the financial need of individuals in provision of vocational rehabilitation services. Written policies are required which ensure that an individual's participation in the cost of services is reasonable, based on financial need and not so high as to effectively deny the individual a needed service. DORS sliding scale is based on the US Department of Health and Human Services Poverty Guidelines which are updated annually.

**TO BE COMPLETED BY DBED**

**X-** Agree  
 \_-Disagree

**Comments:**

DBED does not have expertise in this matter and but believes the MSDE does and as such believes their assertion that the regulations are not more restrictive or stringent than corresponding federal standards.

Name: Sandy Popp  
 Date: 3/11/2015

\_ -Submit to Governor's Office

**Governor's Office Response**

**Comments:**

Transmittal Sheet  PROPOSED OR REPROPOSED  Actions on Regulations	Date Filed with AELR Committee	<b>TO BE COMPLETED BY DSD</b>
		Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 5/1/2015**

**2. COMAR Codification**

<b>Title</b>	<b>Subtitle</b>	<b>Chapter</b>	<b>Regulation</b>
13A	11	01	03-1 and .15

**3. Name of Promulgating Authority**

Maryland State Department of Education

**Title 13A  
 A STATE BOARD OF  
 EDUCATION**

**Subtitle 11  
 PROGRAMS FOR  
 ADULTS WITH  
 DISABILITIES**

**13A.11.01 Vocational  
 Rehabilitation Services**

Authority: Education  
 Article, §§21-301—21-306 and 21-402—404,  
 Annotated Code of  
 Maryland

**Notice of Proposed  
 Action**

□

The Maryland State Board of Education proposes to amend Regulations .03-1 and .15 under COMAR

**4. Name of Regulations Coordinator**

Charlene L Necessary

**Telephone Number**

410-767-0467

**Mailing Address**

200 W. Baltimore Street

<b>City</b>	<b>State</b>	<b>Zip Code</b>
Baltimore	MD	21201

**Email**

cnecessary@msde.state.md.us

**5. Name of Person to Call About this Document**

Suzanne Page

**Telephone No.**

410-554-9385

**Email Address**

suzanne.page@maryland.gov

**6. Check applicable items:**

- New Regulations
- Amendments to Existing Regulations
  - Date when existing text was downloaded from COMAR online: December 1, 2014.
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

:                   Md.  
                      R

(vol.) (issue)       (page  
                          nos) (date)

Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

Yes  No

**8. Incorporation by Reference**

**X-** Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

13A.11.01 Vocational Rehabilitation Services.

This action was considered during a Maryland State Board of Education meeting on February 24, 2015.

**Statement of Purpose**

The purpose of this action is to update the sliding scale used to determine financial participation of eligible individuals in cost of services, and update and incorporate by reference the Division's fee schedule.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

**9. Public Body - Open Meeting**

X- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

X- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

\_ Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Elliott L. Schoen, Assistant Attorney General, (telephone #410-576-6465) on February 27, 2015. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Lillian M. Lowery, Ed.D.

**Title**

State Superintendent of Schools

**Telephone No.**

410-767-0467

**Date**

February 24, 2015

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

The Division of Rehabilitation Services provides services to individuals with disabilities through the Vocational Rehabilitation Programs.

Changes in the DORS Fee Schedule have been made consistent with updates in the Medicare Fee Schedule, Baltimore Metro; updated rates will not have an economic effect on individuals with disabilities. Updates in the sliding scale may have a minor impact on the very small percentage of individuals with disabilities receiving DORS services who are required to participate in the cost of services.

**Opportunity for Public Comment**

Comments may be sent to Suzanne Page, Assistant State Superintendent, Maryland State Department of Education, Division of Rehabilitation Services, 2301 Argonne Drive, Baltimore, Maryland 21218, or call 410-554-

9385(TTY:443-798-2840), or email to [dors@maryland.gov](mailto:dors@maryland.gov), or fax to 410-554-9384. Comments will be accepted through June 1, 2015. A public hearing has not been scheduled.

### **Open Meeting**

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on June 23, 2015, 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

### **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Program is funded 78.7% with federal funds. State general required match of 21.3% is met.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Regulations are specific to case services and policies relating to individuals with disabilities pursuing a rehabilitation goal through the public rehabilitation program, and do not change the relationship or volume or purchases from small businesses. Fee increases are established to remain consistent with changes in the Baltimore Metro Area Medicare rates.

These funds are behind shifted within the agency's budget category.

G. Small Business Worksheet:

Attached Document:

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# Title 13A STATE BOARD OF EDUCATION

## Subtitle 11 PROGRAMS FOR ADULTS WITH DISABILITIES

### Chapter 01 Vocational Rehabilitation Services

Authority: Education Article, §§21-301—21-306 and 21-402—21-404, Annotated Code of Maryland

**.03-1 Incorporation by Reference.**

A. In this chapter, the following documents are incorporated by reference.

B. Documents Incorporated.

(1) Division of Rehabilitation Services Fee Schedule, Rehabilitation Services Manual V (RSM V) (Maryland State Department of Education, updated through [June 2012] *August 2014*).

(2) (text unchanged)

**.15 Financial Participation Schedule.**

[Annual Amount of Individual/Family Financial Participation]								
Available Income	1	2	3	4	5	6	7	8
\$23,000 and below	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
\$23,001—\$27,000	219	0	0	0	0	0	0	0
\$27,001—\$31,000	363	254	0	0	0	0	0	0
\$31,001—\$35,000	536	413	0	0	0	0	0	0
\$35,001—\$39,000	740	602	324	0	0	0	0	0
\$39,001—\$43,000	974	820	513	0	0	0	0	0
\$43,001—\$47,000	1,238	1,069	731	394	0	0	0	0
\$47,001—\$51,000	1,531	1,348	980	613	0	0	0	0
\$51,001—\$55,000	1,855	1,656	1,259	861	464	0	0	0
\$55,001—\$59,000	2,209	1,995	1,568	1,140	713	0	0	0
\$59,001—\$63,000	2,593	2,364	1,906	1,449	991	534	0	0
\$63,001—\$67,000	3,006	2,762	2,275	1,787	1,300	813	0	0
\$67,001—\$71,000	3,450	3,191	2,674	2,156	1,639	1,121	604	0
\$71,001—\$75,000	3,924	3,650	3,103	2,555	2,008	1,460	913	0
\$75,001—\$79,000	4,428	4,139	3,561	2,984	2,406	1,829	1,251	674
\$79,001—\$83,000	4,961	4,658	4,050	3,443	2,835	2,228	1,620	1,013
\$83,001—\$87,000	5,525	5,206	4,567	3,931	3,294	2,656	2,019	1,381
\$87,001+ *	6.5%	6.125%	5.375%	4.625%	3.875%	3.125%	2.375%	1.625%

\* To determine amount of individual/family participation when the available income is above \$87,000, multiply the individual/family income times the percentage. The Financial Participation Scale is based on 2012 Poverty Guidelines of the U.S. Department of Health and Human Services.]

*Annual Amount of Individual/Family Financial Participation*

<i>Available Income</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>
<i>\$24,000 and below</i>	<i>\$ 0</i>	<i>\$ 0</i>	<i>\$ 0</i>	<i>\$ 0</i>	<i>\$ 0</i>	<i>\$ 0</i>	<i>\$ 0</i>	<i>\$ 0</i>
<i>\$24,001—\$28,000</i>	<i>228</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>\$28,001—\$32,000</i>	<i>375</i>	<i>263</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>\$32,001—\$36,000</i>	<i>553</i>	<i>425</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>\$36,001—\$40,000</i>	<i>760</i>	<i>616</i>	<i>333</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>\$40,001—\$44,000</i>	<i>998</i>	<i>840</i>	<i>525</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>\$44,001—\$48,000</i>	<i>1,265</i>	<i>1,093</i>	<i>748</i>	<i>345</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>\$48,001—\$52,000</i>	<i>1,563</i>	<i>1,375</i>	<i>1,000</i>	<i>625</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>\$52,001—\$56,000</i>	<i>1,890</i>	<i>1,688</i>	<i>1,283</i>	<i>878</i>	<i>473</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>\$56,001—\$60,000</i>	<i>2,248</i>	<i>2,030</i>	<i>1,595</i>	<i>1,160</i>	<i>725</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>\$60,001—\$64,000</i>	<i>2,635</i>	<i>2,403</i>	<i>1,938</i>	<i>1,473</i>	<i>1,008</i>	<i>543</i>	<i>0</i>	<i>0</i>
<i>\$64,001—\$68,000</i>	<i>3,053</i>	<i>2,805</i>	<i>2,310</i>	<i>1,815</i>	<i>1,320</i>	<i>825</i>	<i>0</i>	<i>0</i>
<i>\$68,001—\$72,000</i>	<i>3,500</i>	<i>3,238</i>	<i>2,713</i>	<i>2,188</i>	<i>1,663</i>	<i>1,138</i>	<i>0</i>	<i>0</i>
<i>\$72,001—\$76,000</i>	<i>3,978</i>	<i>3,700</i>	<i>3,145</i>	<i>2,590</i>	<i>2,035</i>	<i>1,480</i>	<i>648</i>	<i>0</i>
<i>\$76,001—\$80,000</i>	<i>4,485</i>	<i>4,193</i>	<i>3,608</i>	<i>3,023</i>	<i>2,438</i>	<i>1,853</i>	<i>975</i>	<i>0</i>
<i>\$80,001—\$84,000</i>	<i>5,023</i>	<i>4,715</i>	<i>4,100</i>	<i>3,485</i>	<i>2,870</i>	<i>2,255</i>	<i>1,333</i>	<i>718</i>
<i>\$84,001—\$88,000</i>	<i>5,590</i>	<i>5,268</i>	<i>4,623</i>	<i>3,978</i>	<i>3,333</i>	<i>2,688</i>	<i>1,720</i>	<i>1,075</i>
<i>\$87,001+ *</i>	<i>6.5%</i>	<i>6.125%</i>	<i>5.375%</i>	<i>4.625%</i>	<i>3.875%</i>	<i>3.125%</i>	<i>2%</i>	<i>1.25%</i>

*\* To determine amount of individual/family participation when the available income is above \$88,000, multiply the individual/family income times the percentage. The Financial Participation Scale is based on 2014 Poverty Guidelines of the U.S. Department of Health and Human Services.*

LILLIAN M. LOWERY, Ed.D.  
State Superintendent of Schools

Incorporation by Reference  
APPROVAL FORM

Date: March 3, 2015  
COMAR: 13A.11.01.03-1B(1)

Charlene Necessary  
Maryland State Department of Education  
200 West Baltimore Street, 7<sup>th</sup> Floor  
Baltimore, MD 21201

Dear Charlene:

The document entitled Division of Rehabilitation Services Fee Schedule, Rehabilitation Services Manual V (RSMV) (Maryland State Department of Education, updated through August 2014), is approved for incorporation by reference.

Please note the following special instructions: None.

Attach a copy of this approval form when submitting an emergency or proposed regulation to the AELR Committee and when submitting a proposed regulation to DSD for publication in the Maryland Register. If submitting through ELF, include as part of the attachment.

Any future changes to the incorporated documents do not automatically become part of the regulation. If there are subsequent changes to the incorporated documents, and the agency wishes those changes to become a part of its regulations, the agency must amend the regulation incorporating the documents.

Please call us if you have any questions.

Sincerely,  
Gail S. Klakring  
Senior Editor