

Effective 10/1/2016

**Part 1
General Provisions**

35A-13-101 Title.

- (1) This chapter is known as the "Utah State Office of Rehabilitation Act."
- (2) This part is known as "General Provisions."

Renumbered and Amended by Chapter 271, 2016 General Session

35A-13-102 Definitions.

As used in this chapter:

- (1) "Blind" means an individual:
 - (a) whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses;
or
 - (b) whose visual acuity is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends to an angle of no greater than 20 degrees.
- (2) "Deaf" means an individual with a diagnosed auditory deficit that renders the individual unable to comprehend spoken language through audition only, even with medical intervention or amplification, and that results in functional limitations in one or more areas of daily living.
- (3) "Director" means the director of the Utah State Office of Rehabilitation.
- (4) "Disability" means a physical or mental condition which materially limits, contributes to limiting, or, if not corrected, will probably result in materially limiting an individual's activities or functioning.
- (5) "Eligible individual" means an individual determined to be eligible to receive services under laws or rules governing eligibility for the program in question.
- (6) "Hard of hearing" means an individual with a diagnosed auditory deficit ranging from mild to profound that results in functional limitations in one or more areas of daily living.
- (7) "Independent living rehabilitation services" means goods and services reasonably necessary to enable an individual with a severe disability to maintain or increase functional independence.
- (8) "Office" means the Utah State Office of Rehabilitation created in Section 35A-1-202.
- (9) "Visually impaired" means an individual with a diagnosed impairment of visual function that if not corrected constitutes a material limitation to normal activities or functioning.
- (10) "Vocational rehabilitation services" means goods and services reasonably necessary to enable an individual with a disability to obtain and retain employment.

Renumbered and Amended by Chapter 271, 2016 General Session

35A-13-103 Office authority.

- (1) The Utah State Office of Rehabilitation created in Section 35A-1-202 is under the direction of the department and under the direction and general supervision of the executive director.
- (2) The department is the sole state agency designated to administer the state plans for vocational rehabilitation and independent living rehabilitation programs.
- (3) The office is the sole state unit designated to carry out the state plans and other duties assigned by law or the department, including the following:
 - (a) determining eligibility for vocational rehabilitation services;
 - (b) providing vocational rehabilitation services to eligible individuals;

- (c) determining the types and scope of vocational rehabilitation services provided by the office;
 - (d) determining employment outcomes related to vocational rehabilitation services if required;
and
 - (e) determining the appropriate uses of federal rehabilitation funding.
- (4) The office may not delegate the duties described in Subsection (3) to any other state government entity.

Renumbered and Amended by Chapter 271, 2016 General Session

35A-13-104 Appointment of director -- Administration of the office.

- (1) The executive director of the department shall appoint the director of the office.
- (2) The director shall administer the office in accordance with the direction of the executive director and applicable state and federal laws and regulations.

Renumbered and Amended by Chapter 271, 2016 General Session

35A-13-105 Public funding of vocational rehabilitation and independent living rehabilitation services.

- (1) Public funding of vocational rehabilitation and independent living rehabilitation services provided under this chapter may only be provided to eligible individuals.
- (2) The director shall establish priorities for use in determining services to be provided to eligible individuals under this chapter if the demand for services exceeds available funds.
- (3) Rights established under this chapter are not transferable or assignable.

Renumbered and Amended by Chapter 271, 2016 General Session

35A-13-106 Personally identifiable information -- Nondisclosure -- Penalty.

- (1) Personally identifiable information obtained by the office, its employees, or agents concerning individuals applying for or receiving services under this chapter may not be disclosed without the prior written consent of the individual or the individual's legal representative, except as required for administration of programs or services under this chapter, or as otherwise authorized by law.
- (2) Unauthorized disclosure of personally identifiable information obtained under this chapter, or use of such information for unauthorized purposes, is a class B misdemeanor.

Renumbered and Amended by Chapter 271, 2016 General Session

35A-13-107 Acceptance and use of gifts -- Not subject to appropriation.

- (1) The director may, with the approval of the executive director, accept and use a gift to the office made unconditionally by will or otherwise for carrying out the purposes of this chapter.
- (2) A gift to the office made under conditions that the executive director finds to be consistent with this chapter may be accepted and used in accordance with the conditions of the gift.
- (3) A gift to the office as described in this section is not subject to appropriation by the Legislature.

Renumbered and Amended by Chapter 271, 2016 General Session

35A-13-108 Delegation of duties and responsibilities of the office.

The director may, in accordance with applicable law and regulations and with the consent of the executive director, organize the office and assign duties and responsibilities to the office's employees to enable the office to better serve individuals with disabilities and to increase the efficiency and effectiveness of operations.

Renumbered and Amended by Chapter 271, 2016 General Session

35A-13-109 Office duties to individuals with disabilities.

In administering this chapter, the office:

- (1) shall ensure that individuals with disabilities are assisted, so far as reasonably possible, to take their rightful place in open society as independent and self-supporting individuals; and
- (2) may not assist or support any activity that results in unnecessary continuation of a dependent or isolated state or unnecessarily separates individuals with disabilities from open society.

Renumbered and Amended by Chapter 271, 2016 General Session