STATEMENT OF SCOPE

Department of Workforce Development

Rule No.

Chapter DWD 75, Wis. Admin. Code

Relating to

Appeal procedures for persons applying for or receiving vocational rehabilitation services

Rule Type

Permanent

Detailed Description of the Objective of the Proposed Rule

This rule will clarify and update the procedures an appellant or an appellant's representative must take to dispute any determination in providing, denying or altering vocational rehabilitation services.

Description of Existing Policies Relevant to the Rule, New Policies Proposed to be Included in the Rule, and an Analysis of Policy Alternatives

Chapter DWD 75 establishes procedures for appealing decisions of DWD's Division of Vocational Rehabilitation relating to eligibility for providing, denying or altering vocational rehabilitation services as required by the federal Rehabilitation Act of 1973. This rule will update obsolete terminology, update the procedures an appellant or an appellant's representative must take to dispute any determination in providing, denying or altering vocational rehabilitation services, change the required time for holding a hearing after a request has been received from 45 days to 60 days and require in each issued determination a statement of the appellants right to request a review of the determination.

The alternative is to do nothing. If the department does not alter the current rules, the department will lack a clearly stated appeal procedure for persons applying for or receiving vocational rehabilitation services and conflict with federal law.

Detailed explanation of statutory authority for the rule, including the statutory citation and language

Section 47.02 (5), Stats., states *"Any person aggrieved by a determination of eligibility or ineligibility for vocational rehabilitation services or by the furnishing or denial of vocational rehabilitation services may commence an appeal as provided under rules promulgated by the department."*

Estimate of amount of time that state employees will spend developing the rule, and other resources necessary to develop the rule

The total amount of staff time is estimated to be 70 hours.

List with description of all entities that may be affected by the proposed rule

This rule is procedural in nature and will not affect any entities.

Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule

Wisconsin has complied with the requirement under 29 USC 722 (c), which requires each state to establish procedures for mediation and review of decisions issued that affect the provisions of vocational rehabilitation services to an applicant or eligible individual.

Anticipated economic impact of implementing the rule (note if the rule is likely to have an economic impact on small businesses)

This rule is procedural in nature and will have no economic impact on any businesses, including small businesses.

Contact Person: Kathleen Enders at Kathleen.Enders@dwd.wi.gov or by telephone (414) 750-0268

Approval by signature of the agency head or authorized individual

Howard Bernstein

Authorized Signature
Howard Bernstein, Chief Legal Counsel

January 23, 2015

Date Submitted