

**RULES
OF
THE TENNESSEE DEPARTMENT OF HUMAN SERVICES
REHABILITATION SERVICES DIVISION**

**CHAPTER 1240-08-12
INDEPENDENT LIVING**

TABLE OF CONTENTS

1240-08-12-.01	Purpose	1240-08-12-.04	Provision of Services
1240-08-12-.02	Definitions	1240-08-12-.05	Case Closure
1240-08-12-.03	Eligibility for Independent Living		

1240-08-12-.01 PURPOSE.

The Department of Human Services, Division of Rehabilitation Services (DRS), Vocational Rehabilitation (VR) Program is the designated state entity for the administration of the Independent Living and Independent Living Older Blind (age 55 and older) Federal grant authorized by the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act of 2014, 29 U.S.C. §§ 720 et seq. for whom significant visual impairments make competitive employment extremely difficult to attain but for whom independent living goals are feasible through services that enable individuals to live as independently as possible in their homes and communities. This chapter sets forth the guidelines for Independent Living Services.

Authority: T.C.A. §§ 4-5-202, 49-11-601, et seq., and 71-1-105(a)(12); Rehabilitation Act of 1973 Sections 751-753, as amended (codified in 29 U.S.C. 796j-7961); 34 C.F.R. Parts 361, 364, 365, and 367; 45 C.F.R. Part 1329; and Executive Order No. 43 (1983). **Administrative History:** New rules filed February 29, 2024; effective May 29, 2024.

1240-08-12-.02 DEFINITIONS.

- (1) Independent Living Services Plan (ILSP) means a plan of service that is developed jointly with the individual and the Rehabilitation Teacher that has intermediate objectives, planned corresponding services, equipment needed to enhance independence, and the duration of services designed to permit individuals to carry out their daily living activities, to manage their lives more efficiently within their environment, and to reach their potential for independence, self-esteem and productivity.
- (2) Rehabilitation Teacher means qualified staff that assist and support individuals with visual impairments to maximize their ability to live independently in the home and the community.

Authority: T.C.A. §§ 4-5-202, 49-11-601, et seq., and 71-1-105(a)(12); Rehabilitation Act of 1973 Sections 751-753, as amended (codified in 29 U.S.C. 796j-7961); 34 C.F.R. Parts 361, 364, 365, and 367; 45 C.F.R. Part 1329; and Executive Order No. 43 (1983). **Administrative History:** New rules filed February 29, 2024; effective May 29, 2024.

1240-08-12-.03 ELIGIBILITY FOR INDEPENDENT LIVING.

- (1) The Rehabilitation Teacher determines eligibility for Independent Living and Independent Living Older Blind services based on:
 - (a) The presence of a significant disability related to the loss of vision;
 - (b) The presence of a severe limitation in the ability to function independently in family and/or community; and

(Rule 1240-08-12-.03, continued)

- (c) There is a reasonable expectation that Rehabilitation Teaching services will significantly assist the individual to improve his/her ability to function independently in the family, and/or community.
- (2) For purposes of determining eligibility for services, an individual is considered to be significantly disabled if one of the following criteria is met:
 - (a) Blindness, both eyes, no light perception.
 - (b) Blindness, both eyes, with correction no more than 20/200 in the better eye or limitation in visual field within 20 degrees.
 - (c) Blindness, one eye, other eye defective (better eye with correction 20/60 or less, or corresponding loss in visual field (60 degrees or less).
 - (d) Other visual impairment wherein the corrected vision will not permit the individual to obtain a driver's license for visual reasons.
- (3) Referrals of individuals whose goal is competitive employment should be coordinated with the appropriate VR staff.

Authority: T.C.A. §§ 4-5-202, 49-11-601, et seq., and 71-1-105(a)(12); Rehabilitation Act of 1973 Sections 751-753, as amended (codified in 29 U.S.C. 796j-7961); 34 C.F.R. Parts 361, 364, 365, and 367; 45 C.F.R. Part 1329; and Executive Order No. 43 (1983). **Administrative History:** New rules filed February 29, 2024; effective May 29, 2024.

1240-08-12-.04 PROVISION OF SERVICES.

- (1) Independent living services are based on individual need and are provided in the individual's home and community in accordance with the ILSP. Independent living services may include counseling and guidance, assessment for eligibility and to identify needs, independent living training, low vision training and devices, assistive devices and equipment, information about and referral for other appropriate services, basic mobility training, certified orientation and mobility evaluation and training, and transportation training.
- (2) Services are provided or coordinated by the Rehabilitation Teacher.
- (3) The availability of comparable services and benefits must be determined for purchased services.

Authority: T.C.A. §§ 4-5-202, 49-11-601, et seq., and 71-1-105(a)(12); Rehabilitation Act of 1973 Sections 751-753, as amended (codified in 29 U.S.C. 796j-7961); 34 C.F.R. Parts 361, 364, 365, and 367; 45 C.F.R. Part 1329; and Executive Order No. 43 (1983). **Administrative History:** New rules filed February 29, 2024; effective May 29, 2024.

1240-08-12-.05 CASE CLOSURE.

- (1) A case may be closed if the individual has completed an ILSP insofar as possible and has been determined to have improved the ability to function independently in the home, or to engage in employment, or until the ILSP has been terminated due to death or a determination has been made that the individual has not or will not be expected to function more independently in the family and/or community.
- (2) The decision for closing a case will be made by the Rehabilitation Teacher on an individual basis.

(Rule 1240-08-12-.05, continued)

Authority: T.C.A. §§ 4-5-202, 49-11-601, et seq., and 71-1-105(a)(12); Rehabilitation Act of 1973 Sections 751-753, as amended (codified in 29 U.S.C. 796j-7961); 34 C.F.R. Parts 361, 364, 365, and 367; 45 C.F.R. Part 1329; and Executive Order No. 43 (1983). **Administrative History:** New rules filed February 29, 2024; effective May 29, 2024.