

SUBCHAPTER 63E - INDEPENDENT LIVING SERVICES

SECTION .0100 - ELIGIBILITY FOR SERVICES

10A NCAC 63E .0101 BASIC ELIGIBILITY CRITERIA

(a) In addition to the requirements of 10A NCAC 71R .0600, where applicable, an individual must be determined eligible to receive services under the Social Services Block Grant (Title XX) on the basis of:

- (1) need, with regard to income for In-Home Aide Services;
- (2) need without regard to income for all other services.

(b) For purposes of determining and redetermining eligibility for services provided by the Division of Services for the Blind in this Subchapter, the rules in Subchapter 10A NCAC 71Q shall apply.

(c) Individuals are eligible for these services at the following income levels:

- (1) Adjustment services are provided without regard to income-these are services provided in any combination as needed and appropriate to enable blind and visually impaired individuals to attain and maintain the highest level of functioning possible;
- (2) In-Home Aide Services: Chore Services for the Blind are provided to individuals whose monthly gross family income is less than 100 percent of the state's established income. State's established income is 150% of the federal poverty level.

History Note: Authority G.S. 111-28; 143B-157; 42 U.S.C. 1397; Eff. February 1, 1976; Amended Eff. October 12, 1977; August 24, 1976; Readopted Eff. November 16, 1977; Amended Eff. August 1, 2002; January 1, 1992; February 1, 1986; August 1, 1983; December 1, 1981; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

10A NCAC 63E .0102 ELIGIBILITY BASED ON VISION LOSS

The following categories show the level of vision loss which must exist in order for a person to meet the definition of visually impaired or blind for the purpose of being served by the social worker for the blind:

- (1) legally blind; or
- (2) persons with best corrected central visual acuity of 20/70 or less in the better eye; or
- (3) persons with one or both of the following conditions:
 - (a) the presence of chronic, progressive eye pathology;
 - (b) visual acuity better than 20/70 which nevertheless results in a vocational or functional handicap.

History Note: Authority G.S. 111-11; 111-28; 42 U.S.C. 1397; Eff. February 1, 1976; Readopted Eff. November 16, 1977; Amended Eff. August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

SECTION .0200 – GOALS AND SERVICES

10A NCAC 63E .0201 GOALS

All services provided to consumers of the Division of Services for the Blind Independent Living Services Program shall be directed towards the three goals of:

- (1) achieving and maintaining self-sufficiency, including reduction or prevention of dependency;
- (2) preventing or reducing institutional care by providing for community-based care, home-based care, or other forms of less intensive care; and
- (3) preventing and remedying neglect, abuse, or exploitation of persons unable to protect their own interests, or preserving, rehabilitating, or reuniting families.

History Note: Authority G.S. 111-28; 42 U.C.S. 1397;

Eff. February 1, 1976;
Readopted Eff. November 16, 1977;
Amended Eff. August 1, 2002; February 1, 1986; July 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

10A NCAC 63E .0202 SERVICES

(a) The following services are provided by the Division of Services for the Blind under this Section:

- (1) In-Home Aide Services: Chore Services for the Blind. In-Home Aide Services are those services which assist the individual or family with essential home management tasks necessary to enable the individual and family to remain and function effectively at home for as long as possible.
- (2) Adjustment Services for the Blind and Visually Impaired. These are services provided in any combination as needed and appropriate to enable blind and visually impaired individuals to attain or maintain the highest level of functioning possible, to promote their well-being, and to prevent or reduce dependency. This is achieved through a focused regimen of counseling and casework assistance to individuals and their families to help individuals choose, obtain, and use needed resources, services, and mechanisms of support. Within this context one or more of the following service components or resource items may be provided as part of the Adjustment Services for the Blind and Visually Impaired category.
 - (A) Assistance with the demands of daily living may be provided through training in areas such as grooming skills; manipulative skills such as the use of household appliances; money identification and communication skills such as braille, typing, and use of the telephone;
 - (B) The teaching of orientation and mobility skills;
 - (C) Therapeutic experiences aimed at helping the individual to adjust to and accept his visual limitations through camping experiences, recreational programs, adjustment training at rehabilitation centers, and individual and group counseling sessions;
 - (D) The following services/items may be provided: reader services, interpreter services for the deaf/blind, braille, large print and taped material, low vision optical aids, travel aids and devices, community sponsored recreational activities, devices to support independence such as talking clocks, talking calculators, and braille watches.
- (3) Individual and Family Adjustment Services. These services are designed to assist the consumer and his or her family in adjusting to the consumer's vision loss, making necessary accommodations and modifications to the environment after vision loss, and identifying community supports. Activities may include counseling to assist the consumer to recognize, understand, and cope with problems in such areas as household management, consumer affairs, family life education, and other disabling conditions.
- (4) Health Support Services. These services provide help to individuals and families to recognize health needs including those related to alcohol and drug abuse and to secure needed health services available under medicaid, medicare, or other agency health services programs and from other public or private agencies or providers of health services; counseling and planning with individuals, families, and health providers to help assure continuity of treatment and the carrying out of health recommendations; and helping individuals to secure admission to medical institutions and other health-related facilities as needed.
- (5) Housing and Home Improvement Services. These services provide assistance to individuals and families in obtaining and retaining housing and basic furnishings. Services include helping to improve landlord-tenant relations, to identify housing, to secure correction of housing code violations, to obtain or retain ownership of own home, and to find and relocate to more suitable housing.
- (6) Information and Referral. This means giving information about services provided under the state's social services program and other service programs, both public and private; brief assessment to determine the most appropriate resource to meet the stated needs of the person requesting services; and referral to and follow-up with those community resources which provide or make available such services.

(b) The following services are mandated in all parts of the state; the responsibility for the provision of these services rests with the Division of Services for the Blind.

- (1) In-Home Aide Services;
- (2) adjustment services for the blind and visually impaired.

History Note: Authority G.S. 111-28; 143B-10;
Eff. February 1, 1976;
Amended Eff. October 12, 1977; August 24, 1976;
Readopted Eff. November 16, 1977;
Amended Eff. August 1, 2002; January 1, 1992; April 1, 1990; February 1, 1986; August 1, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

SECTION .0300 - DELIVERY OF SERVICES

10A NCAC 63E .0301 AUTHORIZATION: INDEPENDENT LIVING SERVICES

The Authorization for Services is needed to authorize purchase of any Title XX services and components. This form is completed by the social worker for the blind.

History Note: Authority G.S. 111-28; 143B-157;
Eff. February 1, 1976;
Amended Eff. August 24, 1976;
Readopted Eff. November 16, 1977;
Amended Eff. December 1, 1981;
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SECTION .0400 – INDIVIDUAL RIGHTS

10A NCAC 63E .0401 CONFIDENTIALITY

All information contained in the consumer files of the agency is confidential and shall not be released to anyone except upon the written consent of the consumer or in compliance with other state or federal laws or regulations.

History Note: Authority G.S. 111-28; 143B-157;
Eff. February 1, 1976;
Readopted Eff. November 16, 1977;
Amended Eff. August 1, 2002; April 1, 1990; February 1, 1986;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

10A NCAC 63E .0402 APPEAL TO DESIGNATED AGENCY REPRESENTATIVE

- (a) If a consumer is dissatisfied with an action taken by or service delivered by the independent living service program, that consumer may request a conference with the designated agency representative.
- (b) A conference shall be held within 30 calendar days from the receipt of the original request.
- (c) If the conference solves the grievance or dissatisfaction, this shall be stated in writing and signed by the consumer.
- (d) The agency representative shall prepare a written report of the conference within 15 calendar days of the conference.

History Note: Authority G.S. 111-16; 143B-157;
Eff. February 1, 1976;
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Readopted Eff. November 16, 1977;
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10A NCAC 63E .0403 REQUEST FOR CONTESTED CASE HEARING

- (a) If the results of the conference are unsatisfactory, the consumer shall be informed by the designated agency representative of his or her right to a contested case hearing.
- (b) All petitions for review of agency decisions (G.S. 150B) shall be heard by the Office of Administrative Hearings. The agency shall notify the consumer in writing that he has the right to petition the Office of Administrative Hearings and request a contested case hearing. The consumer shall be instructed to contact OAH and request the specific forms to be completed.
- (c) In this same written notice the consumer shall be instructed that he or she has 60 calendar days from the date of receipt of the agency notice to request a contested case hearing through OAH. Any request for a contested case hearing must be returned by the consumer directly to the Office of Administrative Hearings.
- (d) The Office of Administrative Hearings issues, as appropriate, either a final decision or a recommended decision which will be sent to the Director of the Division of Services for the Blind. The agency shall provide the consumer a written copy of the final decision. A copy shall also be placed in the consumer's file.

*History Note: Authority G.S. 143B-157; 150B-3;
Eff. December 1, 1990;
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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*