

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. 82-06

(1) Be it resolved by the Washington State Commission for the Blind

acting at Olympia, Washington

(place)

that it does adopt the annexed rules relating to:

Chapter 67-40 WAC, Prevention of Blindness

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

This action is taken pursuant to Notice No. 82-13-098

filed with the code reviser on 6-23-82. These rules shall take effect:

thirty days after they are filed with the code reviser 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, _____, find that an emergency exists and that this 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 the emergency is:

These 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 Chapter 74.16

which directs that the

Washington State 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

Washington State Commission for the Blind

(agency)

as authorized in RCW 74.16.450

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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.

APPROVED AND ADOPTED July 28, 19 82

FILED

AUG 1 1982

By Paul Nizdzic

Director

Title

CODE REVISER'S OFFICE

WSR 82-16-097

Chapter 67-40 WAC
PREVENTION OF BLINDNESS

WAC

67-40-010	Purpose--Description.
67-40-015	Prevention--Staff ophthalmologist.
67-40-016	Prevention--Eye physicians advisory committee.
67-40-020	Prevention--Eligibility.
67-40-025	Prevention--Medical eligibility.
67-40-050	Prevention--Services provided.
67-40-060	Prevention--Services not provided.
67-40-070	Prevention--Authorizations and billing.
67-40-090	Prevention--Appeal and fair hearing.
67-40-440	Prevention of blindness.

NEW SECTION

WAC 67-40-010 PURPOSE--DESCRIPTION. The prevention of blindness program is established in RCW 74.16.170. Its purpose is to provide medical services to persons in order to prevent blindness and to restore sight. Responsibility for the prevention of blindness program is shared with the department of social and health services which delegates the authority to make medical need decisions to the commission for the blind. The commission authorizes assistance with costs of care when necessary.

NEW SECTION

WAC 67-40-015 PREVENTION--STAFF OPHTHALMOLOGIST. The commission for the blind shall employ an ophthalmological consultant on a part-time basis. His appointment shall be recommended to the commission by the eye physicians advisory committee for a one year term subject to renewal. He shall be responsible for reviewing recommendations made by participating ophthalmologists to determine if the proposed services fall within the scope of the prevention of blindness program.

NEW SECTION

WAC 67-40-016 PREVENTION--EYE PHYSICIANS ADVISORY COMMITTEE.

- (1) The eye physicians advisory committee shall be appointed by the director of the commission for the blind.
- (2) It shall consist of up to eight members who have staggered four year terms.
- (3) The committee shall select a chair from among its members.
- (4) The eye advisory committee does the following:
 - (a) Recommends to the commission the criteria to be used in making decisions regarding medical services to be provided;
 - (b) Recommends to the commission the person to serve as staff ophthalmologist;
 - (c) Reviews and certifies credentials of physicians who render services under the prevention of blindness program.

NEW SECTION

WAC 67-40-020 PREVENTION--ELIGIBILITY. Application for the prevention of blindness program is made at department of social and health services local offices. Eligibility for the prevention of blindness program is a two-prong test.

(1) Financial eligibility must be established by the department of social and health services. Persons not meeting public assistance or Medicaid requirements may be found eligible if inability to pay for services can be established.

(2) Persons not meeting public assistance or Medicaid requirements may be required to participate in the costs of medical care.

(3) The commission for the blind determines medical eligibility for services.

NEW SECTION

WAC 67-40-025 PREVENTION--MEDICAL ELIGIBILITY. (1) An eye physicians advisory committee composed of eight ophthalmologists recommends the policies and criteria for the determination of medical services to be provided by the prevention of blindness program.

(2) An ophthalmological consultant, on contract to the commission, reviews individual cases and makes a decision regarding medical services to be provided based on the guidelines recommended by the eye physicians advisory committee.

(3) A medical social worker coordinates the eligibility process with the provision of services by ophthalmologists throughout the state. The medical social worker also works in cooperation with staff of the department of social and health services local office and medical assistance division.

NEW SECTION

WAC 67-40-050 PREVENTION--SERVICES PROVIDED. (1) Medical eye treatment of any condition which is likely to cause loss of vision.

(2) Surgery performed by ophthalmologists certified by the eye physicians advisory committee to prevent blindness, restore sight or relieve pain, including, but not limited to, the following:

(a) Cataract (when there is a specified visual loss, an imminent medical complication, or a special need for better vision is established).

(b) Corneal transplant (keratoplasty).

(c) Ectropion, entropion, and ptosis.

(d) Enucleation.

(e) Glaucoma.

(f) Photocoagulation for diabetic retinopathy and subretinal neovascularization.

(g) Pterygium (if advancing on pupillary area).

(h) Retinal reattachment or repair, including photocoagulation, cryopexy, and scleral buckling.

(i) Repair of perforating injuries of the eyeball and lacerations of the eyelid.

(j) Strabismus for child only, unless diplopia is present.

(k) Tumor of eyelid if malignancy is suspected or if threatening vision.

(1) Vitrectomy.

(3) Hospitalization for eye surgery or treatment in a hospital designated by the patient's ophthalmologist.

(4) Prosthetic appliances: Stock or custom-made prosthetic eyes are provided.

(5) X-rays of the orbit are provided, but not skull x-rays unless medically necessary.

(6) Drugs are provided in conjunction with authorized eye care.

(7) Cataract surgery will be provided on one eye only unless medically necessary to assure adequate vision in one eye.

NEW SECTION

WAC 67-40-060 PREVENTION--SERVICES NOT PROVIDED. Certain eye conditions which are degenerative and unlikely to respond to treatment, and certain conditions pertaining to tear ducts and eyelids rather than the eye itself shall be excluded, specifically:

- (1) Routine eye examinations;
- (2) Glasses and contact lenses, except following cataract surgery or when medically necessary for treatment of an eye condition such as strabismus or keratoconus;
- (3) Blepharitis;
- (4) Chalazion;
- (5) Conjunctivitis;
- (6) Macular degeneration, except subretinal neovascularization;
- (7) Orthoptics (muscle training);
- (8) Plastic surgery;
- (9) Tumors outside the eye unless suspected malignancy threatens eye function.

NEW SECTION

WAC 67-40-070 PREVENTION--AUTHORIZATIONS AND BILLING. (1) All care beyond the initial eye examination is authorized by means of a letter.

(2) All eye care must be authorized in advance.

(3) For Medicare patients, the physician bills via the Medicare carrier. For all other patients the vendor sends the bill to the commission for the blind.

NEW SECTION

WAC 67-40-090 PREVENTION--APPEAL AND FAIR HEARING. (1) Any individual denied service may request a hearing by writing within thirty days of receipt of notification to the commission for the blind at 921 Lakeridge Drive, Olympia, WA 98502, which will forward the request to the Office of Administrative Hearings.

(2) The individual may be represented by legal counsel or by another person of his choosing.

(3) The director shall upon recommendation from the administrative law judge issue a decision.

(4) The director shall issue a final decision within fifteen days of receipt of the proposed decision.

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.