

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

Board, Washington State Commission for the Blind

(name of governing body)

Washington State Commission for the Blind

(agency name, if applicable)

Resolution No. _____

Administrative Order No. 82-038

(1) Be it resolved by the Washington State Commission for the Blind,
acting at Olympia, Washington
(place)

that it does promulgate and adopt the annexed rules relating to:

- WAC 67-20-180 Economic Need
- WAC 67-20-185 Economic Need--Financial Statement Required
- WAC 67-20-190 Economic Need--Standards for Determining
- WAC 67-20-200 Economic Need--Notification of Decision
- WAC 67-20-385 Vocational Rehabilitation Services--Physical and Mental Restoration
- WAC 67-20-395 Vocational Rehabilitation Services--Training--College and Trade School
- WAC 67-40-440 Prevention of Blindness

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. _____ filed with the code reviser on _____. Such rules shall take effect:
 pursuant to RCW 34.04.040(2).
 at a later date, such date being _____.

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, the Washington State Commission for the Blind, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Due to budget limitations, it is necessary to reduce vocational rehabilitation services by establishing an economic need test for some services and limiting the provision of other services.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026¹ that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW 74.16 which directs that the COMMISSION FOR THE BLIND

(agency)

has authority to implement the provisions of Chapter 74.16 RCW, Aid to Blind Persons

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the COMMISSION FOR THE BLIND

(agency)

as authorized in RCW 74.16.450

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON
APPROVED AND ADOPTED April 30 24 5, 19 82
FILED

By Paul W. J. [Signature]

Director

Title

APR 30 1982

CODE REVISER'S OFFICE
WSR 82-10-026

COMMISSION FOR THE BLIND
OLYMPIA, WASHINGTON

This statement is filed pursuant to RCW 34.04.045.

- A. 1. ADOPT: Ch. 67-20-180 through Ch. 67-20-200
2. Purpose of the rules is to establish the number of services exempt from determination of financial need, require information from the applicant, establish the criteria for determining financial need, and duty to notify applicant of decision.
3. Statutory authority for this action is found in RCW 74.16.450.
- B. Summary of the rules or rule changes
1. WAC 67-20-180 enumerates the services of the Commission for the Blind which may be provided applicants and/or clients of the Commission regardless of personal income and resources.
2. WAC 67-20-185 requires the applicant to provide information regarding income, assets and obligations. It also requires disclosure of private insurance coverage. The financial statement must be signed by the applicant for financial assistance.
3. WAC 67-20-190 sets the standards of income and resources above which the individual must contribute funds toward the cost of a vocational rehabilitation program except for those services specifically exempted by WAC 67-20-180. The proposed rule is consistent with the standard used for vocational rehabilitation of other handicapped persons. Only by initiating this and other economies can the Commission extend services to the greatest number of applicants.
4. WAC 67-20-200 requires that the client be notified of his/her obligation to contribute to his/her rehabilitation.
- C. Person or persons responsible for the drafting, implementation and enforcement of the rules
1. Name of initiator: Paul Dziedzic
2. Title: Director
3. Office: Commission for the Blind Phone: 4-1224 (SCAN)
Mail Stop FW-21, Olympia
- D. These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

NEW SECTION

WAC 67-20-180 ECONOMIC NEED. (1) THE COMMISSION SHALL PROVIDE THE FOLLOWING SERVICES REGARDLESS OF THE ECONOMIC NEED OF THE CLIENT RECEIVING THE SERVICES. HOWEVER, WHEN AVAILABLE, CLIENT INSURANCE MAY BE UTILIZED TO HELP DEFRAY THE COSTS OF SERVICES:

- (A) DIAGNOSTIC AND RELATED SERVICES,
- (B) COUNSELING,
- (C) TRAINING,
- (D) PLACEMENT.

(2) THE FOLLOWING VOCATIONAL REHABILITATION SERVICES SHALL BE PROVIDED BY THE COMMISSION ONLY IF THE CLIENT RECEIVING THE SERVICES IS ELIGIBLE FOR SUCH SERVICES ON THE BASIS OF ECONOMIC NEED:

- (A) TRANSPORTATION, EXCEPT WHERE PROVIDED IN CONNECTION WITH DIAGNOSTIC SERVICES,
- (B) PLACEMENT TOOLS, EQUIPMENT, AND INITIAL STOCKS AND SUPPLIES,
- (C) OCCUPATIONAL LICENSES,
- (D) MAINTENANCE, EXCEPT WHERE PROVIDED IN CONNECTION WITH DIAGNOSTIC SERVICES,
- (E) OTHER GOODS AND SERVICES NECESSARY FOR THE CLIENT REHABILITATION, INCLUDING POST-EMPLOYMENT SERVICES NECESSARY FOR THE CLIENT'S REHABILITATION.

NEW SECTION

WAC 67-20-185 ECONOMIC NEED--FINANCIAL STATEMENT REQUIRED. AN APPLICANT ACCEPTED FOR VOCATIONAL REHABILITATION SERVICES OR ACCEPTED FOR EXTENDED EVALUATION TO DETERMINE REHABILITATION POTENTIAL SHALL BE REQUIRED TO FURNISH THE COMMISSION WITH:

(1) SUCH INFORMATION IN DETAIL REGARDING HIS FINANCIAL ASSETS, INCOME, DEBTS, OBLIGATIONS, AND EXPENSES AS MAY BE NECESSARY TO ENABLE THE COMMISSION TO MAKE A DETERMINATION OF HIS ECONOMIC NEED;

(2) A DISCLOSURE OF INSURANCE COVERAGE WHICH MAY APPLY TO VOCATIONAL REHABILITATION SERVICES;

(3) A SIGNED STATEMENT INDICATING WHETHER HE IS IN NEED OF FINANCIAL ASSISTANCE FROM THE COMMISSION TO PARTICIPATE IN THOSE VOCATIONAL REHABILITATION SERVICES WHICH ARE CONDITIONED UPON ECONOMIC NEED.

NEW SECTION

WAC 67-20-190 ECONOMIC NEED--STANDARDS FOR DETERMINING. (1) A CLIENT SHALL BE ELIGIBLE ON THE BASIS OF ECONOMIC NEED TO RECEIVE VOCATIONAL REHABILITATION SERVICES OR EXTENDED EVALUATION SERVICES FROM THE COMMISSION WHEN THE TOTAL OF HIS/HER OBLIGATIONS, DEBTS, AND EXPENSES IS EQUAL TO OR EXCEEDS THE TOTAL OF HIS/HER INCOME AND NONEXEMPT ASSETS OR RESOURCES. WHEN THE VALUE OF HIS/HER INCOME AND NONEXEMPT ASSETS IS GREATER THAN THE VALUE OF HIS/HER OBLIGATIONS, DEBTS, AND EXPENSES, THE EXCESS OF THE FORMER OVER THE LATTER SHALL BE MADE AVAILABLE BY THE CLIENT FOR THE PAYMENT OF THE COST OF THOSE SERVICES WHICH ARE CONDITIONED UPON ECONOMIC NEED.

(2) DETERMINATION OF A CLIENT'S ECONOMIC NEED INVOLVES AN EVALUATION OF THE INCOME, ASSETS, DEBTS, OBLIGATIONS, AND EXPENSES OF HIS/HER ENTIRE FAMILY UNIT, INCLUDING HIS/HER DEPENDENTS OR, IF THE CLIENT IS AN UNEMANCIPATED MINOR, HIS/HER PARENTS.

(3) THE FOLLOWING SHALL BE CONSIDERED INCOME FOR THE PURPOSE OF DETERMINING THE ECONOMIC NEED OF A CLIENT:

(A) WAGES PAID TO THE CLIENT AND TO ANY DEPENDENT FAMILY MEMBERS LIVING IN THE HOME. FOR PURPOSES OF THIS SECTION WAGES SHALL BE EQUAL TO GROSS WAGES LESS DEDUCTIONS FOR INCOME TAXES, SOCIAL SECURITY, TAXES, RETIREMENT DEDUCTIONS, AND OTHER INVOLUNTARY DEDUCTIONS;

(B) CONTRIBUTIONS FROM RELATIVES OR OTHERS, IN CASH OR IN KIND, ON A REGULAR AND PREDICTABLE BASIS;

(C) NET PROFIT FROM ROOMERS OR BOARDERS;

(D) NET PROFIT FROM PROPERTY RENTALS;

(E) NET PROFIT FROM FARM PRODUCTS;

(F) NET PROFIT FROM BUSINESS ENTERPRISES;

(G) SCHOLARSHIP OR FELLOWSHIP FUNDS;

(H) INCOME FROM PUBLIC OR PRIVATE WELFARE AGENCIES;

(I) ANY OTHER INCOME RECEIVED ON A REGULAR AND PREDICTABLE BASIS, INCLUDING BUT NOT LIMITED TO ALIMONY, DIVIDENDS FROM STOCKS, ANNUITY PAYMENT, UNEMPLOYMENT COMPENSATION, INSURANCE, PENSIONS, ETC.

(4) THE FOLLOWING TYPES OF PROPERTY SHALL BE CONSIDERED EXEMPT ASSETS AND MAY NOT BE CONSIDERED IN DETERMINING THE CLIENT'S ECONOMIC NEED:

(A) THE HOME OCCUPIED BY THE CLIENT OR HIS/HER FAMILY, INCLUDING ANY CONTIGUOUS REAL PROPERTY. A HOUSE TRAILER IS AN EXEMPT ASSET WHEN IT IS BEING REGULARLY OCCUPIED BY THE CLIENT OR HIS/HER FAMILY AS THE PRINCIPLE PLACE OF RESIDENCE OR WHEN IT WILL BE SO OCCUPIED IN THE PREDICTABLE FUTURE;

(B) HOUSEHOLD FURNITURE, CLOTHING, LIFE INSURANCE, AND OTHER PERSONAL EFFECTS;

(C) AN AUTOMOBILE WHEN ONE OR MORE OF THE FOLLOWING CONDITIONS IS MET:

(I) THE CLIENT AND HIS/HER FAMILY HAVE ONLY ONE AUTOMOBILE, OR

(II) ALL AUTOMOBILES USED BY THE FAMILY ARE FOR THE PURPOSE OF TRANSPORTATION TO WORK OR SCHOOL, OR

(III) THE AUTOMOBILE HAS BEEN FURNISHED IN WHOLE OR IN PART TO THE CLIENT OR TO ONE OF HIS/HER DEPENDENTS BY THE VETERAN'S ADMINISTRATION, OR

(IV) THE AUTOMOBILE IS ESSENTIAL TO THE CLIENT'S VOCATIONAL REHABILITATION OBJECTIVE;

(D) VOCATIONAL EQUIPMENT AND MACHINERY OWNED BY THE CLIENT IS AN EXEMPT ASSET IF IT IS BEING USED TO PROVIDE PART OR ALL OF THE LIVING EXPENSES OF THE CLIENT AND HIS/HER DEPENDENTS OR IF IT MAY BE SO USED AFTER COMPLETION OF THE VOCATIONAL REHABILITATION PLAN;

(E) LIVESTOCK IS AN EXEMPT ASSET TO THE EXTENT THAT IT PRODUCES INCOME OR OTHERWISE HELPS THE CLIENT TO MEET NORMAL LIVING REQUIREMENTS.

(5) ALL TYPES OF TANGIBLE AND INTANGIBLE PROPERTY, INCLUDING BUT NOT LIMITED TO REAL PROPERTY, PERSONAL PROPERTY, STOCKS, BONDS, SAVINGS ACCOUNTS, AND CHECKING ACCOUNTS, WHICH ARE NOT EXEMPT UNDER SUBSECTION (4) SHALL CONSTITUTE THE CLIENT'S NONEXEMPT ASSETS AND SHALL BE CONSIDERED IN DETERMINING THE CLIENT'S ECONOMIC NEED. THE VALUE OF A NONEXEMPT ASSET SHALL BE EQUAL TO ITS FAIR MARKET VALUE LESS ANY UNPAID ENCUMBRANCES OF RECORD.

(6) THE FOLLOWING OBLIGATIONS, DEBTS, AND EXPENSES SHALL BE DEDUCTED FROM THE CLIENT'S INCOME AND NONEXEMPT ASSETS IN DETERMINING THE CLIENT'S ECONOMIC NEED:

- (A) THE CLIENT'S ACTUAL SHELTER AND LIVING EXPENSES;
- (B) SHELTER AND LIVING EXPENSES FOR THE CLIENT'S DEPENDENTS;
- (C) PAYMENTS WHICH THE CLIENT IS REQUIRED TO MAKE UNDER COURT ORDER;
- (D) OUTSTANDING TAXES ON EARNINGS OR PERSONAL OR REAL PROPERTY;
- (E) INSURANCE PREMIUM PAYMENTS;
- (F) CONTRACTUAL PAYMENTS ON REAL OR PERSONAL PROPERTY IF SUCH OBLIGATIONS WERE INCURRED PRIOR TO THE CLIENT'S APPLICATION FOR VOCATIONAL REHABILITATION SERVICES.

NEW SECTION

WAC 67-20-200 ECONOMIC NEED--NOTIFICATION OF DECISION. WHEN IT IS DETERMINED THAT THE CLIENT SHALL BE REQUIRED TO CONTRIBUTE FINANCIALLY TO HIS REHABILITATION, THE COMMISSION SHALL EXPLAIN TO HIM WHEN, HOW, AND FOR WHAT SERVICES HIS FUNDS WILL BE USED.

COMMISSION FOR THE BLIND
OLYMPIA, WASHINGTON

This statement is filed pursuant to RCW 34.04.045.

A. 1. ADOPT: Ch. 67-20-385

2. Purpose of the rule is to establish the basis upon which medical restoration services will be provided by the Commission.

3. Statutory authority for this action is found in RCW 74.16.450.

B. Summary of the rule or rule change

1. WAC 67-20-385 defines physical restoration services and limits the provision of them using vocational rehabilitation funds. A certain amount of money will be available to pay for emergency situations for clients who do not qualify for other funding resources. Only by initiating this and other economies can the Commission extend services to the greatest number of applicants.

C. Person or persons responsible for the drafting, implementation and enforcement of the rule

1. Name of initiator: Paul Dziejdzic

2. Title: Director

3. Office: Commission for the Blind Phone: 4-1224 (SCAN)
Mail Stop FW-21, Olympia

D. This rule is not necessary as a result of federal laws, federal court decisions or state court decisions.

NEW SECTION

WAC 67-20-385 VOCATIONAL REHABILITATION SERVICES--PHYSICAL AND MENTAL RESTORATION. (1) PHYSICAL AND MENTAL RESTORATION SHALL INCLUDE ALL MEDICAL AND RELATED SERVICES INCLUDING THE FOLLOWING:

(A) MEDICAL TREATMENT INCLUDING BUT NOT LIMITED TO THERAPEUTIC PROGRAMS UNDER MEDICAL SUPERVISION, NECESSARY LABORATORY WORK, AND NECESSARY MEDICATION;

(B) SURGICAL TREATMENT; SURGERY FOR CARDIAC OR GYNECOLOGICAL CONDITIONS SHALL BE PROVIDED ONLY IF APPROVED BY THE MEDICAL CONSULTANT;

(C) PSYCHIATRIC TREATMENT ONLY WHEN THE DIAGNOSTIC STUDY CLEARLY INDICATES A FAVORABLE PROGNOSIS FOR RELATIVELY SHORT-TERM THERAPY. A PROGRAM OF PSYCHIATRIC TREATMENT WHICH WILL EXTEND BEYOND TWELVE MONTHS MUST HAVE THE PRIOR APPROVAL OF THE MEDICAL CONSULTANT;

(D) DENTAL TREATMENT ONLY WHEN IT WILL SIGNIFICANTLY INCREASE EMPLOYABILITY OR REMOVE AN ESTABLISHED VOCATIONAL HANDICAP, OR IN EMERGENCY SITUATIONS INVOLVING PAIN, ACUTE INFECTIONS, OR INJURY. EXAMPLES OF DISABLING DENTAL CONDITIONS FOR WHICH RESTORATIVE SERVICES MAY BE AUTHORIZED INCLUDE WIDESPREAD ULCERATION OF TEETH, DESTRUCTION OF TOOTH STRUCTURES, DECAY WHICH SERIOUSLY AFFECTS THE INDIVIDUAL'S ABILITY TO EAT, BADLY MALFORMED OR POSITIONED TEETH, OR REJECTION OF THE INDIVIDUAL FROM EMPLOYMENT ON THE BASIS OF HIS APPEARANCE. RESTORATIVE DENTAL SERVICES WILL NOT BE PROVIDED WHEN THE RESTORATION WILL NOT DIRECTLY AFFECT EMPLOYABILITY;

(E) NURSING SERVICES;

(F) HOSPITAL (EITHER INPATIENT OR OUTPATIENT CARE) AND CLINIC SERVICES;

(G) CONVALESCENT, NURSING, OR REST HOME CARE ONLY WHEN THERE IS AN EXPECTATION OF A NORMAL PERIOD OF CONVALESCENCE AFTER WHICH OTHER APPROPRIATE SERVICES LEADING TO THE REHABILITATION OF THE CLIENT MAY BE INITIATED OR RESUMED. SUCH CARE SHALL NOT BE PROVIDED BY THE COMMISSION AS A LONG-TERM PROCESS FOR CONDITIONS NOT EXPECTED TO IMPROVE;

(H) DRUGS AND SUPPLIES;

(I) PROSTHETIC, ORTHOPTIC OR OTHER ASSISTIVE DEVICES ESSENTIAL TO OBTAINING OR RETAINING EMPLOYMENT;

(J) EYEGLASSES;

(K) PODIATRY;

(L) PHYSICAL THERAPY; PHYSICAL THERAPY SHALL CONSIST OF THE EMPLOYMENT OF THE PHYSICALLY BENEFICIAL PROPERTIES OF LIGHT, HEAT, COLD, WATER, ELECTRICITY, MASSAGE, MANIPULATION, EXERCISE, AND MECHANICAL DEVICES AS TREATMENT OF DISEASE OR INJURY,

(M) OCCUPATIONAL THERAPY; OCCUPATIONAL THERAPY SHALL INCLUDE ALL MANUAL SKILLS AND RECREATIONAL ACTIVITIES WHICH PROVIDE SPECIFIC ACTIVE EXERCISE FOR PHYSICAL DISABILITIES AND SHALL INCLUDE PSYCHOLOGIC REHABILITATION TECHNIQUES;

(N) MEDICAL OR MEDICALLY-RELATED SOCIAL WORK SERVICES;

(O) MEDICALLY DIRECTED SPEECH OR HEARING THERAPY.

(2) THE PROVISION OF PHYSICAL AND MENTAL RESTORATION SERVICES SHALL BE DEFERRED FOR THE REMAINDER OF THE BIENNIUM ENDING JUNE 30, 1983, EXCEPT THAT:

(A) CLIENTS NEEDING PHYSICAL RESTORATION WHO APPEAR TO BE ELIGIBLE WILL BE REFERRED TO THE PREVENTION OF BLINDNESS PROGRAM;

(B) MEDICAL EMERGENCIES TO PREVENT EMINENT LOSS OF SIGHT OR PREVENT SEVERE SERVICE INTERRUPTION WILL BE PROVIDED WITH THE APPROVAL OF THE SUPERVISOR.

COMMISSION FOR THE BLIND
OLYMPIA, WASHINGTON

This statement is filed pursuant to RCW 34.04.045.

A. 1. ADOPT: Ch. 67-20-395

2. Purpose of the rule is to establish criteria for eligibility for tuition payment by the Commission for the Blind to colleges and trade schools.

3. Statutory authority for this action is found in RCW 74.16.450.

B. Summary of the rule or rule change

1. WAC 67-20-395 requires students to actively seek other funding resources to pay the costs of their training programs. It also requires them to use their own funds as a resource in providing educational needs. This is a necessary economy in order to extend services to all of those individuals who presently have Individualized Written Rehabilitation Programs.

C. Person or persons responsible for the drafting, implementation and enforcement of the rule

1. Name of initiator: Paul Dziedzic

2. Title: Director

3. Office: Commission for the Blind Phone: 4-1224 (SCAN)
Mail Stop FW-21, Olympia

D. This rule is not necessary as a result of federal laws, federal court decisions or state court decisions.

NEW SECTION

WAC 67-20-395 VOCATIONAL REHABILITATION SERVICES--TRAINING--

COLLEGE AND TRADE SCHOOL. (1) NO TRAINING OR TRAINING SERVICES IN INSTITUTIONS OF HIGHER EDUCATION (UNIVERSITIES, COLLEGES, COMMUNITY/JUNIOR COLLEGES) OR TRADE OR BUSINESS SCHOOLS SHALL BE PAID FOR WITH VOCATIONAL REHABILITATION FUNDS UNLESS THE CLIENT HAS DEMONSTRATED APPLICATION FOR, AND DENIAL OF, OTHER GRANTS AND SCHOLARSHIPS.

(2) TUITION AT INSTITUTIONS OF HIGHER EDUCATION WILL BE LIMITED TO THE AMOUNT CHARGED AT THE UNIVERSITY OF WASHINGTON OR THE ACTUAL COST, WHICHEVER IS LESS.

(3) BOOKS AND ACADEMIC SUPPLIES WILL BE LIMITED TO \$75 PER QUARTER OR \$110 PER SEMESTER FOR A FULL ACADEMIC LOAD. STUDENTS ATTENDING LESS THAN FULL TIME WILL HAVE THE AMOUNT AUTHORIZED FOR BOOKS AND SUPPLIES REDUCED PROPORTIONATELY.

COMMISSION FOR THE BLIND
OLYMPIA, WASHINGTON

This statement is filed pursuant to RCW 34.04.045.

A. 1. ADOPT: Ch. 67-40-440

2. Purpose of the rule is to limit the services provided to clients eligible for services in the Prevention of Blindness Program.

3. Statutory authority for this action is found in RCW 74.16.450.

B. Summary of the rule or rule change

1. WAC 67-40-440 limits the provision of cataract surgery to one eye only.

2. WAC 67-40-440 provides for deferment of services to the next bi-ennium when funds are exhausted.

C. Person or persons responsible for the drafting, implementation and enforcement of the rule

1. Name of initiator: Paul Dziejczak

2. Title: Director

3. Office: Commission for the Blind Phone: 4-1224 (SCAN)
Mail Stop FW-21, Olympia

D. This rule is not necessary as a result of federal laws, federal court decisions or state court decisions.

NEW SECTION

WAC 67-40-440 PREVENTION OF BLINDNESS. (1) CLIENTS WHO MEET FINANCIAL AND MEDICAL ELIGIBILITY CRITERIA FOR SURGERY FOR THE REMOVAL OF CATARACTS WILL BE PROVIDED CATARACT SURGERY ON ONE EYE ONLY.

(2) WHEN PREVENTION OF BLINDNESS FUNDS ARE EXPENDED, SERVICE TO ELIGIBLE CLIENTS WILL BE DEFERRED UNTIL THE BIENNIUM BEGINNING JULY 1, 1983.