

34:16-20

August 18, 1969

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Legislative Notes on R.S. 34:16-20
(Vocational Rehab. Act - non-state residents to qualify)
(1969 Amendments)

L. 1969, Chapter 91 - S819
Introduced May 15, 1969 by Bateman & Crabel.
Statement was made. (Copy enclosed)
Not amended during passage.

One general report was located. For background see:

974.90 N.J. Comprehensive Planning Project for Vocational
H 236 Rehabilitation Services.
1968b Final report: comprehensive statewide planning
for vocational rehabilitation services. Trenton, 1968.
296p. etc.

Checked Vertical File - (N.J. - Vocational Education) without success.

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SENATE, No. 819

STATE OF NEW JERSEY

INTRODUCED MAY 15, 1969

By Senators BATEMAN and CRABIEL

(Without Reference)

AN ACT to amend the "Vocational Rehabilitation Act of 1955,"
approved June 13, 1955 (P. L. 1955, c. 64).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 1 of the act of which this act is amendatory is amended
2 to read as follows:

3 1. As used in this chapter:

4 "Commission" means the State Rehabilitation Commission,
5 Department of Labor and Industry, for the rehabilitation of
6 handicapped persons.

7 "Maintenance" means payments to cover the handicapped in-
8 dividual's basic living expenses, such as: food, shelter, clothing,
9 health maintenance, and other subsistence expenses essential to
10 achievement of individual's vocational rehabilitation or inde-
11 pendent living rehabilitation objective.

12 "Handicapped individual" means, for the purpose of vocational
13 rehabilitation services, any individual who is under a physical or
14 mental disability which constitutes a substantial handicap to em-
15 ployment, but which is of such a nature that vocational rehabili-
16 tation services may reasonably be expected to render him fit to
17 engage in a gainful occupation.

18 "Severely handicapped individual" means, for the purpose of
19 independent living rehabilitation services, an individual who is
20 under such physical or mental disability, as defined by rules and
21 regulations of the commission, as to require institutional care or
22 nursing home care or attendance in his household continuously
23 or for a substantial portion of the time, but who reasonably can be
24 expected as a result of independent living rehabilitation services
25 to achieve an independent living status.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

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26 “Independent living status” means that degree of independence
 27 for severely handicapped individuals which will eliminate the need
 28 for institutional care or nursing home care or eliminate or sub-
 29 stantially reduce the need for an attendant’s care at home and
 30 which may in many instances make such persons capable of achiev-
 31 ing vocational rehabilitation.

32 **【“Resident” means any person who is and has been domiciled**
 33 within the State for 1 year or more, or who presents reasonable
 34 evidence of an intention to be a domiciliary of the State.】

35 “Prosthetic device” means any appliance designed to support
 36 or take the place of a part of the body, or to increase the acuity
 37 of a sensory organ.

38 “Vocational rehabilitation services” means diagnostic and re-
 39 lated services (including transportation) incidental to the deter-
 40 mination of eligibility for and the nature and scope of services
 41 to be provided; training, books and training material, including
 42 necessary small tools, such prosthetic devices as are essential to
 43 obtaining or retaining employment, occupational licenses, guidance
 44 and placement services for handicapped individuals; and in the
 45 case of any such individual found to require financial assistance
 46 with respect thereto, after full consideration of his eligibility for
 47 any similar benefit by way of pension, compensation, and insurance,
 48 any other goods and services necessary to render such individual
 49 fit to engage in a gainful occupation (including gainful homebound
 50 work), including but not limited to the following physical restora-
 51 tion and other goods and services:

52 (1) Corrective surgery or therapeutic treatment to correct or
 53 improve a physical or mental condition which constitutes a sub-
 54 stantial handicap to employment;

55 (2) Necessary hospitalization in connection with surgery or
 56 treatment specified in paragraph 1;

57 (3) Maintenance, not exceeding the estimated cost of subsistence,
 58 during rehabilitation;

59 (4) Tools, equipment, initial stocks and supplies, including
 60 equipment and initial stocks and supplies for vending stands;

61 (5) Transportation (except where necessary in connection with
 62 determination of eligibility or nature and scope of services).

63 **【Such term also includes:】**

64 (6) Acquisition of vending stands or other equipment, and
 65 initial stocks and supplies for small business enterprises conducted
 66 by severely handicapped individuals under the supervision of the
 67 State agency;

68 (7) The establishment of public and other nonprofit rehabilita-
69 tion facilities to provide services for handicapped individuals and
70 the establishment of public and other nonprofit workshops for the
71 severely handicapped.

72 "Vocational rehabilitation services" (for purposes of the de-
73 termination of rehabilitation potential) also means, diagnosis and
74 related services (including transportation), training, books and
75 training material, including necessary small tools, prosthetic
76 devices, and guidance, which are provided to an individual who
77 has a physical or mental disability which constitutes a substantial
78 handicap to employment, during the period specified to be neces-
79 sary for and which are provided for the purpose of ascertaining
80 whether it may be reasonably expected that such individual will be
81 rendered fit to engage in a gainful occupation through the pro-
82 vision of goods and services described in the preceding paragraph;
83 and in the case of any such individual found to require financial
84 assistance with respect thereto, after full consideration of his
85 eligibility for any similar benefit by way of pension, compensation
86 and insurance, any other goods and services necessary to the de-
87 termination of a rehabilitation potential, including but not limited
88 to physical restoration and other goods and services.

89 "Independent living rehabilitation service" means counsel-
90 ing, diagnostic and related services (including transportation)
91 rendered severely handicapped individuals, and needed prosthetic
92 appliances, books and training materials and other devices which
93 will contribute to independent living, training in the use thereof,
94 and in the case of any such individual found to require financial
95 assistance with respect thereto, after full consideration of his
96 eligibility for any similar benefits by way of pension, compensation
97 and insurance, such term shall include but shall not be limited to
98 the following: (1) physical restoration and related services, in-
99 cluding corrective surgery, therapeutic treatment, and hospital-
100 ization; (2) maintenance needed to assure the availability of such
101 services, not exceeding the estimated cost of subsistence; (3) such
102 rehabilitation services necessary for the achievement of independ-
103 ent living status.

104 "Rehabilitation facility" means a facility operated for the
105 primary purpose of assisting in the vocational rehabilitation and
106 independent living rehabilitation of handicapped and severely
107 handicapped individuals, (1) which provides one or more of the
108 following types of service: testing, fitting, or training in the use
109 of prosthetic devices; prevocational or conditioning therapy;

110 physical or occupational therapy, adjustment training, evaluation,
 111 treatment, or control of special disabilities; or (2) through which
 112 is provided an integrated program of medical, psychological, social
 113 and vocational evaluation and services under competent pro-
 114 fessional supervision; provided, that the major portion of such
 115 evaluation and service is furnished within the facility, and that all
 116 medical and related health services are prescribed by, or under the
 117 formal supervision of, persons licensed to practice medicine or
 118 surgery in the State.

119 “Workshop” means a place where any manufacture or handi-
 120 work is carried on, and which is operated for the primary purpose
 121 of providing gainful employment to handicapped individuals (1)
 122 as an interim step in the rehabilitation process for those who can-
 123 not be readily absorbed in the competitive labor market; or (2)
 124 during such time as employment opportunities for them in the
 125 competitive labor market do not exist.

126 “Gainful occupation” includes employment in the competitive
 127 labor market; practice of a profession; self-employment; home-
 128 making, farm or family work (including work for which payment
 129 is in kind rather than cash); sheltered employment; and home in-
 130 dustries or other homebound work of a gainful nature.

1 2. Section 8 of the act of which this act is amendatory is amended
 2 to read as follows:

3 8. The commission shall be authorized to:

4 (a) Adopt and promulgate such rules and regulations as may
 5 be necessary to carry out the provisions of this act.

6 (b) Provide vocational rehabilitation and independent living
 7 rehabilitation services, directly or through public or private instru-
 8 mentalities to eligible **[resident]** handicapped individuals with-
 9 out discrimination as to sex, race, color, creed or national origin,
 10 except that the commission shall not duplicate services provided
 11 for blind persons under the care of the State commission to amel-
 12 iorate the condition of the blind, deaf persons under the care of
 13 the Marie H. Katzenbach School for the Deaf and children under
 14 the care of the Crippled Children’s Program, nor shall the com-
 15 mission provide services for persons who in its judgment are not
 16 feasible for rehabilitation. In case vocational rehabilitation and
 17 independent living rehabilitation services cannot be provided to
 18 all eligible handicapped persons who apply for such services, the
 19 commission shall provide, by regulation, the order to be followed
 20 in selecting those to whom such services will be provided.

21 (c) Construct or establish and operate rehabilitation facilities

22 and workshops, which may include residential accommodations
 23 related to the rehabilitation of handicapped individuals and make
 24 grants to public and other nonprofit organizations for such pur-
 25 poses.

26 (d) Establish and supervise the operation of vending stands
 27 and other small businesses established pursuant to this act to
 28 be conducted by severely handicapped individuals.

29 (e) Make studies, investigations, demonstrations, and reports,
 30 and provide training and instruction (including the establishment
 31 and maintenance of such research fellowships and traineeships
 32 with such stipends and allowances as may be deemed necessary)
 33 in matters relating to vocational rehabilitation and independent
 34 living rehabilitation.

35 (f) Enter into reciprocal agreements with other States to pro-
 36 vide for the vocational rehabilitation and independent living re-
 37 habilitation of residents of the States concerned.

38 (g) Accept and use gifts made, by will or otherwise, for carry-
 39 ing out the purposes of this chapter. Gifts made under such con-
 40 ditions as in the judgment of the commission are proper and
 41 consistent with the provisions of this chapter, may be accepted,
 42 held, invested, reinvested, or used in accordance with the condi-
 43 tions, if any, of the gift.

44 (h) Take such action as it deems necessary or appropriate to
 45 carry out the purposes of this act.

1 3. This act shall take effect immediately.

STATEMENT

This bill is intended to eliminate a provision of the New Jersey Vocational Rehabilitation Act which stipulates that only residents of New Jersey may avail themselves of benefits under the State program. If this amendment is not accomplished prior to July 1, 1969, the vocational rehabilitation programs of New Jersey will no longer qualify for continued federal financial assistance. This bill has been approved by the members of the New Jersey State Rehabilitation Commission.