

LEGISLATIVE BILL 445

Approved by the Governor May 16, 2007

Introduced by Stuthman, 22

FOR AN ACT relating to the Commission for the Blind and Visually Impaired Act; to amend section 71-8601, Reissue Revised Statutes of Nebraska, and section 71-8603, Revised Statutes Cumulative Supplement, 2006; to define terms; to provide qualifications and certification requirements for vocational rehabilitation counselors for the blind as prescribed; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-8601, Reissue Revised Statutes of Nebraska, is amended to read:

71-8601 Sections 71-8601 to 71-8616 and sections 3 and 4 of this act shall be known and may be cited as the Commission for the Blind and Visually Impaired Act.

Sec. 2. Section 71-8603, Revised Statutes Cumulative Supplement, 2006, is amended to read:

71-8603 For purposes of the Commission for the Blind and Visually Impaired Act:

(1) Blind person means:

(a) A person having sight which is so defective as to seriously limit his or her ability to engage in the ordinary vocations and activities of life; or

(b) A person, to be eligible and licensed as a blind vending facility operator under section 71-8611:

(i) Having no greater than 20/200 central visual acuity in the better eye after correction; or

(ii) Having an equally disabling loss of the visual field in which the widest diameter of the visual field subtends an angle no greater than twenty degrees;

(2) Board means the governing board of the commission;

(3) Certified vocational rehabilitation counselor for the blind means a person who is certified to practice vocational rehabilitation counseling for blind persons and holds a certificate issued by the commission;

~~(3)~~ (4) Commission means the Commission for the Blind and Visually Impaired;

~~(4)~~ (5) Committee of Blind Vendors means the committee created pursuant to 20 U.S.C. 107b-1;

~~(5)~~ (6) State workforce investment board means the board authorized by the federal Workforce Investment Partnership Act of 1998 and established in Nebraska;

~~(6)~~ (7) Vending facility means:

(a) Cafeterias, snackbars, cart services, shelters, counters, shelving, display and wall cases, refrigerating apparatus, and other appropriate auxiliary equipment necessary for the vending of articles approved by the office, agency, or person having control of the property on which the vending facility is located; and

(b) Manual or coin-operated vending machines or similar devices for vending articles approved by the office, agency, or person having control of the property on which the vending facility is located; ~~and~~

~~(7)~~ (8) Vending facility program means the program established and maintained pursuant to section 71-8611; and -

(9) Vocational rehabilitation counseling for the blind means the process implemented by a person who operates a comprehensive and coordinated program designed to assist blind persons to gain remunerative employment, to enlarge economic opportunities for blind persons, to increase the available occupational range and diversity for blind persons, and to stimulate other efforts that aid blind persons in becoming self-supporting.

Sec. 3. A certified vocational rehabilitation counselor for the blind's duties shall include, but not be limited to, the following:

(1) Assist blind persons, their families, groups of blind persons, or employers of blind persons through the counseling relationship to develop understanding, define blindness issues, define goals, plan action, and elevate expectations toward the capability of blind persons with the goal of full-time or part-time employment when appropriate, consistent with each individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;

(2) Be responsible for all decisions concerning eligibility for services, the nature and scope of available services, the provision of services, and the determination that a recipient of such services has achieved an employment outcome commensurate with his or her strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;

(3) Administer the individualized plan for employment and write the document prepared on forms provided by the commission containing descriptions of a specific employment outcome, the nature and scope of needed services and the entities to provide them, the criteria to evaluate progress toward achievement of employment outcome, and the responsibilities of the program and the recipient of such services;

(4) Plan allocation and expenditure of program funds; and

(5) Complete referral activities which evaluate data to identify which blind persons or groups of blind persons may be served in conjunction with or by other counselors.

Sec. 4. (1) No person shall engage in vocational rehabilitation counseling for the blind or hold himself or herself out as a certified vocational rehabilitation counselor for the blind in the state unless he or she is certified for such purpose by the commission.

(2) A certified vocational rehabilitation counselor for the blind is not a mental health practitioner.

(3) Except as otherwise provided in subsection (5) of this section, a certified vocational rehabilitation counselor for the blind shall have the following qualifications:

(a) A bachelor's degree from an appropriate educational program approved by the executive director of the commission;

(b) Six hundred hours of intensive training under sleep shades at the commission's orientation training center; and

(c) Completion of appropriate training as approved by the executive director.

(4) Each certified vocational rehabilitation counselor for the blind shall, in the period since his or her certificate was issued or last renewed, complete continuing competency requirements as set forth by the commission under the executive director's approval.

(5) The commission may waive some or all of the requirements of subsection (3) of this section for any person engaged in rehabilitation counseling for the blind on or before the effective date of this act.

Sec. 5. Original section 71-8601, Reissue Revised Statutes of Nebraska, and section 71-8603, Revised Statutes Cumulative Supplement, 2006, are repealed.