

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 445

FINAL READING

Introduced by Stuthman, 22

Read first time January 16, 2007

Committee: Health and Human Services

A BILL

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

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

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

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

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

8 71-8603 For purposes of the Commission for the Blind and
9 Visually Impaired Act:

10 (1) Blind person means:

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

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

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

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

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

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

1 ~~(3)~~ (4) Commission means the Commission for the Blind and
2 Visually Impaired;

3 ~~(4)~~ (5) Committee of Blind Vendors means the committee
4 created pursuant to 20 U.S.C. 107b-1;

5 ~~(5)~~ (6) State workforce investment board means the board
6 authorized by the federal Workforce Investment ~~Partnership~~ Act of
7 1998 and established in Nebraska;

8 ~~(6)~~ (7) Vending facility means:

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

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

19 ~~(7)~~ (8) Vending facility program means the program
20 established and maintained pursuant to section 71-8611; ~~and~~ -

21 (9) Vocational rehabilitation counseling for the blind
22 means the process implemented by a person who operates a
23 comprehensive and coordinated program designed to assist blind
24 persons to gain remunerative employment, to enlarge economic
25 opportunities for blind persons, to increase the available

1 occupational range and diversity for blind persons, and to
2 stimulate other efforts that aid blind persons in becoming
3 self-supporting.

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

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

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

21 (3) Administer the individualized plan for employment and
22 write the document prepared on forms provided by the commission
23 containing descriptions of a specific employment outcome, the
24 nature and scope of needed services and the entities to provide
25 them, the criteria to evaluate progress toward achievement of

1 employment outcome, and the responsibilities of the program and the
2 recipient of such services;

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

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

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

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

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

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

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

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

23 (4) Each certified vocational rehabilitation counselor
24 for the blind shall, in the period since his or her certificate was
25 issued or last renewed, complete continuing competency requirements

1 as set forth by the commission under the executive director's
2 approval.

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

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