

TITLE 17

DEPARTMENT OF SOCIAL SERVICES AND HOUSING

CHAPTER 402

SERVICES FOR THE BLIND AND VISUALLY HANDICAPPED

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Historical note: This Chapter of Title 17, Administrative Rules is substantially based on Section 6 of Rules and Regulations Governing Vocational Rehabilitation and Services for the Blind Division of the Department of Social Services and Housing filed 7/6/72, effective 7/17/72, amended by Rule 1 of the Vocational Rehabilitation and Services for the Blind Division, Department of Social Services and Housing, State of Hawaii, filed 12/12/75, effective 12/22/75, amended by Amendment to Rule 1, Rules and Regulations Governing Vocational Rehabilitation and Services for the Blind Division filed 4/18/77, effective 4/28/77, amended by Rule 1 Governing Vocational Rehabilitation and Services for the Blind Division filed 3/3/80, and substantially based on Rule 9, Rules and Regulations for Vending Stand Program for the Blind on Federal and Other Property, of the Department of Social Services and Housing filed 8/22/67, effective 9/5/67. [Eff. 7/17/72, Rules and Regulations Governing Vocational Rehabilitation and Services for the Blind Division, 12/22/75, Rule 1, Amendment to

Rules and Regulations Governing Vocational Rehabilitation and Services for the Blind Division, 4/28/77, Amendment to Rule 1 Governing Vocational Rehabilitation and Services for the Blind Division, 3/3/80, Rule 1 Governing Vocational Rehabilitation and Services for the Blind Division, 9/5/67, Rule 9, Rules and Regulations for Vending Stand Program for the Blind on Federal and Other Property, R NOV 5 1981]

§17-402-1 State agency for the blind and visually handicapped. (a) The department of social services and housing is the official state agency authorized to provide rehabilitation and related services for the blind and visually handicapped. The services for the blind branch is the designated unit of the vocational rehabilitation and services for the blind division to:

- (1) Administer the operations of the branch and its facility, known as Ho'opono, rehabilitation center for the blind and visually handicapped;
 - (2) Coordinate all activities on Oahu serving and rehabilitating the blind and visually handicapped;
 - (3) Establish policies and procedures to assure uniform and expeditious handling of referrals and applications in the provision of services to eligible individuals;
 - (4) Direct the provision of services in accordance with established standards, policies and procedures;
 - (5) Provide consultation and assistance to other branches in the division to assure services to the blind and visually handicapped on a statewide basis;
 - (6) Conduct educational programs for the understanding and prevention of blindness;
 - (7) Maintain a registry of blind persons in the State; and
 - (8) Provide consultation and technical assistance to public and private organizations also serving the blind and visually handicapped.
- (b) Services include but are not limited to:
- (1) Vocational rehabilitation services as defined and described in Chapter 401, Title 17, Administrative Rules;
 - (2) Social services, counseling and guidance to eligible individuals, spouses, parents of minors, and other family members in the adjustment to visual loss;
 - (3) Low vision clinic examinations, prescription and fitting of special optical aids and appliances to maximize residual vision;
 - (4) Instruction in skill development and adaptive methods and provision of activities and work to enable individuals to be rehabilitated into gainful occupations, to increase their capacity for independence, and to reduce the functional limitations of visual loss; and
 - (5) Instructional services and activities including orientation and mobility, personal and home management, occupational therapy, manual arts, communication skills, operation of vending facilities, work evaluation and work adjustment training, and sheltered employment.

(c) The branch shall administer its program and conduct its activities in accordance with §§17-400-3, 17-400-4 the division's regulations on non-discrimination and complaints and fair hearings. [Eff. NOV 5 1981] (Auth: HRS §§347-3, 347-4, 348-3, 348-6; 29 U.S.C. §706; am Pub. L. No. 95-602, §122; am 45 C.F.R. §1361.6) (Imp: HRS §§347-4, 348-3, 348-6; 29 U.S.C. §706; am 45 C.F.R. §1361.6)

\$17-402-2 Case finding. (a) Case finding shall be conducted to acquaint the public with the branch's services in order that eligible persons are located and provided appropriate services.

(b) Case finding activities shall accomplish the following:

- (1) Enable blind and visually handicapped persons to utilize branch services; and
- (2) Locate recently visually impaired persons before deteriorating effects of disability and dependency make rehabilitation difficult.

(c) Priority shall be directed towards those capable of benefiting from vocational rehabilitation services with a potential for gainful occupation, and youngsters ready for vocational development. However, every possible effort shall be extended to seek out and serve those persons not eligible for the federally-funded vocational rehabilitation program (known as general service cases), and prospective low vision clinic clients.

(d) The branch shall maintain an organized case finding program in all districts on Oahu with emphasis on major sources of referral.

(e) All professional staff shall locate, encourage and assist blind and visually impaired persons to avail themselves of the branch's services.

(f) The branch shall use the following case finding methods:

- (1) Disseminate information of the branch's services and objectives to the public;
- (2) Maintain an open door policy for new referrals and encourage referral sources to make appropriate referrals;
- (3) Maintain contacts with optometrists and ophthalmologists in the State;
- (4) Provide referral forms for use by referral sources;
- (5) Maintain good channels of communication with referral sources; promptly report back to referral sources on action taken; and periodically review sources of referral to assure a continuing flow of cases from all potential community sources;
- (6) Establish and maintain cooperative working relations with public and private agencies to provide for coordinative services to blind and visually handicapped persons;
- (7) Develop written cooperative working agreements to include case finding arrangements; and
- (8) Conduct glaucoma screening and other prevention of

blindness activities.

(g) The branch shall use public information media to acquaint individuals of the branch's services and how to secure them.

(h) The department's information specialist shall be utilized when appropriate.

(i) The division administrator and director shall be notified of any public information provided to the media. [Eff.

NOV 5 1981] (Auth: HRS §§347-3, 347-4, 348-3; 29 U.S.C. §721; am 45 C.F.R. §1361.2) (Imp: HRS §§347-3, 347-4, 348-3; 29 U.S.C. §721; am 45 C.F.R. §1361.2)

§17-402-3 Referral and application. (a) A referral is any individual who has applied to or has been referred to the branch by letter, telephone, direct contact, or by any other means, and on whom the following minimum information has been furnished:

- (1) Name and residence address;
- (2) Birthdate or age and sex;
- (3) Disability;
- (4) Source of referral; and
- (5) Date of referral.

(b) Any blind or visually handicapped person may apply for rehabilitation services and related services. (Also see §17-401-2).

(c) All individuals classified as referrals must be recorded and reported. This does not include inquiries and requests for factual information. [Eff. NOV 5 1981] (Auth: HRS §§347-3, 347-4, 348-3; 29 U.S.C. §721; am 45 C.F.R. §1361.30) (Imp: HRS §§347-3, 347-4, 348-3; 29 U.S.C. §721; am 45 C.F.R. §1361.30)

§17-402-4 Eligibility for services. (a) The division and branch shall assume responsibility to determine eligibility of a blind and visually handicapped person for vocational rehabilitation and related services.

(b) Determination of eligibility shall be based upon findings resulting from a preliminary diagnostic study which shall be sufficient to determine whether the individual has:

- (1) A severe visual loss which results in legal blindness:
 - (A) Central visual acuity does not exceed 20/200 in the better eye with correcting lenses.
 - (B) Visual acuity is greater than 20/200 but is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.
- (2) A severe visual impairment which interferes with performance of ordinary activity for which sight is essential.
- (3) The capability to benefit from services of the branch and that services will enable the individual to be rehabilitated into gainful occupations, to increase capacity for independence, and to reduce the functional

limitations of visual loss.

(c) Eligibility shall be determined without regard to sex, race, color, creed, or national origin.

(d) Eligibility for vocational rehabilitation services shall also be determined in accordance with §17-401-5. [Eff.

NOV 5 1981] (Auth: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §§706, 721; am 45 C.F.R. §§1361.33, 1361.34) (Imp: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §§706, 721; am 45 C.F.R. §§1361.33, 1361.34)

§17-402-5 Case study. (a) A case study shall be conducted on all vocational rehabilitation and general service cases. (Also see §17-401-7). The case study for low vision clinic cases shall be relevant to low vision services as described in §17-402-8.

(b) The case study shall consist of a synthesis of medical, psychological, vocational, educational, cultural, social and environmental information pertinent to the client and shall continue throughout the rehabilitation process.

(c) The diagnostic studies shall be adequate for providing a basis for:

- (1) Establishing that a severe visual impairment is present.
- (2) Appraising the general health status of the individual.
- (3) Determining how and to what extent the disabling conditions present limitations in the individual's ability to function.
- (4) Selecting an objective commensurate with the individual's interest, capacities and limitation.
- (5) Determining eligibility for rehabilitation or general services.
- (6) Understanding the client as an individual in a unique set of circumstances.
- (7) Identifying the client's problems, the cause of the problems, and their significance in making appropriate adjustments.
- (8) Selecting a vocational objective or rehabilitation teaching objectives.

(d) The diagnostic study shall include, as a maximum, an evaluation of the individual's:

- (1) Medical situation, including disability and general health;
- (2) Personality;
- (3) Intelligence level;
- (4) Educational achievement;
- (5) Work experience;
- (6) Vocational aptitude and interest in VR cases;
- (7) Personal and social adjustments;
- (8) Employment opportunities in VR cases; and
- (9) Financial resources as appropriate to the individual's rehabilitation.

(e) The medical consultant team shall be used during the medical diagnostic study and the continuing assessment of the

individual's medical aspects. The medical consultant team shall be available for consultation concerning clients of neighbor island branches in visual impairment cases. [Eff. NOV 5 1981] (Auth: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §§721, 722; am 45 C.F.R. §1361.35) (Imp: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §§721, 722; am 45 C.F.R. §1361.35)

§17-402-6 Social services. (a) Social services shall be provided to blind and severely visually handicapped persons, their families, and groups associated with blind activity when necessary.

(b) These services shall include:

- (1) Social case work to individuals and their families;
- (2) Social group work in the adjustment program to newly-blind clients, ongoing clients, young adults, and clients with multiple problems;
- (3) Counseling to parents of newly-blind children;
- (4) Consultation to the State departments of health and education, and the public welfare division; and
- (5) Cooperative planning with other agencies to expand social and recreational resources in the community.

[Eff. NOV 5 1981] (Auth: HRS §§347-3, 348-6) (Imp: HRS §§347-3, 348-6)

§17-402-7 Home teaching services. (a) Home teaching services shall be provided with the objective of instilling sufficient confidence and independence in the individual to resume those activities in and around the house which were routinely accomplished before loss of sight. (See §17-401-17).

(b) Adaptive and alternative techniques shall be taught to the blind and visually impaired clients when necessary in the following areas:

- (1) Personal management: Orientation to, and movement within the immediate environment, personal hygiene, grooming, eating techniques, care and selection of clothing, telephone use, money identification, organization and sensory training.
- (2) Home management: Housekeeping, shopping, storing, cooking, child care, laundry, sewing, and the use of variety of goods and equipment.
- (3) Communication: Braille, fishburne, abacus, handwriting, and use of aids and appliances.
- (4) Leisure time activities; Hobbies, crafts, games, community events, and the resumption of family recreational activities.

(c) A complete social study shall be compiled for each client needing home teaching services including social, medical, and other information to analyze the situation and recommend an individual plan of services.

(d) Clients shall be motivated and encouraged to develop confidence in the use of their remaining senses and to learn new skills and techniques to compensate for their loss of vision.

(e) Clients and their families shall be counseled in understanding the meaning of blindness and modifying negative feelings which serve as barriers to adjustment to loss of sight.

(f) The medical consultation team shall be consulted in the determination of appropriate services for each client.

(g) Initial skill training shall be provided to clients in their homes and they shall be counseled to enroll in training programs at the center for the blind, where feasible.

(h) A case record shall be maintained for each client receiving services. This record shall include case dictation on the client's progress, plan of services, an eye examination, hearing examination, and general physical examination.

(i) Consultation and technical assistance shall be provided to the neighbor islands when appropriate. [Eff. NOV 5 1981]
(Auth: HRS §§347-3, 347-4, 347-9, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40) (Imp: HRS §§347-3, 347-4, 347-9, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40)

\$17-402-8 Low vision clinic. (a) The low vision clinic shall provide a program for examining, prescribing and fitting of appropriate optical aids and other devices, to improve the visual acuity of persons with low vision or who are currently classified as legally blind.

(b) The objectives of the low vision clinic are to:

- (1) Promote improved visual efficiency for all persons who have reduced visual acuity;
- (2) Increase employment opportunities for partially-sighted individuals through the use of low vision aids;
- (3) Provide partially-sighted individuals the opportunity to be self-sufficient and independent in visual tasks; and
- (4) Provide the young partially-sighted child with maximum visual efficiency to properly influence development socially, academically, and vocationally.

(c) Low vision clinic services shall be available to all blind and visually-handicapped children and adults, provided their ophthalmological, general medical, and psychological conditions do not contra-indicate clinic services.

- (1) Patients shall be seen in the low vision clinic on referral from their ophthalmologists or optometrists. If applicants are not known to an ophthalmologist or optometrist, they shall receive the initial examination by the low vision clinic's consulting ophthalmologist;
- (2) The low vision clinic worker shall follow up on the use of the low vision aids within thirty days after the aid is dispensed;
- (3) The patient shall receive additional training as is necessary to use the aids effectively;
- (4) The low vision clinic worker shall arrange for an annual re-examination; and
- (5) The low vision clinic shall not charge for any services. Low vision aids shall be paid for in the following manner:

- (A) Private patients shall pay for their own aids.
- (B) Vocational rehabilitation clients' aids shall be arranged for by their counselors.
- (C) Those patients covered by insurance shall receive assistance from the low vision clinic worker in preparing the appropriate form.
- (D) For patients who cannot pay, the low vision clinic worker shall attempt to arrange for payment by donations.

(d) The low vision clinic case record shall contain the following:

- (1) Intake summary information, including referral source, medical history, and other pertinent data;
- (2) The referral eye examination;
- (3) The optometric or ophthalmology examination by the low vision clinic;
- (4) Running dictation concerning the client's progress; and
- (5) A closure summary, including a clear indication of the patient's best corrected vision and a statement indicating whether or not the patient benefited from low vision clinic services.

(e) Neighbor island referrals to the low vision clinic shall be accompanied by an internal communication form (ICF) containing a summary of the patient's medical, visual, and pertinent social history. [Eff. NOV 5 1981] (Auth: HRS §347-3) (Imp: HRS §347-3)

§17-402-9 Personal and home management. (a) Personal and home management services shall be provided when necessary to blind and visually-handicapped persons in the rehabilitation center to enable these individuals to develop adaptive techniques and skills to carry out their self-care, personal and home management activities safely and more efficiently in their home and other environments. (See §17-401-12).

(b) Areas of instruction and training in personal and home management program shall include the following:

- (1) Personal management: personal hygiene, grooming, care and selection of clothing, eating techniques, and social skills;
- (2) Home management: housekeeping activities, laundering, child care, budgeting, safety, health, and other family responsibilities;
- (3) Food management: nutrition, menu planning, food preparation, marketing, storage of foods, special diets; and
- (4) Sewing: basic, elementary, and advanced sewing.

(c) Each client shall have an evaluation to include capabilities, needs and interest, and on the basis of the evaluation an individualized program of objectives and activities shall be jointly developed to meet specific personal and vocational needs.

(d) Counseling shall be provided to client and family members, as appropriate, to maximize the successful achievement of objectives.

(e) Clients who are in the process or have completed

personal and home management training may participate in the independent living skills training program to reinforce skills learned in the rehabilitation center and to develop confidence to live independently.

(f) A case folder for each client receiving services shall be maintained which shall include referral information, evaluation on progress reports, and the individualized written program form.

(g) Consultation and technical assistance shall be provided to agency staff and other organizational staff who work with the blind. [Eff. NOV 5 1981] (Auth: HRS §§347-3, 347-4, 347-9, 348-2, 348-6; 29 U.S.C. §723; am 45 C.F.R. §1361.40) (Imp: HRS §§347-3, 347-4, 347-9, 348-2, 348-6; 29 U.S.C. §723; am 45 C.F.R. §1361.40)

\$17-402-10 Orientation and mobility. (a) Orientation and mobility services shall be provided when necessary to blind and visually-handicapped persons in the rehabilitation center and in the community on Oahu. (See \$17-401-17).

(b) Orientation and mobility services may be provided to residents on the neighbor islands in their home and surrounding environment to the extent permitted by funds and staff available.

(c) Services may include but are not limited to:

- (1) Sensory development;
- (2) Use of a sighted guide;
- (3) Use of hands, arms, and other body movements in a protective way;
- (4) The grip and use of various types of canes;
- (5) Principles of indoor and outdoor orientation to the environment, including how to obtain and use reference data through the remaining senses;
- (6) Use of common modes of transportation;
- (7) Travel in residential and business areas;
- (8) Travel with electronic mobility aids;
- (9) Travel with low vision aids; and
- (10) Travel with guide dog.
 - (A) Services shall be provided by the Eye of the Pacific Guide Dogs, Inc. in cooperation with the Royal Guide Dog Association of Australia, Dog Mobility Services.
 - (B) An orientation and mobility specialist shall serve as liaison between the branch and the Eye of the Pacific Guide Dogs, Inc. and assist in evaluating potential candidates for guide dog training, recommending candidates for training, and providing follow-up services.

(d) Each client shall have an evaluation to include capabilities, needs and interest, and on the basis of this evaluation an individualized program of objectives shall be jointly developed to meet specific personal and vocational needs.

(e) Counseling shall be provided to client and family members, as appropriate, to maximize successful achievement of objectives.

(f) A case folder shall be maintained for each client receiving services which shall include referral information, evaluation and progress reports, and individualized written program form.

(g) Consultation and technical assistance shall be provided to individuals and groups in the community who work with the blind. [Eff. NOV 5 1981] (Auth: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40) (Imp: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40)

§17-402-11 Occupational therapy. (a) Occupational therapy services shall be provided when needed to blind and visually-handicapped persons in the rehabilitation center to enable these individuals to maximize their capacity for independent living and prevocational readiness through the development of basic skills, sensory motor and psycho-social functioning and vocational activities.

(b) Areas of instruction and training shall include the following:

- (1) Basic skills: telling time, handling money, dialing, cutting with scissors, measuring by rule, telephoning, threading and sewing with needle;
- (2) Individual therapy: developing and improving sensory motor functions in muscle strength, coordination, joint range of motion, and dexterity; and
- (3) Crafts: ceramics, knitting, leatherwork, crocheting, and macrame.

(c) Each client shall have an evaluation to include capabilities, needs and interest, and on the basis of this evaluation an individualized program of objectives and activities shall be jointly developed to meet specific personal and vocational needs.

(d) Clients shall be encouraged and motivated to maximize the successful achievement of objectives.

(e) A case folder shall be maintained for each client receiving services which shall include referral information, evaluation and progress reports, and individualized written program form.

(f) Consultation and technical assistance shall be provided to agency staff and other organizational staff who work with the blind. [Eff. NOV 5 1981] (Auth: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40) (Imp: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40)

§17-402-12 Manual Arts. (a) Manual arts services shall be provided when needed to blind and visually-handicapped persons in the rehabilitation center to enable these individuals to develop confidence in their remaining senses, improve manual dexterity and skills in use of hand and power tools, and develop work habits and efficient methods for preparation for employment and personal home needs. (See §17-401-12).

(b) Areas of instruction and training shall include the following:

- (1) Woodwork: identification and use of basic hand and power tools, construction of projects, and intensified training when appropriate;
- (2) Metalwork: identification and use of basic hand tools and power machines, construction of projects, and intensified training when appropriate;
- (3) Household mechanics: basic electric wiring, maintenance of home plumbing, and replacement and maintenance of locks and hardware;
- (4) Gardening: care of household plants and potting of plants; and
- (5) Allied activities: reed, cane and rush weaving, and other related activities.

(c) Each client shall have an evaluation to include capabilities, needs and interest, and on the basis of this evaluation an individualized program of objectives and activities shall be jointly developed to meet specific personal and vocational needs.

(d) Clients shall be encouraged and motivated to maximize the successful achievement of objectives.

(e) A case folder shall be maintained for each client receiving services which shall include referral information, evaluation and progress reports, and individualized written program form.

(f) Consultation and technical assistance shall be provided to agency staff and other organizational staff who work with the blind. [Eff. NOV 5 1981] (Auth: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40) (Imp: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40)

\$17-402-13 Communication skills. (a) Instructions shall be provided when needed to blind and visually-handicapped persons in the rehabilitation center to enable these individuals to restore and develop adaptive techniques and alternative communication skills to function more efficiently and independently. (See §17-401-17).

(b) Areas of instruction and training shall include the following:

- (1) Braille: reading braille, writing braille with slate and stylus, Perkins braille writer;
- (2) Handwriting: writing techniques, use of various aids and guides;
- (3) Typing: developing good touch, posture, accuracy, comprehension, and speed;
- (4) Arithmetic computation: large numbers, braille, abacus, and talking calculator; and
- (5) Recording and electronic devices: talking book machine, tape recorder and transcriber, and closed circuit television system.

(c) Each client shall have an evaluation to include capabilities, needs and interest, and on the basis of this evaluation an individualized program of objectives and activities shall be jointly developed to meet specific personal and vocational needs.

(d) Clients shall be encouraged and motivated to maximize

the successful achievement of objectives.

(e) A case folder shall be maintained for each client receiving services which shall include referral information, evaluation and progress reports, and individualized written program form.

(f) Consultation and technical assistance shall be provided to agency staff and other organizational staff who work with the blind. [Eff. NOV 5 1981] (Auth: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40) (Imp: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40)

§17-402-14 Aids and appliances. (a) Sensory and technological aids and appliances shall be provided, as appropriate, to help VR clients achieve their vocational rehabilitation goals. (See §17-401-18).

- (1) Aids and appliances may be provided when the IWRP clearly justifies the purchase and use of such devices and their relationship to the specific vocational plan.
- (2) Aids and appliances shall be provided only after instructions on their use have been given by the branch or instructions have been purchased through external resources.
- (3) Types of aids, appliances, and systems for the blind and visually-handicapped that may be considered consist of, but are not limited to, the following:
 - (A) Braille writer, tape recorder, or phonograph which may be necessary for students or for other training purposes;
 - (B) Typewriters, writing devices, and other communication tools;
 - (C) Electronic devices and equipment;
 - (D) Canes for mobility, including electronic types; and
 - (E) Any subnormal or low vision lenses to assist a client in performing more effectively in a gainful occupation.

(b) Aids and appliances shall be introduced and demonstrated to all interested blind and visually-handicapped individuals for personal and social purposes. Federal and state funds will not be available for purchase of devices solely for these purposes.

(c) The branch shall distribute braille watches donated by Zale Corporation of Dallas, Texas, and provide instructions to blind or visually-handicapped persons. Individuals shall meet the following criteria:

- (1) Unable to read the numerals on a regular watch dial;
- (2) Does not have a braille watch; and
- (3) Requires a watch in performing normal activities of daily living. [Eff. NOV 5 1981] (Auth: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40) (Imp: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40)

\$17-402-15 Social group work. (a) Social group work services shall be provided when necessary to blind and visually-handicapped persons in the rehabilitation center for the purpose of affecting client changes through the group process in client/family interpersonal relationships, personal and social attitudes towards blindness and vocational outlook, promoting increased social adjustment, and preventing social isolation. (See \$17-401-17).

(b) Areas of services shall include the following:

- (1) Group counseling session: provide opportunity for interaction of clients to facilitate the improvement of attitude towards self and others;
- (2) Group activities: socials and others to help clients participate in planning and carrying out activities to develop interpersonal relations, social skills and confidence within themselves;
- (3) Interest classes: ukulele, dancing, bowling, and other classes to encourage resumption of former hobbies and to develop new interests;
- (4) Educational programs and field trips: stimulate and encourage interest in community services and activities; and
- (5) Branch socials and other programs for the blind and visually-handicapped persons, family and friends.

(c) Each client shall have an evaluation to include social adjustment needs, interests and potential capabilities, and on the basis of this evaluation an individualized program of objectives and activities shall be jointly designed to meet specific needs and interests.

(d) Counseling shall be provided to the client and family members to maximize successful achievement of objectives.

(e) Clients shall be assisted and encouraged to enter into community social and recreational programs.

(f) A case folder shall be maintained for each client receiving services which shall include referral information, evaluation and progress reports, and individualized written program form.

(g) Consultation and technical assistance shall be provided to agency staff and other organizational staff who work with the blind. [Eff. NOV 5 1981] (Auth: HRS §347-3) (Imp: HRS §347-3)

\$17-402-16 Work evaluation and work adjustment training program. (a) This program shall provide short-term services to the blind and visually-handicapped, adult rehabilitation client for the purposes of work evaluation and work adjustment training on referral by the vocational rehabilitation counselor at Ho'opono.

- (1) Evaluation services shall include, as appropriate, client interview, work history and performance review, counseling and planning, performance observations, aptitude testing, interest surveying, work sampling, situational placement, job-tryout, documentation of

findings, and recommendations for employment, whether for further prevocational, vocational or academic training, competitive placement or selective placement.

- (2) Adjustment-training services shall include an extended period of prevocational exploration and development, specified vocational adjustment and training, training for sheltered workshop employment, and documentation of such services.

(b) This program operates in cooperation with the workshop for the adult blind for:

- (1) Activities for work samples, work stations for situational assessment, product manufacture for establishment of client productivity rates, and time and cost studies for payroll accounting;
- (2) Observance of State and Federal labor requirements and standards for client-trainees;
- (3) Employment and long-term training of client-trainees who are not able to compete in the regular labor market;
- (4) Development of new products or job for the training and employment of the client-trainee; and
- (5) Therapeutic adaptations of equipment, devices and aids for the employment of the blind and multiply-disabled person. [Eff. NOV 5 1981] (Auth: HRS §§347-3, 347-4, 347-8, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40) (Imp: HRS §§347-3, 347-4, 347-8, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40)

§17-402-17 Vending facility program. (a) The following definitions are applicable to this program:

"Act" means the Randolph-Sheppard Vending Stand Act (20 United States Code, Sections 107-107F, as amended by Public Law No. 93-651, Sections 202, 203, 204, 206, 207, 208(d)).

"Blind licensee" means a blind person licensed by the State licensing agency to operate a vending facility on federal or other property.

"Blind person" means a person having not more than 10 per centum visual acuity in the better eye with correction. This means a person who has:

- (1) Not more than 20/200 central visual acuity in the better eye after correction; or
- (2) An equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle no greater than 20 degrees.

Blindness shall be certified by a duly licensed ophthalmologist.

"Commissioner" means the commissioner of the rehabilitation services administration in the department of education.

"Direct competition" means the presence and operation of a vending machine or a vending facility on the same premises as a vending facility operated by a blind vendor.

"Equipment" for the program means:

- (1) Shelter, counters, shelvings, display and wall cases, refrigerating apparatus and other appropriate equipment purchases with vocational rehabilitation or other funds for the purpose of establishing blind persons in gainful employment;
- (2) Cafeteria or snack bar facilities for the dispensing of foodstuff and beverages;
- (3) Manual or coin-operated vending machines; and
- (4) Expenditures for transportation, temporary storage, and installation (considered to be part of the acquisition cost of equipment).

"Federal property" means any building, land or other real property, owned, leased, or occupied by any department or agency of the United States.

"Initial stock and supplies" means merchandise, expendable stock, supplies, and operating capital which are purchased with vocational rehabilitation funds for the purpose of establishing a vending facility.

"License" means a written instrument issued by the licensing agency to a blind person, pursuant to the Randolph-Sheppard Vending Stand Act, authorizing such person to operate a vending stand on federal or other property.

"Licensing agency" means the department of social services and housing which has been designated by the commissioner, pursuant to the Randolph-Sheppard Vending Stand Act, to issue licenses to blind persons for the operation of vending stands on federal and other property.

"Maintenance of equipment" means all the repairs necessary to keep the equipment operational. For example, this could include the purchase of a new motor for a refrigerator or the replacement of glass in a showcase. Refurbishment such as finishing and painting counter, shelving, or shelters also is considered to be maintenance.

"Management services" means supervision, inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve vending facilities operated by a blind vendor. "Management services" does not include those services or costs which pertain to the ongoing operation of an individual facility after the initial establishment period.

"Other property" means property which is not federally controlled property and on which vending stands are established or operated.

"Permit" means the official authorization given the licensing agency by a department or agency in control of the maintenance, operation and protection of federal and other property, whereby the licensing agency is authorized to establish a vending stand.

"Program" means the business enterprise program of the services for the blind branch which includes all the activities of the licensing agency, pursuant to the Randolph-Sheppard Vending Stand Act, related to vending stands on federal property and vending stands and small business enterprise located on other property.

"Replacement of equipment" means the total replacement of a single piece of equipment as a unit; for example, the purchase of a new refrigerator. A number of units of equipment for a single stand location may be purchased as replacement equipment at one time. A portion or a part of a piece of equipment; i.e., a refrigerator motor, may not be considered as replacement equipment but must be charged as maintenance and repair. Counters may be replaced in total, but the installation of a new glass or refinishing of surfaces should be considered maintenance and repair.

"Secretary" means the secretary of education.

"State vocational rehabilitation agency" means that agency in the state providing vocational rehabilitation services to the blind which, in Hawaii, is the department of social services and housing.

"Vending machine" for the purpose of assigning vending machine income means a coin-operated machine or currency-operated machine which dispenses articles or services, except those machines operated by the United States postal service for the sale of postage stamps or other postal products and services; machines providing services of recreational nature, and telephones shall not be considered to be vending machines.

"Vending stand" means such equipment and initial stock and supplies as are necessary for the vending of such articles as may be approved by the licensing agency and the federal department or such other department or agency having control of the maintenance, operation and protection of federal or other property.

"Vendor" means a blind licensee who is operating a vending facility on federal or other property.

"Visually-handicapped person" means a person who has some visual impairment--not to the extent that the individual can claim special tax exemptions as a legally blind person--but to the extent that the visual impairment seriously interferes with achievement of their maximum social, education, and economic potential.

"Vocational Rehabilitation Act" means the act, as amended (29 U.S.C. Chapter 13).

(b) The organization responsible for the administration of the vending facility program shall be the services for the blind branch, vocational rehabilitation and services for the blind division, department of social services and housing.

(c) Rules established with emphasis upon those sections concerning training, licensing, and appointment shall be applied by the department without regard to sex, race, creed, color, or national origin. Furthermore, the department shall administer the program in accordance with the provisions of the Civil Rights Act of 1964.

(d) The branch shall develop and maintain a comprehensive evaluation and training program.

(1) The following qualifications shall be met before evaluation or training services are provided:

(A) Any blind person may receive vending evaluation to establish or determine stability for vending training.

- (B) Any blind person may receive vending facility training, provided that there is a reasonable expectation for placement in the vending facility program and further provided that the following criteria are met:
 - (i) Is a client of the department;
 - (ii) Is a citizen of the United States;
 - (iii) Is physically and emotionally qualified to operate a vending facility as determined by medical reports or vocational tests, or both, on file with the department; and
 - (iv) Has, in the department's judgment, potential for certification as a vendor in consideration of such factors as ability to make business decisions, to attain average proficiency in computational mathematics, and to maintain good relations with customers and with building authorities.
- (2) Training services shall include personal and vocational adjustment, books, tools, and other training materials as vocational rehabilitation services. Post-employment services shall be provided to vendors as vocational rehabilitation services, as necessary, to assure that the maximum vocational potential of such vendors is achieved and suitable employment is maintained within the vending facility program. Vending facility training shall include:
 - (A) Basic training;
 - (B) On-the-job training;
 - (C) In-service training; and
 - (D) Upward mobility training.
- (3) A blind person who successfully completes vending facility training, based on the criteria established by the department, shall be certified according to the skill and ability level attained as a result of such training.
- (4) If a blind person, certified as to skills and abilities by the department, is not assigned to a vending facility within one year after certification, such certification shall expire.
- (e) The program shall select and appoint vendors by:
 - (1) Announcing vending facility vacancies to qualified blind persons, within a reasonable period, as determined by the department, to provide all such persons the opportunity to submit applications for such vacancies.
 - (2) Establishing a selection criteria wherein a blind person shall be selected to operate a vending facility on the basis of the best qualified according to certification and selection criteria, provided that the selection of vendors for food service facilities shall include additional qualifications as required by the scope of each operation and as determined by the department. Preference in the selection process shall

be given to applicants based on economic needs, provided that certified skill and abilities, as determined by the department, are equal.

(f) A person selected to operate a vending facility shall be appointed for an indefinite period of time, provided that:

- (1) Any appointment shall be subject to suspension or termination if, after the vendor is afforded an opportunity for a fair hearing, the vending facility is not being operated in accordance with these rules and regulations, in accordance with the terms of any contract or written agreement or permit affecting the vending facility, or for any reason set forth in subsection (i).
- (2) A vendor shall not be appointed to more than one vending facility for an indefinite period of time; however, an interim vendor may be temporarily assigned to two or more vending facilities until permanent vendors are assigned to such vending facilities.

(g) The following selection criteria shall be used for the transfer and promotion of vendors. Any blind person who is an appointed vendor shall be given preference for appointment to vending facility vacancies that develop or occur in the program. Selection will be made by the licensing agency from those vendors meeting the above requirement based on the following additional selection criteria:

- (1) Need for employment;
- (2) Health and physical condition;
- (3) Longevity in program;
- (4) Certification examination;
- (5) On-the-job evaluation; and
- (6) Residency.

(h) Licenses shall be issued to appointed vendors for an indefinite period after such vendors have successfully completed a six-month probationary appointment period.

(i) The following are grounds for termination or suspension of licenses:

- (1) Vendor ceases to meet criteria of a blind person (see subsection (a) paragraph (3)).
- (2) Delivery to the department of a request, signed by the vendor, for termination of license.
- (3) Abandonment of the vending facility by the vendor.
- (4) Death or serious illness of the vendor which prevents operation of the facility, if illness results in closure of the facility for more than thirty consecutive days or closure totaling more than forty-five days in any twelve-month period, or when medical verification indicates that the vendor will be incapacitated for such periods.
- (5) Decision by the department that the vending facility is not being operated in accordance with its rules and regulations or the terms and conditions of the operating agreement, or applicable Federal, State, or local laws or regulations.
- (6) Any willful or malicious destruction of, or failure to exercise necessary care for equipment furnished by or

- in the custody of the department.
- (7) Conduct of the vendor which interferes with any aspect of the operation of the vending facility program including, but not limited to, fraud, profanity, intoxication on duty, inexcusable neglect of duties as a vendor, conviction of a crime involving moral turpitude, and the making of false reports to the department.
 - (8) Non-payment of debts arising from the operation of the vending facility within thirty days after debts are incurred.
 - (9) Failure to comply with the Civil Rights Act of 1964.
 - (10) Not personally attending vending facility during customary business hours except for excusable absences.
 - (11) Non-compliance with report requirements of the program. Decision to suspend or terminate a vendor from the program for cause shall be made only after the vendor is afforded an opportunity for a full evidentiary hearing.
- (j) Evidentiary hearings and arbitration of vendor complaints shall be provided for in the following manner:
- (1) Each vendor shall have the right and opportunity to assert claim and to secure, in an informal administrative proceeding, review of a grievance or dissatisfaction with a decision made or action taken. This shall be in accordance with the State's vocational rehabilitation rules and standards.
 - (2) Each vendor or a personal representative or next of kin shall be given an opportunity for a full and fair hearing if vendor is dissatisfied with any action arising from the operation or administration of the vending facility program. Such requests for a hearing shall be submitted in writing to the director.
 - (3) A vendor shall have the right to be represented at the hearing by counsel or other representative.
 - (4) The hearing shall be held in a place and time convenient to the vendor, personal representative or next of kin. There shall be notice to the vendor at least two weeks in advance, giving the date, time, and place of hearing.
 - (5) The vendor shall have an adequate opportunity to present the case and to be cross-examined.
 - (6) The hearing shall be held before the director or a designated agent. Authority to make the final decision based upon the record of the hearing shall be exercised by the department.
 - (7) The verbatim transcript of the testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and reports filed in the proceedings, and the hearing officer's recommendation, shall constitute the exclusive record for decision and shall be made available to the vendor at any reasonable time.
 - (8) The decision shall set forth the issue, principle, and relevant facts brought out at the hearing, the

pertinent provisions in law, agency policy and the reasoning that led to the decision. The individual shall be forwarded a copy of the section or shall be advised in writing of the content.

- (9) The vendor shall be informed of the right to request the secretary of education to convene an ad hoc arbitration panel, if the vendor is dissatisfied with any action taken or decision rendered as a result of the full evidentiary hearing.
- (k) The selection of suitable vending facility locations shall be made in the following manner:
 - (1) Suitable locations for vending facility operations shall be selected after a thorough study of the location has been made by the department and it is determined that each location shall contribute to the economic opportunities of blind or visually handicapped persons and will be in the best interest of the program as a whole. A written report shall be made and filed on this study.
 - (2) Such locations may be situated on public property or other property. The permit or lease shall be in the name of the department and shall not be transferable except by the department.
 - (3) The following apply to any state, city, and county buildings:
 - (A) Any building that the state, city, or counties undertake to acquire by ownership, lease, or to otherwise occupy, in whole or in part, shall include a satisfactory site for the location and operation of a vending facility for a blind or visually-handicapped vendor. This includes any building which is to be constructed, or substantially altered or renovated.
 - (B) The determination that a building contains a satisfactory site shall be made after consultation between the department and the authority that is planning to construct, substantially alter or renovate, or otherwise occupy such building.
 - (C) The department shall be afforded the opportunity to determine whether such buildings, as described under these subparagraphs, included a satisfactory site for a vending facility and shall be offered the opportunity to select the location and type of vending facility to be operated by a vendor prior to the completion of the final space layout of the building.
 - (4) The provision of subsection (k) shall not apply to buildings that:
 - (A) The operation of such facility would adversely affect the interest of the United States, State, and County.
 - (B) Contain less than fifteen thousand square feet of interior space.
 - (1) Before establishing a vending facility, the department

shall submit an application for a permit to the property managing department, agency, or instrumentality that has control of the property. The permit shall be issued for an indefinite period and shall contain, but may not be limited to:

- (1) Identification of the specific type, location, and size of the vending facility;
 - (2) Enumeration of the types of articles and services to be vended;
 - (3) A listing of the vending facility's fixtures and equipment with responsibilities of each party with respect thereto;
 - (4) Identification, if any, of vending machines located within the vending facility or elsewhere on the property and the extent of the vendor and program participation in the income of such machines;
 - (5) Basis on which the permit may be suspended or terminated;
 - (6) Enumeration of all other areas of responsibility for the property managing department, agency, or instrumentality and the department;
 - (7) Such insurance as the property managing department, agency, or instrumentality may require; and
 - (8) The operation of a cafeteria by the vendor shall be covered by a contractual agreement and not by a permit.
- (m) Responsibilities for the equipment and initial stocks of vending facilities are vested as follows:

- (1) The department shall furnish each vending stand with adequate suitable equipment and adequate initial stock of merchandise necessary for the establishment and operation of the facility.
- (2) The licensing agency shall maintain (or cause to be maintained) all vending stands in good repair and in an attractive condition and shall replace (or cause to be replaced) worn out and obsolete equipment as required to insure the continued successful operation of the vending stand.
- (3) The right, title to, and interest in vending stand equipment and initial stock, operating capital, and supplies provided in the establishment of a vending stand in a particular location is vested in the department.
 - (A) In the event the vendor dies, or for any other reason, ceases to be a licensed operator, or transfers to another vending stand, a closing inventory shall be taken of all equipment and stocks and supplies on hand prior to the department's releasing the location to a succeeding vendor.
 - (B) The fair value of missing equipment, or damage to equipment in excess of normal operational wear and tear, shall be paid to the department by the outgoing vendor or vendor's estate.
 - (C) If the closing inventory shows that the value of stocks and supplies on hand is less than the

original investment for initial stocks, operating capital, and supplies, the difference shall be paid to the department by the outgoing vendor or vendor's estate.

- (D) If the closing inventory shows that the value of stocks and supplies on hand exceeds the original investment, the difference shall be paid to the outgoing vendor or vendor's estate by the department.

(n) Vending machine income shall be distributed in the following manner:

- (1) Vending machine income from vending machines on federal property, which are in reasonable proximity to and in direct competition with any blind vendor, which has been disbursed to the state licensing agency, or instrumentality of the United States under the vending machine income-sharing provision of the Randolph-Sheppard Vending Stand Act shall accrue to each blind federal property in an amount not to exceed the average net income of the total number of blind vendors within the State, as determined each fiscal year on the basis of each prior year's operation, except that such income shall not accrue to any blind vendor in any amount exceeding the average net income of the total number of blind vendors in the United States.

- (A) No blind vendor shall receive less vending machine income than he was receiving during the calendar year before January 1, 1974, as a direct result of any limitation imposed on such income under the ceiling outlined in the Randolph-Sheppard Vending Stand Act, Section 7, as amended.

- (B) No limitation shall be imposed on income from vending machines, combined to create a vending facility, when such facility is maintained, serviced, or operated by a blind vendor.

- (C) The state licensing agency shall disburse vending machine income to blind vendors on at least a quarterly basis.

- (D) The state licensing agency shall retain vending machine income disbursed by a property management department, agency, or instrumentality of the United States, in excess of the amount eligible to accrue to blind vendors.

- (2) Vending machine income from vending machines on state, city, or county property, which are in reasonable proximity to and in direct competition with any blind vendor, shall accrue to each blind vendor operating a vending facility on such property. The state licensing agency will retain vending machine income disbursed on all other state, city, or county property.

- (3) Vending machine income retained by the state licensing agency under subparagraph (D) shall be used by such agency for the following purposes:

- (A) The establishment and maintenance of retirement

or pension plans, for health insurance contributions, and for the provision of paid sick leave and vacation time for blind vendors if it is so determined by a majority vote of blind vendors licensed by the state licensing agency after such agency has provided to each vendor information on all matters relevant to such purposes.

- (B) Any vending machine income not necessary for the purpose outlined in subparagraph (A) shall be used by the state licensing agency for the following:
 - (i) Maintenance and replacement of equipment.
 - (ii) Purchase of new equipment.
 - (iii) Management services.
- (o) An operating agreement between state licensing agency and blind vendor shall be executed in the following manner:
 - (1) All vendors shall be required to enter into and execute the "Statement of Relationship and Operating Agreement" with the department. All vendors shall be required to strictly conform to and abide by the terms, conditions, and provisions thereof.
 - (2) The department shall furnish the vendor a copy of its rules and a description of the arrangements for providing services to the vendor and take adequate steps to insure that each vendor understands the provisions of such documents and the provisions of the permit and any agreements under which the vendor operates, as evidenced by the vendor's signed statement.
 - (3) The department assumes the responsibility for providing the blind vendors such supervision and assistance as may be necessary to insure the operation of each vending facility in a most productive and efficient manner possible.
 - (4) The following are the duties of each vendor:
 - (A) Perform faithfully the necessary duties in connection with the operation of the facility in accordance with the department's rules and regulations, the terms of the permit, the operating agreement, and shall act in the best interests of the vending facilities program as a whole.
 - (B) Cooperate with officials responsible for the building in which the stand is located and duly authorized representatives of the department in connection with their official program responsibilities.
 - (C) Operate the vending facility in accordance with all applicable health laws and regulations.
 - (D) Furnish such reports as the department may from time to time require.
 - (E) Take reasonable care of equipment in assigned facility and carry out routine day-to-day maintenance procedures.
 - (5) Vending facility receipts shall be distributed in the following manner:
 - (A) Each vendor shall receive the proceeds from the

- enterprise, including the income from the vending machines which are in direct competition with the enterprise.
- (B) For enterprises located on federal property, the provisions of the Act will apply.
- (p) A Hawaii State committee of blind vendors shall be organized to represent the vendors in the program.
- (1) The Hawaii State committee of blind vendors, hereafter referred to as the committee, shall:
 - (A) Participate actively with the state licensing agency in major administrative decisions and policy and program development affecting the overall administration of the State's vending facilities program.
 - (B) Receive grievances of blind licensees, initiate action thereupon, and serve as advocate of blind licensees.
 - (C) Serve as advocate of the program.
 - (D) Sponsor, with the assistance of the state licensing agency, meetings and instructional conferences for blind licensees.
- (2) The state licensing agency shall be responsible for establishing a communications procedure under which the committee automatically will receive advance written notice on matters within its purview that are being considered for decision, and under which appropriate subcommittees or individual members will receive written notices of invitations to attend important discussion and decision-making meetings in areas of the committee's interest.
 - (A) The committee shall have the opportunity to initiate matters for consideration by the committee and the state licensing agency, and to make meaningful contributions to the state's vending facilities program with its views and positions taken into serious account by the state licensing agency.
 - (B) The state licensing agency has the ultimate responsibility for the administration of the state vending facilities program; however, if the agency does not adopt the views and positions of the committee, the agency shall notify the committee in writing of the decision reached or the action taken and the reasons.
- (3) The membership shall consist of nine blind vendors with elections by blind vendors determining membership. The term of each member shall be two years and shall commence on the first day of July after the election. No person shall be elected for more than two consecutive terms. Terms of office may be staggered to insure continuity of projects undertaken by the committee.
- (4) Elections shall be provided by the state licensing agency during the month of June of each calendar year. Ballots shall be mailed to all blind vendors at the facility address listed with the state licensing agency,

- together with a return postage-prepaid envelope.
- (5) Any blind vendor shall be provided the opportunity to seek membership on the committee and participation by any blind vendor shall not be conditioned upon the payment of dues or any other fees. A candidate shall be licensed and operating a vending facility as of the first day in May immediately preceding each election.
 - (6) The committee shall be comprised of representatives from each of the following:
 - (A) Vending facilities on federal properties: all islands, one representative.
 - (B) Vending facilities on non-federal properties: Oahu, five representatives.
 - (C) Vending facilities on non-federal properties: neighbor islands, one representative from each island.
 - (7) The committee shall have four officers: a chairman, a vice chairman, a secretary, and a treasurer.
 - (A) No member shall hold more than one office at the same time.
 - (B) The membership shall elect officers at its first meeting after each election of committee members.
 - (8) Membership in the committee shall be terminated when a committee member is not a licensed vendor or when a committee member is not qualified as to blindness. Membership in the committee shall also be terminated when a committee member is absent from three consecutive committee meetings without good cause. The termination of a member, within this paragraph, shall require a majority vote of the membership.
 - (9) A majority vote of the committee membership shall fill interim vacancies for the remaining term of the vacancies.
 - (10) To insure active participation in the formulation of policy, the committee shall have subcommittees for this purpose.
 - (A) Subcommittees shall include, but not be limited to:
 - (i) Grievance;
 - (ii) Promotion and transfer;
 - (iii) Training and re-training; and
 - (iv) Legislative.
 - (B) The chairman may appoint members to chair subcommittees with the concurrence of the majority of the elected committee.
 - (C) The chairman of a subcommittee shall be a committee member. Other members may be selected from those licensed vendors who are not on the committee.
 - (D) Each subcommittee shall contain no fewer than three persons and no more than five persons.
 - (11) The committee shall hold bi-monthly meetings at the state licensing agency's facility.

Between regular meetings of the committee, it shall carry on its functions through subcommittees or

individual members designated by it for that purpose.

(A) Special meetings may be called by:

- (i) The chairman; or
- (ii) The state licensing agency; or
- (iii) A majority of the committee; or
- (iv) A majority of blind vendors in the State.

(B) Subcommittee meetings may be called as required by the chairman of the subcommittee.

(12) Bylaws for the operation of the committee shall be adopted by a majority vote of blind vendors in the State. The bylaws shall include all pertinent requirements outlined in this subsection.

(q) Each blind vendor shall be provided access to all program and financial data of the state licensing agency relevant to the operation of the state vending facility program, including quarterly and annual financial reports, provided that such disclosure does not violate federal and state laws pertaining to the disclosure of confidential information. Insofar as practicable, such data shall be made available in braille or recorded tape. In addition, at the request of a vendor, the state licensing agency shall arrange a convenient time to assist in the interpretation of such data.

(r) Visually-handicapped persons shall be afforded the same services and shall be allowed to participate in the program on a space-available basis after the needs of blind persons have been met, with the following exceptions:

- (1) They shall not be assigned to vending facilities located on federal property.
- (2) They shall not be included in any vendors' benefits package, nor shall they have representative in the committee of blind vendors, nor shall any Randolph-Sheppard funds be expended for maintenance of equipment, management services, or any other purposes.

(s) The state licensing agency shall furnish each vendor copies of documents relevant to the operation of the vending facility, including the rules, a written description of the arrangements for providing services, and the agreement and permit covering the vending facility. The agency shall establish procedures for the explanation of these documents to each vendor.

(t) Request for changes in the rules shall be made by application to the director. [Eff. NOV 5 1981] (Auth: HRS §§102-2, 102-14, 347-4; 20 U.S.C. §§107a, 107b, 107b-1, 107d-1, 107d-3, 107d-4, 107e) (Imp: HRS §§102-2, 102-14, 347-4; 20 U.S.C. §§107a, 107b, 107b-1, 107d-1, 107d-3, 107d-4, 107e)

§17-402-18 Workshop for the adult blind. (a) The purpose of the workshop shall be:

- (1) Not for profit but for the purpose of carrying out a program of rehabilitation and for providing remunerative employment and other occupational rehabilitating activity of an educational or therapeutic nature.
- (2) To provide long-term employment opportunities for persons with limited abilities who are unable to compete

in the regular labor market, and employment opportunities as an interim step for other persons who cannot be readily absorbed in the competitive labor market.

- (3) To provide means for prevocational exploration of those clients who need a period of evaluation and training in a regular work setting.

(b) Workshop operations include the manufacture of products, subcontract work, warehousing and distribution of goods and services.

(c) The workshop shall be determined to be a bona fide sheltered workshop by the wage and hour and public contracts divisions of the United States department of labor and shall provide for wages and benefits as follows:

- (1) Special minimum rates authorized by the United States department of labor for the clients and client-trainees of the workshop, work activities center program, client-trainees as well as home industry program.
- (2) No less than the prevailing minimum wage established by law for non-handicapped personnel employed as aides.
- (3) An hourly wage or a piece-rate as approved by the United States department of labor and allowed vacation and sick leave time for the workshop employees. They shall also be provided with a designated number of paid holidays and covered by worker's compensation and social security.

(d) The following are the eligibility requirements:

- (1) The individual must be at least sixteen years of age.
- (2) The individual must be legally blind.
- (3) Other physically-handicapped persons may be considered if seventy-five per cent of the direct labor in production is being performed by legally-blind persons.
- (4) Non-handicapped personnel may be considered if personnel in paragraphs (2) and (3) above do not meet qualifications to serve as aides.

(e) Sales activities of workshop goods and services shall be conducted in the following manner:

- (1) Prices of manufactured goods shall be established by the workshop manager and business enterprise manager utilizing sound practices prevailing in the business community.
- (2) Prices shall be based on labor costs prevailing in similar occupations in industry, costs of raw material and transportation and a small margin of profit to sustain operation of the workshop.
- (3) Prices of blind-made products sold to the federal government shall comply with schedule of blind-made products prepared by general services administration or with purchasing and contracting officers' prices on bid items. [Eff. NOV 5 1981] (Auth: HRS §§347-3,

347-4, 347-8, 348-2, 348-6; 29 U.S.C. §723; am 45 C.F.R. §1361.40) (Imp: HRS §§347-3, 347-4, 347-8, 348-2, 348-6; 29 U.S.C. §723; am 45 C.F.R. §1361.40)

§17-402-19 Warehouse and distribution center for the military resale program. (a) The purpose of this program is to:

- (1) Train blind, visually-handicapped and other handicapped persons to fill and process purchase orders, to perform inventory control and other activities related to operating a warehouse distribution center.
- (2) Increase revenues with which to carry out the other manufacturing and training programs administered by the workshop.
- (3) Facilitate distribution and sale of goods manufactured locally by the workshop.
- (4) Generate work activities for the workshop for the blind.

(b) A written agreement between the department of social services and housing and National Industries for the Blind shall outline responsibilities, selling prices, operating procedures, and other requirements for this program. [Eff. NOV 5 1981]
(Auth: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40) (Imp: HRS §§347-3, 347-4, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40)

§17-402-20 Work activities center program. A work activities center program (WAC) shall be a physically separated unit of the workshop, having an identifiable program, separate supervision and records, planned and designed exclusively to provide therapeutic activities for handicapped workers whose physical or mental impairment is so severe as to make their productive capacity inconsequential. Therapeutic activities include custodial activities (such as activities where the focus is on teaching the basic skills of living), and any purposeful activity so long as work or production is not the main purpose.

- (1) Work-related activities and benefits shall follow the same standards established in §17-402-18.
- (2) Non-work-related activities shall be established by the personal adjustment section supervisor with the workshop manager's coordination. [Eff. NOV 5 1981]

(Auth: HRS §§347-3, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40)
(Imp: HRS §§347-3, 348-2; 29 U.S.C. §723; am 45 C.F.R. §1361.40)

§17-402-21 Home industry program. (a) The home industry program shall provide remunerative employment opportunities for visually-handicapped persons who for reasons of poor health or home responsibilities are limited in the number of hours in which they can work and are unable to come to the workshop to work.

(b) Home industry workers shall be paid on a piece-rate basis. They shall be covered by social security and, if working at Ho'opono, by worker's compensation. Piece-rate shall be established by the workshop manager by use of cost studies or other tests made with non-handicapped persons. The base hourly rate used in cost studies shall be the prevailing rate in industry for work requiring similar skill. [Eff. NOV 5 1981]
(Auth: HRS §§347-3, 347-7) (Imp: HRS §§347-3, 347-7)

§17-402-22 Blind and visually handicapped registry. (a) The services for the blind branch shall maintain registers of blind and visually-handicapped persons in the State.

(b) For purposes of this section, persons so registered must meet the legal definition of blindness and the criteria established for visually-handicapped.

(1) Blindness shall exist when:

- (A) Central visual acuity does not exceed 20/200 in the better eye with correcting lenses; or
- (B) Visual acuity is greater than 20/200 but is accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(2) Visual handicap shall exist when:

- (A) Vision with correcting lenses does not exceed 20/70 in the better eye and is expected to deteriorate; and
- (B) Vision is so defective as to interfere with the individual's performance of ordinary activities for which eyesight is essential.

(c) Certification for the registers shall be based on:

- (1) An eye examination report completed by an ophthalmologist or optometrist.
- (2) Counselor's, social worker's, or rehabilitation teacher's personal observation of the individual's eye condition, when an accurate measurement of visual acuity and field limitations cannot be obtained as in an infant or multiply-handicapped person, or an individual who is home-bound or confined to an institution and unable to have an eye examination.
- (3) A review of the eye examination report and certification by services for the blind branch ophthalmological consultant.

(d) Individuals shall be removed from the registers when:

- (1) Vision is restored.
- (2) They leave the State.
- (3) They are deceased.

(e) Registers shall be maintained by services for the blind branch for the blind and visually-handicapped residing on Oahu and throughout the State and by each neighbor island branch for their respective counties. [Eff. NOV 5 1981] (Auth: HRS §§347-3, 347-6) (Imp: HRS §§347-3, 347-6)

§17-402-23 Prevention of blindness. The services for the blind branch shall conduct the following activities for sight conservation and prevention of blindness:

- (1) Conduct glaucoma screening projects for the purpose of educating the public about glaucoma, detecting glaucoma, and for case finding.
- (2) Coordinate and supervise the glaucoma screenings with the use of professionals, lay persons, and organizations.

- (3) Provide follow-up services on glaucoma and other referrals and prepare appropriate statistical reports.

[Eff. NOV 5 1981] (Auth: HRS §§347-3, 347-10) (Imp: HRS §§347-3, 347-10)

\$17-402-24 Volunteer program. The services for the blind branch may use volunteers to enhance and supplement services provided by the staff.

- (1) A volunteer coordinator shall develop, coordinate, supervise, and evaluate the volunteer program.
- (2) All staff shall be responsible for developing volunteer positions.
- (3) All volunteers shall be appropriately recognized.
- (4) The volunteer coordinator shall maintain statistical data to assess its effectiveness on the program. [Eff.

NOV 5 1981] (Auth: HRS §347-3) (Imp: HRS §347-3)

\$17-402-25 Public relations and education. The services for the blind branch shall engage in public relations and education to promote public understanding of the purposes, objectives and services of the branch, to increase public knowledge of the branch's policies and to meet the needs of all eligible visually-handicapped persons.

- (1) Public relations and education shall encompass a variety of activities including but not limited to person-to-person contact, radio, television, pictures, slides, movies, speakers, and appropriate media for reading.
- (2) All staff shall be aware and responsible for public relations and education in their daily contacts with people. [Eff. NOV 5 1981] (Auth: HRS §347-3)

(Imp: HRS §347-3)