

CHAPTER 850. VOCATIONAL REHABILITATION SERVICES ADMINISTRATIVE RULES AND PROCEDURES

ADOPTED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF THE SECRETARY OF STATE.

ON **AUGUST 13, 2024**, THE TEXAS WORKFORCE COMMISSION ADOPTED THE RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Publication Date of the Adoption in the *Texas Register*: **August 30, 2024**
The Rules are Effective: **September 2, 2024**

The Texas Workforce Commission (TWC) adopts the repeal of the following section of Chapter 850, relating to Vocational Rehabilitation Services Administrative Rules and Procedures:

Subchapter A. Vocational Rehabilitation General Rules, §850.11

TWC adopts the following new section to Chapter 850, relating to Vocational Rehabilitation Services Administrative Rules and Procedures:

Subchapter A. Vocational Rehabilitation General Rules, §850.11

Repealed and new §850.11 are adopted *without changes* to the proposal, as published in the June 7, 2024, issue of the *Texas Register* (49 TexReg 4025), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the Chapter 850 rule change is to clarify TWC's Vocational Rehabilitation Division's (VRD) Comprehensive System of Personnel Development (CSPD) standards for Qualified Vocational Rehabilitation Counselors (QVRCs) in accordance with 34 Code of Federal Regulations (CFR) §361.18, relating to vocational rehabilitation personnel development.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER A. VOCATIONAL REHABILITATION GENERAL RULES

TWC adopts the following amendments to Subchapter A:

§850.11. Qualified Vocational Rehabilitation Counselor

Section 850.11 is repealed and added as new to clarify requirements for QVRCs.

The current rule language in §850.11(a) - (f) is repealed and adopted as new in new §850.11 with the updated QVRC requirements. The current rule language is added throughout new §850.11(e) - (j), except for current §850.11(d) because the rule language is no longer applicable.

The repealed rule language in §850.11(e) is added into two subsections in new §850.11 as follows:

- The rule language regarding the time period for completing the graduate education requirements is added into new §850.11(e).
- The rule language regarding transcript reviews and confirming certifications is moved from repealed §850.11(e) to new §850.11(f).

Additionally, the repealed rule language in current §850.11(a) and (f) is moved, with modifications, to new §850.11(g) and (j), respectively, to align with and clarify the updated QVRC requirements. New §850.11(a) clarifies that VRD develops and maintains the CSPD standards.

New §850.11(b) specifies what is needed for staff to be classified as a QVRC.

New §850.11(c) specifies what staff must do to be qualified to perform non-delegable duties.

New §850.11(d) specifies the minimum education and experience standards required to be hired as a VR counselor.

New §850.11(e) specifies the graduate education requirements that must be completed within seven years from completion of the initial training year.

New §850.11(f) specifies that VRD must conduct transcript reviews and/or confirm certifications to determine compliance with standards, coursework, and graduate education requirements.

New §850.11(g) is the rule language that was repealed from current §850.11(a), with modifications, to align with and clarify the updated QVRC requirements.

New §850.11(h) relating to QVRC financial assistance is the rule language that was repealed from current §850.11(b).

New §850.11(i) relating to the requirements for applying for QVRC program assistance is the rule language that was repealed from current §850.11(c).

New §850.11(j) is the rule language that was repealed from current §850.11(f), with modifications, to align with and clarify the updated QVRC requirements.

TWC hereby certifies that the rules have been reviewed by legal counsel and found to be within TWC's legal authority to adopt.

PART III. PUBLIC COMMENTS

The public comment period closed on July 8, 2024. No comments were received.

PART IV. STATUTORY AUTHORITY

The rules are adopted under:

- Texas Labor Code §352.103(a), which provides TWC with the specific authority to establish rules for providing vocational rehabilitation services;
- Texas Labor Code §352.104(b), which provides TWC with the specific authority to establish rules for monitoring and oversight of VR counselor performance and decision making; and
- Texas Labor Code §301.0015(a)(6), which provides TWC with the general authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules relate to Title 4, Texas Labor Code, particularly Chapter 352.

CHAPTER 850. VOCATIONAL REHABILITATION SERVICES ADMINISTRATIVE RULES AND PROCEDURES

SUBCHAPTER A. VOCATIONAL REHABILITATION GENERAL RULES

§850.11. Qualified Vocational Rehabilitation Counselor.

- (a) The Vocational Rehabilitation Division (VRD) develops and maintains a Comprehensive System of Personnel Development (CSPD). This system includes procedures to ensure VRD maintains an adequate supply of qualified personnel, referred to as Qualified Vocational Rehabilitation Counselors (QVRCs).
- (b) To classify as a QVRC, staff must meet specific state requirements related to education and experience. Standards for QVRCs serve as an internal control to ensure staff are sufficiently trained and prepared to effectively serve Texans with disabilities.
- (c) VR counselors are considered qualified to perform non-delegable duties upon meeting the minimum initial standards for hire, successful completion of required training, and an initial probationary period that allows demonstration of performance. The minimum initial standards for hire are aligned with 34 CFR §361.18(c)(1)(ii)(A) and the State of Texas VR Counselor Classification Schedule.
- (d) Minimum initial standards for hire as a VR counselor include the following education and experience requirements:
 - (1) A bachelor's degree in a field of study reasonably related to vocational rehabilitation, to indicate a level of competency and skill demonstrating basic preparation in a field of study such as vocational rehabilitation counseling, social work, psychology, disability studies, business administration, human resources, special education, supported employment, customized employment, economics, or another field that reasonably prepares individuals to work with customers and employers; and
 - (2) Demonstrated paid or unpaid experience, for not less than one year, consisting of:
 - (A) Direct work with individuals with disabilities in a setting such as an independent living center;
 - (B) Direct service or advocacy activities that provide such individual with experience and skills in working with individuals with disabilities; or
 - (C) Direct experience in competitive integrated employment environments as an employer, as a small business owner or operator, or in self-employment, or other experience in human resources or recruitment, or

experience in supervising employees, training, or other activities.

- (e) Within seven years from completion of the initial training year, a VR counselor is expected to achieve one or more of the following graduate education requirements:
 - (1) A master's degree in rehabilitation counseling or clinical rehabilitation counseling;
 - (2) A master's degree in counseling or a counseling-related field with required completion of specified coursework identified by the VR division;
 - (3) A master's, specialist, or doctoral degree in specific majors with required specified coursework identified by the Agency's VR division;
 - (4) A current certified rehabilitation counselor (CRC) certificate from the Commission on Rehabilitation Counselor Certification (CRCC); or
 - (5) Current licensure for a licensed professional counselor (LPC).
- (f) VRD must conduct transcript reviews and/or confirm certifications to determine compliance with standards or to outline coursework to be completed by the VR counselor to meet graduate education requirements.
- (g) VRD helps VR counselors to advance as QVRCs by making funds available through the Qualified Vocational Rehabilitation Counselor (QVRC) program for the required graduate education except when:
 - (1) unforeseen circumstances occur that may restrict or prohibit the funding; or
 - (2) VRD management discontinues a VR counselor's participation in the program in the best interests of VRD.
- (h) The VRD director or designee must approve QVRC financial assistance. This financial assistance is contingent on:
 - (1) funding;
 - (2) VRD management approval; and
 - (3) compliance with qualifications for participation.
- (i) Qualifications for participation in the QVRC program require that VR counselors and transition VR counselors applying for assistance must:
 - (1) have completed the initial training year;

- (2) be meeting or exceeding job performance expectations;
 - (3) obtain the appropriate approvals to pursue a graduate degree or prescribed coursework;
 - (4) apply for Rehabilitation Services Administration scholarship and university stipend funding, if applicable; and
 - (5) be accepted by an appropriate institution of higher education.
- (j) A VR counselor participating in the QVRC program is expected to pay all costs or expenses:
- (1) associated with the college application, admission, and GRE exam(reimbursement of one GRE exam is allowed);
 - (2) related to tuition, fees, and books for any coursework that must be repeated because of failure to successfully complete; and
 - (3) related to completing work necessary to remove any grade of "I" (Incomplete) unless compelling reasons exist and payment is approved by the VR division director or designee (for example, serious illness, or university regulations to the contrary).