

**CERTIFICATION OF EMERGENCY RULES  
FILED WITH THE  
LEGISLATIVE SERVICES AGENCY  
OTHNI LATHRAM, DIRECTOR**

Pursuant to Code of Alabama 1975, §§41 22 5(b) and 41 22 6(c) (2)a. and b.

I certify that the attached emergency amendment is a correct copy as promulgated and adopted on Thursday, June 25, 2026.

**AGENCY NAME:** Alabama Department of Rehabilitation Services

**RULE NO. AND TITLE:** 795-6-1-.08 Financial Accountability

**EXPIRATION DATE OF RULE:** Friday, October 23, 2026

**NATURE OF EMERGENCY:** The Vocational Rehabilitation Service (VR), a program administered by the Alabama Department of Rehabilitation Services (ADRS), has experienced increased numbers and costs with a reduction in available federal funding over the last year. VR's goal is to continue serving all eligible individuals, while remaining out of an "Order of Selection." An Order of Selection would result in the exclusion of certain categories of individuals with disabilities from receiving services. ADRS needs an emergency rule change to the VR Sliding Fee Schedule, that applies to certain services, from 200% of the poverty level to 125% poverty level, in order to continue serving all eligible individuals. The emergency rule change would enable VR to prepare consumers who will be potentially impacted, including those attending four-year colleges, before fall tuition is due.

**STATUTORY AUTHORITY:** Ala. Code 21-9-9

**SUBJECT OF RULE TO BE ADOPTED  
ON A PERMANENT BASIS:** Yes

**NAME, ADDRESS, AND TELEPHONE  
NUMBER OF PERSON TO CONTACT  
FOR COPY OF RULE:** Ashley H. Hamlett, 602 South Lawrence Street,  
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*Ashley Hamlett*

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Ashley Hamlett

Signature of officer authorized  
to promulgate and adopt rules and  
regulations or his or her deputy

**Financial Accountability.**

(1) Only those funds consistent with the rehabilitation needs of the eligible individual shall be expended.

(2) Each eligible individual's financial situation will be reviewed to determine the extent of his/her participation in the cost of certain vocational rehabilitation services. Eligibility for services subject to financial need is based on the eligible individual's household income being at or below ~~12~~<sup>120</sup>~~05~~% of federal poverty guidelines as published in the Federal Register by the United States Department of Health and Human Services. Household income will be determined from a copy of the most recent U.S. Individual Income Tax Return or other documentation that indicates the eligible individual's Taxable Income as filed with the federal Internal Revenue Service as documentation for a counselor to determine the financial need of the individual and the participation in the cost of certain vocational rehabilitation services by the eligible individual. Financial need for individuals under 23 years of age will be based on the income of their mother and father. In order for the financial status of individuals under 23 years of age to be considered as an independent household one of the following criteria must be true:

- (a) Be married and living in an independent household; or
- (b) Have dependents who receive more than half of their support from the eligible individual; or
- (c) A veteran of the U. S. Armed Forces; or
- (d) An orphan or was (until age 18) a ward/dependent of the court.

(3) If the individual in need of a vocational rehabilitation service has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act, that particular individual's financial situation will not be reviewed. Individuals eligible for Social Security benefits under Title II or Title XVI of the Social Security Act shall not be required to participate in the cost of any vocational rehabilitation service.

(4) Services subject to financial need are:

- (a) Vocational and other training services, including the provision of personal and vocational adjustment services, books, tools, and other training materials, except that no training services provided at an institution of higher education shall be paid forthwith funds from ADRS unless

maximum efforts have been made by ADRS and the eligible individual to secure grant assistance, in whole or in part, from other sources to pay for such training. The Alabama Department of Rehabilitation Services gives preference to in-State services, provided that the preference does not effectively deny an individual a necessary service. If the individual chooses an out-of-State service at a higher cost than an in-State service, if either service would meet the individual's rehabilitation needs, the Department of Rehabilitation Services is not responsible for those costs in excess of cost of the in-State service.

(b) To the extent that financial support is not readily available from a source other than ADRS, diagnosis and treatment of physical and mental impairments, including:

1. Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but is of such a nature that such correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;
2. Necessary hospitalization in connection with surgery or treatment;
3. Prosthetic and orthotic devices;
4. Eyeglasses and visual services as prescribed by qualified personnel who meet State Licensure laws and who are selected by the eligible individual, and
5. Diagnosis and treatment for mental and emotional disorders by personnel who meet State licensure laws;

(c) Maintenance for additional costs of living incurred while participating in an assessment for determining eligibility for vocational rehabilitation services or while receiving services under an individualized plan for employment. Maintenance will be provided only when the cost to an individual to participate in rehabilitation services exceeds the cost that the individual normally incurs for daily sustenance. Maintenance Of eligible individuals under the age of 23 will only be provided when the cost of participation exceeds the cost of normal child support as determined by reference to the Child Support Guidelines published in the Code of Alabama, Judicial Administration Rules, Rule 32, Child Support Guidelines.

(d) Transportation, including adequate training in the use of public transportation vehicles and systems, that is provided in connection with the provision of any other service described in this section and needed by the eligible individual to achieve an employment outcome;

(e) Occupational licenses, tools, equipment, and initial stocks and supplies;

(f) Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices;

(g) Services to the family of an eligible individual necessary to assist the eligible individual to achieve an employment outcome; and

(h) Specific post-employment services necessary to assist an eligible individual with disability to, retain, regain, or advance in employment.

(5) Those services listed above are subject to financial need. An eligible individual's financial situation will be reviewed as described in section (2) above to determine the extent of his/her participation in the cost of those listed vocational rehabilitation services. Financial participation by Vocational Rehabilitation Services in these services is subject to a sliding scale published and maintained by the Department of Rehabilitation Services to be applied to those individuals whose household income was determined to be greater than 12005% of Federal Poverty Guidelines. The scale provides for an incrementally increasing level of participation by the participant in the cost of services subject to financial need as the household income increases on the scale above 12005% of Federal Poverty Guidelines. However, certain services, no matter what kind or type, if purchased through agreements or policies from certain vendors, such as community rehabilitation programs, other State agencies, or special projects, may be provided to all eligible individuals uniformly at no cost. Extraordinary or unusual circumstances that require exemption from participation in the cost of any vocational rehabilitation service shall be submitted to the field services directors at the State Office of ADRS for their review and approval.

(6) When an eligible individual is eligible for comparable services and benefits under any other program or agency, those services and benefits must be utilized to meet, in whole or part, the cost of vocational rehabilitation services except:

(a) Assessment for determining eligibility and vocational rehabilitation needs.

(b) Counseling and guidance, including information and support services to assist an eligible individual in exercising informed choice.

(c) Referral and other services to secure needed services from other agencies, including other components of the state-wide workforce investment system.

(d) Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.

(e) Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.

(f) Post-employment services consisting of the services listed in (a) through (e) of this section.

(7) If comparable services or benefits exist under any other program and are available to the eligible individual at the time needed to ensure the progress of the eligible individual toward achieving the employment outcome in the eligible individual's IPE, ADRS must use those comparable services or benefits to meet, in whole or part, the costs of the vocational rehabilitation services.

(8) If comparable services or benefits exist under any other program, but are not available to the eligible individual at the time needed to ensure the progress of the eligible individual toward achieving the employment outcome in the eligible individual's IPE, ADRS must provide vocational rehabilitation services until those comparable services and benefits become available.

(9) Any vendor providing services authorized by the Adult Vocational Rehabilitation Services program must agree not to make any charge to or accept any payment from the eligible individual with a disability or his/her family for the services unless the eligible individual is aware of the amount of the charge or payment and, when applicable, approved by the State Agency.

**Author:** Alabama Board of Rehabilitation Services

**Statutory Authority:** Code of Ala. 1975, §21-9-9.

**History: New Rule:** Filed August 26, 2002; effective October 1, 2002. **Amended (ER):** Filed June 25, 2026; effective June 25, 2026; expires 120 days, October 23, 2026.