

HOUSE BILL No. 5907

April 16, 2002, Introduced by Rep. Ruth Johnson and referred to the Committee on Employment Relations, Training and Safety.

A bill to amend 1964 PA 232, entitled "Rehabilitation act of 1964," by amending the title and sections 2, 3, 4, 5, 6, 7, 8, and 9 (MCL 395.82, 395.83, 395.84, 395.85, 395.86, 395.87, 395.88, and 395.89), section 2 as amended by 1998 PA 43 and section 4 as amended by 1985 PA 194.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide for educational and other needed services

3 through a vocational rehabilitation program for disabled persons;

4 to authorize an annual appropriation of funds for vocational

5 rehabilitation; to authorize the ~~state board of education~~

6 DEPARTMENT OF CAREER DEVELOPMENT to administer such a program; to

7 provide for the proper custody and administration of funds

1 received by the state from federal and other sources; and to
2 repeal ~~certain~~ acts and parts of acts.

3 Sec. 2. As used in this act:

4 (a) ~~"State board"~~ "DEPARTMENT" means the ~~state board of~~
5 ~~education~~ DEPARTMENT OF CAREER DEVELOPMENT.

6 (B) "DISABLED INDIVIDUAL" MEANS ANY PERSON, OTHER THAN A
7 PERSON WHO IS BLIND, WHO HAS A VOCATIONAL DISABILITY.

8 (C) ~~(b)~~ "Vocational disability" means any disability
9 except blindness ~~which~~ THAT constitutes, contributes to, or if
10 not corrected will probably result in an obstruction to occupa-
11 tional performance.

12 ~~(c) "Disabled individual" means any person, other than a~~
13 ~~person who is blind, who has a vocational disability.~~

14 (d) "Vocational rehabilitation" and "vocational rehabilita-
15 tion services" mean any educational or other needed services
16 including, but not limited to, determination of extent of dis-
17 ability, vocational diagnosis, vocational guidance, rehabilita-
18 tion training, medical services, transportation, maintenance, and
19 training books and materials, found to be necessary to compensate
20 a disabled individual for his or her vocational disability, and
21 to enable him or her to engage in a suitable occupation or to be
22 assisted into independent living.

23 Sec. 3. The ~~state board~~ DEPARTMENT shall be the agency
24 responsible for the administration of the vocational rehabilita-
25 tion program under the provisions of this act ~~,~~ and shall make
26 all rules, regulations, and standards necessary. ~~therefor, in~~
27 ~~accordance with Act No. 88 of the Public Acts of 1943, as~~

1 amended, being sections 24.71 to 24.82 of the Compiled Laws of
2 1948, and subject to Act No. 197 of the Public Acts of 1952, as
3 amended, being sections 24.101 to 24.110 of the Compiled Laws of
4 1948. The ~~board~~ DEPARTMENT shall employ the professional and
5 clerical staff it ~~deems~~ CONSIDERS necessary to carry out the
6 provisions of this act within the appropriations available for
7 this purpose.

8 Sec. 4. (1) The ~~state board~~ DEPARTMENT shall provide
9 vocational rehabilitation services to disabled individuals deter-
10 mined eligible pursuant to rules promulgated by the ~~state board~~
11 DEPARTMENT. The ~~board~~ DEPARTMENT may cooperate with other
12 public and private departments, agencies, and institutions to
13 provide for the vocational rehabilitation of disabled individu-
14 als, to study the problems involved ~~therein~~ IN THEIR VOCATIONAL
15 REHABILITATION, and may establish, develop, and provide any pro-
16 grams, facilities, and services ~~as may be~~ necessary.

17 (2) If an employer or carrier is responsible under applica-
18 ble state or federal worker's compensation law for the provision
19 of vocational rehabilitation services to an employee, and the
20 services are provided by the ~~state board~~ DEPARTMENT, the ~~state~~
21 ~~board~~ DEPARTMENT shall collect fees from the responsible
22 employer or carrier in an amount equal to the full costs of pro-
23 viding the vocational rehabilitation services.

24 (3) If an insurer or self-insurer is responsible under
25 applicable state or federal auto insurance law for the provision
26 of vocational rehabilitation services to an injured person, and
27 the services are provided by the ~~state board~~ DEPARTMENT, the

1 ~~state board~~ DEPARTMENT shall collect fees from the responsible
2 insurer or self-insurer in an amount equal to the full costs of
3 providing the vocational rehabilitation services.

4 (4) The ~~state board~~ DEPARTMENT shall collect fees in an
5 amount equal to the full cost of providing vocational rehabilita-
6 tion services under any other state or federal law that estab-
7 lishes responsibility for the provision of vocational rehabilita-
8 tion services on a party other than the injured person unless
9 otherwise prohibited by an applicable statute.

10 (5) If the ~~state board~~ DEPARTMENT is requested to provide
11 vocational rehabilitation services to individuals not eligible
12 for services under the federal rehabilitation act, and the serv-
13 ices are provided by the ~~state board~~ DEPARTMENT, the ~~state~~
14 ~~board~~ DEPARTMENT shall collect fees from the individual, agency,
15 or organization requesting the services in an amount equal to the
16 full costs of providing the vocational rehabilitation services.

17 (6) The ~~state board~~ DEPARTMENT shall submit a report to
18 the senate ~~labor committee~~ and ~~the~~ house ~~labor committee~~
19 COMMITTEES THAT DEAL WITH EMPLOYMENT ISSUES by May 1, of each
20 odd-numbered year for the preceding 2 calendar years, which
21 REPORT shall indicate the extent of vocational rehabilitation
22 services provided, the amount of fees collected, and the source
23 of those fees.

24 Sec. 5. The ~~state board~~ DEPARTMENT shall recommend annu-
25 ally the amount required to be appropriated by ~~the~~ THIS state
26 and report ~~the same~~ THAT AMOUNT to the governor and budget

1 director. The legislature shall make an appropriation each year
2 ~~for carrying~~ TO CARRY out the purposes of this act.

3 Sec. 6. The ~~state board~~ DEPARTMENT, pursuant to
4 state-federal agreements, may cooperate with the federal govern-
5 ment in carrying out the purposes of any federal statutes per-
6 taining to vocational rehabilitation, and may adopt ~~such~~ ANY
7 methods of administration ~~as are found to be~~ necessary for the
8 proper and efficient operation of the agreements or plans for
9 vocational rehabilitation and to comply with ANY conditions ~~as~~
10 ~~may be~~ necessary to secure the full benefits of the federal
11 statutes.

12 Sec. 7. The state treasurer shall be the custodian of all
13 vocational rehabilitation funds received from the federal govern-
14 ment or other sources. The state treasurer shall make disburse-
15 ments from the funds and from all state funds available for voca-
16 tional rehabilitation purposes upon certification of the ~~state~~
17 ~~board~~ DEPARTMENT in accordance with the accounting laws of ~~the~~
18 THIS state.

19 Sec. 8. The ~~state board~~ DEPARTMENT may accept and use
20 gifts made by bequest or otherwise for carrying out the purposes
21 of this act. Gifts made under such conditions as in the judgment
22 of the ~~state board~~ DEPARTMENT are proper and consistent with
23 the provisions of this act may be ~~so~~ accepted and shall be
24 held, invested, reinvested, and used in accordance with the con-
25 ditions of the gifts.

26 Sec. 9. The ~~state board~~ DEPARTMENT shall make at the
27 close of each biennium a biennial report to the governor and to

1 the legislature in regard to the administration of this act. The
2 report shall contain a statement of the expenditures of all
3 ~~moneys~~ MONEY, both federal and state, for the purposes men-
4 tioned in this act.