

§1411-A. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [PL 1995, c. 560, Pt. F, §13 (NEW).]

1. Community rehabilitation program. "Community rehabilitation program" means a program that provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to individuals with disabilities to enable those individuals to maximize opportunities for employment, including career advancement:

- A. Medical, psychiatric, psychological, social and vocational services under one management; [PL 2017, c. 111, §1 (RPR).]
 - B. Testing, fitting or training in the use of prosthetic or orthotic devices; [PL 2017, c. 111, §1 (RPR).]
 - C. Recreational therapy; [PL 2017, c. 111, §1 (RPR).]
 - D. Physical and occupational therapy; [PL 2017, c. 111, §1 (RPR).]
 - E. Speech, language and hearing therapy; [PL 2017, c. 111, §1 (RPR).]
 - F. Psychiatric, psychological and social services, including positive behavior management; [PL 2017, c. 111, §1 (RPR).]
 - G. [PL 2017, c. 111, §1 (RP).]
 - H. [PL 2017, c. 111, §1 (RP).]
 - I. [PL 2017, c. 111, §1 (RP).]
 - J. Job development, placement and retention services; [PL 2017, c. 111, §1 (RPR).]
 - K. Supported employment services and extended services; [PL 2017, c. 111, §1 (RPR).]
 - L. Extended employment for people with severe disabilities who cannot readily enter the competitive labor market; [PL 2017, c. 111, §1 (RPR).]
 - M. Evaluation or control of specific disabilities; [PL 2017, c. 111, §1 (NEW).]
 - N. Rehabilitation technology services; [PL 2017, c. 111, §1 (NEW).]
 - O. Assessment for determining program eligibility and vocational rehabilitation needs; [PL 2017, c. 111, §1 (NEW).]
 - P. Orientation and mobility services for individuals who are blind or visually impaired; [PL 2017, c. 111, §1 (NEW).]
 - Q. Psychosocial rehabilitation services; [PL 2017, c. 111, §1 (NEW).]
 - R. Customized employment; [PL 2017, c. 111, §1 (NEW).]
 - S. Services to family members, if necessary, to enable an applicant or eligible individual to achieve an employment outcome; and [PL 2017, c. 111, §1 (NEW).]
 - T. Personal assistance services. [PL 2017, c. 111, §1 (NEW).]
- [PL 2017, c. 111, §1 (RPR).]

1-A. Competitive integrated employment. "Competitive integrated employment" means work that is compensated at or above the state or local minimum wage; is not compensated at less than the customary rate and level of benefits paid by the employer for the same or similar work performed by other employees without disabilities who have similar training, experience and skills; takes place in such a way that the employee with the disability interacts with other persons without disabilities to the same extent as employees without disabilities in comparable positions; and presents opportunities for

advancement similar to those opportunities available for other employees without disabilities in similar positions.

[PL 2017, c. 111, §2 (NEW).]

2. Disadvantaged individuals.

[PL 2017, c. 111, §3 (RP).]

3. Evaluation and vocational services. "Evaluation and vocational services" includes, as appropriate in each case, such services as:

A. A preliminary diagnostic study to determine that the individual has a disability-related barrier to employment and that services are needed; [PL 2017, c. 111, §4 (AMD).]

B. A diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social and environmental factors that bear on the individual's barrier to employment and rehabilitation potential, including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities and other pertinent data helpful in determining the nature and scope of services needed; [PL 1995, c. 560, Pt. F, §13 (NEW).]

C. Services to appraise the individual's patterns of work behavior and ability to acquire occupational skills and to develop work attitudes, work habits, work tolerances and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment; [PL 1995, c. 560, Pt. F, §13 (NEW).]

D. Any other goods or services provided to an individual with a disability that are determined in accordance with federal regulations to be necessary for, and are provided for the purpose of, ascertaining the nature of the barrier to employment and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services or other services available to individuals with disabilities; [PL 2017, c. 111, §5 (AMD).]

E. Outreach, referral and advocacy; and [PL 1995, c. 560, Pt. F, §13 (NEW).]

F. The administration of these evaluation and vocational services. [PL 1995, c. 560, Pt. F, §13 (NEW).]

[PL 2017, c. 111, §§4, 5 (AMD).]

4. Gainful employment.

[PL 2017, c. 111, §6 (RP).]

5. Person with a disability. "Person with a disability" means an individual who has a physical or mental disability that constitutes a substantial barrier to employment but who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services. "Person with a disability" also means an individual who has a physical or mental disability that constitutes a substantial barrier to employment and for whom vocational rehabilitation services are necessary to determine rehabilitation potential. An "individual who has a physical or mental disability" means an individual who has a physical or mental condition that materially limits, contributes to limiting or, if not corrected, results in limiting that individual's activities or functions.

[PL 2017, c. 111, §7 (AMD).]

6. Rehabilitation services. "Rehabilitation services," which may be provided directly or through public or private resources, means goods and services necessary to assist a person with a disability to engage in competitive integrated employment or to determine the individual's rehabilitation potential, including but not limited to vocational rehabilitation services. Vocational rehabilitation services available to people with disabilities include:

- A. Evaluation, including diagnostic and related services, incidental to the determination of eligibility for and the nature and scope of services to be provided; [PL 1995, c. 560, Pt. F, §13 (NEW).]
- B. Counseling, guidance and placement services for people with disabilities, including follow-up services to assist those individuals to maintain employment; [PL 1995, c. 560, Pt. F, §13 (NEW).]
- C. Training services for people with disabilities, which may include personal and vocational adjustment, on-the-job training, books, tools and other training materials; [PL 2017, c. 111, §8 (AMD).]
- D. Interpreting and other specific services necessary to meet the unique needs of those persons who are deaf or hard of hearing. These services must include the aid of qualified personnel and interpreters who can relate to and communicate on an effective and meaningful basis with persons who are deaf or hard of hearing; [PL 2021, c. 348, §41 (AMD).]
- E. Recruitment and training services for people with disabilities to provide them with suitable employment opportunities; [PL 1995, c. 560, Pt. F, §13 (NEW).]
- F. Physical restoration services, including but not limited to:
- (1) Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that is stable or slowly progressive and constitutes a substantial barrier to employment but is of such a nature that correction or modification may reasonably be expected to eliminate or substantially reduce the barrier within a reasonable length of time;
 - (2) Necessary hospitalization in connection with surgery or treatment;
 - (3) Prosthetic and orthotic devices; and
 - (4) Eyeglasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist; [PL 2017, c. 111, §8 (AMD).]
- G. Maintenance as necessary during rehabilitation, as established by the rules of the department; [PL 1995, c. 560, Pt. F, §13 (NEW).]
- H. Occupational licenses, tools, equipment and initial stocks and supplies; [PL 1995, c. 560, Pt. F, §13 (NEW).]
- I. In the case of a small business operated by people with significant disabilities, the operation of which can be improved by management services and supervision provided by the department, the provision of those services and that supervision, alone or together with the acquisition by the department of vending stands or other equipment and initial stocks and supplies; [PL 2017, c. 111, §8 (AMD).]
- J. The construction or establishment, in accordance with federal regulations, of public or other nonprofit community rehabilitation programs and the provision of other facilities and services that may contribute substantially to the rehabilitation of a group of individuals but are not related directly to the rehabilitation plan of any one person with a disability; [PL 1995, c. 560, Pt. F, §13 (NEW).]
- K. Transportation in connection with the rendering of any other rehabilitation service; [PL 1995, c. 560, Pt. F, §13 (NEW).]
- L. Any other goods and services necessary to render a person with a disability employable; [PL 2017, c. 111, §8 (AMD).]
- M. Services to the families of people with disabilities when the services will contribute substantially to the rehabilitation of the individuals; [PL 2017, c. 111, §8 (AMD).]

N. Services for students and youth with disabilities to facilitate transition from school to postsecondary life, such as achievement of a competitive integrated employment outcome; [PL 2017, c. 111, §8 (NEW).]

O. Preemployment transition services to students with disabilities in a secondary, postsecondary or other recognized education program, including job exploration counseling; work-based learning experiences; counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs; workplace readiness training; and self-advocacy instruction; [PL 2017, c. 111, §8 (NEW).]

P. Reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind or visually impaired; and [PL 2017, c. 111, §8 (NEW).]

Q. Rehabilitation technology services to systematically apply technologies, engineering methodologies or scientific principles to address barriers confronted by individuals with disabilities. [PL 2017, c. 111, §8 (NEW).]

[PL 2021, c. 348, §41 (AMD).]

SECTION HISTORY

PL 1995, c. 560, §F13 (NEW). PL 2015, c. 141, §§5, 6 (AMD). PL 2017, c. 111, §§1-8 (AMD). PL 2021, c. 348, §41 (AMD).

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