

# **Legislative Regulation Review Committee**

2008-064

Board of Education & Services for the Blind

**CONCERNING CLIENT OWNERSHIP OF  
ADAPTIVE EQUIPMENT**

M-39 REV. 1/77

Important: Read Instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed regulations.

## STATE OF CONNECTICUT REGULATION

of the  
Board of Education and Services for the Blind  
Name of Agency

concerning  
Client Ownership of Adaptive Equipment  
Subject Matter of Regulation

### **Section 1. Subsection (a) of section 10-293-5 of the Regulations of Connecticut State Agencies is amended to read as follows:**

#### **Sec. 10-293-5. Organization**

The board's administrative organizational structure shall consist of the executive director, appointed by the Governor pursuant to Section 10-294 of the general statutes, and the five (5) following organizational units directly responsible to the executive director.

(a) Division of Adult Services, responsible for specialized social, educational and teaching services to improve the overall quality of life for legally blind adults pursuant to Sections 10-293, 10-295 (c), 10-297 and 10-298 of CGS including:

- (1) legal benefits such as issuance of certificates of legal blindness;
- (2) social services to perform intake and complete a needs assessment;
- (3) ORIENTATION AND MOBILITY INSTRUCTION AND rehabilitation teaching to assist clients to increase their independence in such areas as TRAVEL, home management, leisure time activity, communication and instruction in braille;
- (4) interagency cooperation to assist elderly legally blind adults to remain in their homes;
- (5) provision of visual aids and supplemental relief as authorized;
- (6) PROVISION OF ADAPTIVE EQUIPMENT TO INCREASE INDEPENDENCE IN ACTIVITIES OF DAILY LIVING, CONSISTENT WITH AGENCY POLICY. IN THE PROVISION OF ADAPTIVE EQUIPMENT TO CLIENTS, OWNERSHIP OF EQUIPMENT SHALL BE WITH THE CLIENT AND SHALL BE APPLIED RETROACTIVELY AS WELL AS FOR NEW PURCHASES, UPON ADOPTION OF THESE REGULATIONS. AT SUCH TIME AS THE CLIENT NO LONGER DESIRES THE EQUIPMENT, DISPOSAL WILL BE AT THE CLIENT'S DISCRETION. THE COST OF MAINTENANCE OR REPAIR OF THE EQUIPMENT SHALL REST WITH THE CLIENT. IN CIRCUMSTANCES WHERE A CLIENT REQUESTS, THE AGENCY MAY REIMBURSE THE CLIENT FOR THE DOCUMENTED COST OF THE REPAIR AND APPLICABLE SHIPPING OF SAID EQUIPMENT TO AND FROM THE REPAIR LOCATION. THE AGENCY MAY ACCEPT RETURNED EQUIPMENT IN THE FORM OF A DONATION. IN SUCH INSTANCES, CURRENT MARKET VALUE WILL BE ASSIGNED AND THE DONATED ITEM(S) WILL BE PLACED ON AGENCY INVENTORY, BROUGHT TO OPERATING STATUS AND MADE ELIGIBLE FOR TRANSFER IN OWNERSHIP TO OTHER CLIENTS. THE AGENCY RESERVES THE RIGHT TO DECLINE DONATIONS OF OUTDATED OR BROKEN EQUIPMENT;
- (7) camping vacations for a limited number of children and adults; and
- [(7)] (8) such other activity as may be assigned by the executive director.

### **Section 2. Subsections (b) and (c) of section 10-295-10 of the Regulations of Connecticut State Agencies are amended to read as follows:**

**Sec. 10-295-10. Provision of books, special supplies and equipment**

(a) Purchase and provision by the board to a visually handicapped child of such items as braille or large print books and related materials, special supplies and equipment will be made on the basis of the following:

(1) determination by such a child's planning and placement team that such items be provided to the child as they are necessary to implement the child's individualized education program; and

(2) the request to the board to purchase and provide such items to the child shall be submitted in writing by the teacher of the visually handicapped.

(b) Purchase and provision by the board to a visually handicapped child of any item of equipment costing six-hundred dollars or more will be contingent upon the requirements of subsection (a) of this section; and

(1) determination by such a child's planning and placement team that the use of such an item be included in the child's individualized education program;

(2) determination by the board that the item is necessary and appropriate to produce, reproduce or transcribe classroom text and related materials into tactual, auditory or enlarged forms; and

(3) an exception to the requirements of this subsection of this regulation may be made if there is evidence of a significant delay on the local or regional level which would adversely affect the design or implementation of a visually handicapped child's individualized education program. A request for an exception must be submitted in writing to the board by the teacher of the visually handicapped and approved by the [chief of the division of children's services and the] director.

(c) Expenditure of funds by the board for purchase of special supplies and equipment for any visually handicapped child shall be subject to the following requirements:

(1) determination by the board that such expenditure for such purchase together with other obligations of the board for such a child shall not exceed the maximum amount set forth in Section 10-295 (a) and (b) of the General Statutes;

(2) [the board shall retain title to and maintain an inventory of such items] OWNERSHIP OF EQUIPMENT SHALL BE WITH THE CHILD OR GUARDIAN AND SHALL BE APPLIED RETROACTIVELY AS WELL AS FOR NEW PURCHASES, UPON ADOPTION OF THESE REGULATIONS. AT SUCH TIME AS THE CHILD OR GUARDIAN NO LONGER DESIRES THE EQUIPMENT, DISPOSAL WILL BE AT THE CHILD OR GUARDIAN'S DISCRETION. THE COST OF MAINTENANCE OR REPAIR OF THE EQUIPMENT SHALL REST WITH THE CHILD OR GUARDIAN. IN CIRCUMSTANCES WHERE A CHILD OR GUARDIAN REQUESTS, THE AGENCY MAY REIMBURSE THE CHILD OR GUARDIAN FOR THE DOCUMENTED COST OF THE REPAIR AND APPLICABLE SHIPPING OF SAID EQUIPMENT TO AND FROM THE REPAIR LOCATION. THE AGENCY MAY ACCEPT RETURNED EQUIPMENT IN THE FORM OF A DONATION. IN SUCH INSTANCES, CURRENT MARKET VALUE WILL BE ASSIGNED AND THE DONATED ITEM(S) WILL BE PLACED ON AGENCY INVENTORY, BROUGHT TO OPERATING STATUS AND MADE ELIGIBLE FOR TRANSFER IN OWNERSHIP TO OTHER CLIENTS. THE AGENCY RESERVES THE RIGHT TO DECLINE DONATIONS OF OUTDATED OR BROKEN EQUIPMENT;

(3) such items shall not be used for purposes or by persons other than those for which or on whose behalf purchase and provision by the board was requested by the teacher of the visually handicapped and approved by the board; and

(4) no reimbursement or payment will be made by the board to or for any local or regional board of education, other agency or organization, or individual for any item purchased by them.

**Section 3. Subdivisions (17) and (18) of subsection (a) of section 10-306-11a of the Regulations of Connecticut State Agencies are amended to read as follows:**

**Section 10-306-11a. Scope of vocational rehabilitation services for individuals with disabilities.**

(17) Occupational licenses, tools, equipment, initial stocks and supplies consistent with Vocational Rehabilitation Services Division policy. For persons entering into self-employment ventures, the Vocational Rehabilitation Services Division may pay such costs as are reasonable for the client to enter self-employment, with a client participation requirement of ten (10) percent in funds or in-kind services toward the

operation of the business. Examples of in-kind services include rent and utility costs for a business that is operated outside of a client's private residence. Prior to the development of an INDIVIDUALIZED PLAN FOR EMPLOYMENT, PREVIOUSLY KNOWN AS AN Individualized Written Rehabilitation Program, that has a goal of [a] self-employment, a business plan shall be developed by the client and submitted to a Vocational Rehabilitation Services Division committee for review and approval. In situations where the business plans do not receive approval, the client shall be given written instructions for action to be taken to make the plan acceptable and it may be resubmitted for approval. All licenses, tools, equipment, stock, and supplies necessary to operate the business must be included in the business plan in order to receive agency funding in these categories. UPON OBTAINING APPROVAL FROM THE COMMITTEE, THE VOCATIONAL REHABILITATION SERVICES DIVISION SHALL PURCHASE LICENSES, TOOLS, EQUIPMENT AND STOCK ON BEHALF OF THE CLIENT, CONSISTENT WITH THE APPROVED BUSINESS PLAN AND STATE OF CONNECTICUT PURCHASING REQUIREMENTS. OWNERSHIP OF EQUIPMENT, TOOLS AND STOCK SHALL BE WITH THE CLIENT AND SHALL BE APPLIED RETROACTIVELY AS WELL AS FOR NEW PURCHASES, UPON ADOPTION OF THESE REGULATIONS. AT SUCH TIME AS THE CLIENT NO LONGER DESIRES THE EQUIPMENT, DISPOSAL WILL BE AT THE CLIENT'S DISCRETION. THE COST OF MAINTENANCE OR REPAIR OF THE EQUIPMENT SHALL REST WITH THE CLIENT. IN CIRCUMSTANCES WHERE A CLIENT REQUESTS, THE AGENCY MAY REIMBURSE THE CLIENT FOR THE DOCUMENTED COST OF THE REPAIR AND APPLICABLE SHIPPING OF SAID EQUIPMENT TO AND FROM THE REPAIR LOCATION. THE AGENCY MAY ACCEPT RETURNED EQUIPMENT IN THE FORM OF A DONATION. IN SUCH INSTANCES, CURRENT MARKET VALUE WILL BE ASSIGNED AND THE DONATED ITEM(S) WILL BE PLACED ON AGENCY INVENTORY, BROUGHT TO OPERATING STATUS AND MADE ELIGIBLE FOR TRANSFER IN OWNERSHIP TO OTHER CLIENTS CONSISTENT WITH THE INDIVIDUALIZED PLAN FOR EMPLOYMENT, PREVIOUSLY KNOWN AS AN INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM. THE AGENCY RESERVES THE RIGHT TO DECLINE DONATIONS OF OUTDATED OR BROKEN EQUIPMENT.

(18) Rehabilitation technology as defined in Section 10-306-2a (b)(69), including vehicular modifications, telecommunications, sensory, and other technological aids and devices. The provision of adaptive equipment will be made after consultation with a rehabilitation technologist or other provider skilled in the assessment of such products. Reports from vendors who sell specific adaptive products will not be acceptable for evaluation purposes, but may be reviewed along with other data. Technology provided to clients will be chosen based on informed choice of the [least expensive,] most effective, LEAST EXPENSIVE products available. For clients who are employed, the Vocational Rehabilitation Services Division will not use its funds until maximum effort has been made to obtain employer participation in the provision of standard business equipment that is afforded to all employees regardless of disability. The Vocational Rehabilitation Services Division will further seek to obtain reasonable accommodations from employers, consistent with applicable state and federal laws, before committing agency funds for necessary adaptive products. In the provision of closed-circuit television sets (CCTV), the Vocational Rehabilitation Services Division will provide basic 14" black and white units unless other requirements are certified as necessary by a rehabilitation technologist, low vision specialist or low vision center. Only one CCTV will be purchased for each client. Portable units will be provided in situations where magnification is required at multiple locations UNLESS IT CAN BE DOCUMENTED THAT IT IS MORE COST EFFECTIVE TO PROVIDE TWO STATIONARY CCTV'S, OR IN SITUATIONS WHERE A MEDICAL CONDITION MAKES IT IMPRACTICAL TO TRANSPORT A PORTABLE UNIT. Ownership of equipment [will remain with the Vocational Rehabilitation Services Division for three years after successful case closure. During the three years, the costs of repairs will be the responsibility of the Vocational Rehabilitation Services Division. After the three-year period, all ownership and responsibility will transfer to the client, organization, or the employer as applicable. For clients who have received vocational rehabilitation services under multiple case closures, the transfer of equipment will occur three years after the closure of the case in which the purchase of equipment occurred. For all cases where closure has occurred prior to the implementation of these regulations, equipment shall be transferred in ownership to the client or organization for whom it was provided upon reaching the third anniversary of case closure. In all situations where case closure occurred more than

three years ago, equipment that is on the State inventory shall be immediately removed from the inventory and transferred in ownership to the client or organization for whom it was purchased] SHALL BE WITH THE CLIENT AND SHALL BE APPLIED RETROACTIVELY AS WELL AS FOR NEW PURCHASES, UPON ADOPTION OF THESE REGULATIONS. AT SUCH TIME AS THE CLIENT NO LONGER DESIRES THE EQUIPMENT, DISPOSAL WILL BE AT THE CLIENT'S DISCRETION. THE COST OF MAINTENANCE OR REPAIR OF THE EQUIPMENT SHALL REST WITH THE CLIENT. IN CIRCUMSTANCES WHERE A CLIENT REQUESTS, THE AGENCY MAY REIMBURSE THE CLIENT FOR THE DOCUMENTED COST OF THE REPAIR AND APPLICABLE SHIPPING OF SAID EQUIPMENT TO AND FROM THE REPAIR LOCATION. THE AGENCY MAY ACCEPT RETURNED EQUIPMENT IN THE FORM OF A DONATION. IN SUCH INSTANCES, CURRENT MARKET VALUE WILL BE ASSIGNED AND THE DONATED ITEM(S) WILL BE PLACED ON AGENCY INVENTORY, BROUGHT TO OPERATING STATUS AND MADE ELIGIBLE FOR TRANSFER IN OWNERSHIP TO OTHER CLIENTS, CONSISTENT WITH THE INDIVIDUALIZED PLAN FOR EMPLOYMENT, PREVIOUSLY KNOWN AS AN INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM. THE AGENCY RESERVES THE RIGHT TO DECLINE DONATIONS OF OUTDATED OR BROKEN EQUIPMENT.

#### Statement of Purpose

(A) This regulation change is proposed in order to make the State of Connecticut's treatment of people with blindness equal to its treatment of people with all other disabilities. The Board of Education and Services for the Blind (BESB) and the Bureau of Rehabilitation Services (BRS) at the Department of Social Services (DSS) both administer the public vocational rehabilitation and independent living formula grants authorized by the federal Rehabilitation Act Amendments of 1998. BESB serves all individuals who are legally blind, while the Bureau of Rehabilitation Services serves all other disability groups in the state. However, while Section 17b-653-19 of the Regulations of State Agencies pertaining to the Bureau of Rehabilitation Services (approved by the legislative Regulation Review Committee in May of 2000) permits client ownership of equipment purchased for rehabilitation at the time of purchase, for legally blind adults and visually impaired or legally blind children served by BESB, client ownership at the time of purchase is not currently permitted. To achieve basic equity, this regulation change will treat people with blindness the same as clients of the state with other disabilities.

The regulation change is also intended to empower people with blindness by providing greater independence and self-reliance. Currently, the Board of Education and Services for the Blind lends adaptive equipment to help people with legal blindness and children with legal blindness or visual impairment achieve vocational, educational and independent living goals. Allowing clients to own this equipment is a more appropriate method to help them achieve their goals independently, especially since, as noted above, all other clients of the state with disabilities are given such equipment.

(B) Sections 1 through 3 provide for the Board of Education and Services for the Blind to give adaptive equipment to BESB clients who are legally blind. This equipment is now loaned to eligible clients, usually indefinitely as the qualifying disability almost never improves. Such equipment includes closed circuit monitors (CCTVs) for enlarging text, adaptive software which converts computer text to large print or speech, Braille note takers, Braille embossers or printers, and scanners for transferring text to Braille or a computer. The standards the agency currently applies in deciding when to give equipment to a client or what equipment to give to a client will not change from current assessment standards for lending equipment. Also, the agency will be able to continue to offer repairs of the client's equipment as it does now. Clients who no longer need a piece of equipment will be able to donate it back to the agency for re-use.

Section 1 applies this change to the Adult Services Division of the agency, which serves people with blindness who are over 21. Section 2 provides for the giving of equipment to students served by the Children's Services division. These clients may be legally blind or visually impaired. Section 3 provides for the agency to give equipment to clients of the Vocational Rehabilitation Division. These clients are assisted by the agency in gaining or maintaining employment. Currently, the only exception to the

practice of lending equipment exists in this division. VR clients may be given equipment three years after they have achieved a successful employment outcome. There have been no problems in this one area where the agency currently gives equipment to clients in the same way these regulations propose to do comprehensively and agency-wide.

Some minor and technical revisions are proposed as well.

(C) The legal effects of this regulation change will be to transfer ownership of adaptive equipment provided by BESB to the agency's clients. Currently this adaptive equipment is the property of the agency, although it is almost always in the long-term or indefinite possession of the client.

Be it known that the foregoing:

Regulations  Emergency Regulations

Are:

Adopted  Amended as hereinabove stated  Repealed

By the aforesaid agency pursuant to:

Sections 4-168 and 10-294, 10-295(b), 10-295(d), 10-295(e) and 10-309 of the General Statutes and  
 Section \_\_\_\_\_ of the General Statutes, as amended by Public Act No. \_\_\_\_\_ of the \_\_\_\_\_ Public Acts.  
 Public Act No. \_\_\_\_\_ of the \_\_\_\_\_ Public Acts.

After publication in the Connecticut Law Journal on August 19 2008 of the notice of the proposal to:

Adopt  Amend  Repeal such regulations

(If applicable): And  the holding of an advertised public hearing on the 16th day of September 2008

WHEREFORE, the foregoing regulations are hereby:

Adopted  Amended as hereinabove stated  Repealed

Effective:

When filed with the Secretary of the State.  
(OR)

The \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

In Witness Whereof:	DATE November 4, 2008	SIGNED (Head of Board, Agency or Commission) 	OFFICIAL TITLE, DULY AUTHORIZED <b>EXECUTIVE DIRECTOR-BESB</b>
---------------------	--------------------------	--	---

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	SIGNED 	OFFICIAL TITLE, DULY AUTHORIZED <b>ASSOC. ATTY. GENERAL</b>
---	------------	--

- Approved
- Disapproved
- Disapproved in part, (Indicate Section Numbers disapproved only)
- Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
---	------	---

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State)	BY
------	---------------------------------	----

**INSTRUCTIONS**

One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.

Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.